

# NATIONAL COMMITTEE AGAINST REPRESSIVE LEGISLATION

WASHINGTON NATIONAL OFFICE

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Esther Herst, Coordinator

## Grave Threats to Civil Liberties

**Wilmington, NC** — Complete with "dirty tricks" and "enemies lists," a Watergate-style attack against the civil rights movement in North Carolina threatens to put Rev. Ben Chavis and nine others in prison for 282 years. Reps. John Conyers and Parren Mitchell have called for a federal investigation of the suppression of civil liberties there. The National Alliance Against Racist & Political Repression is organizing a national protest demonstration in Washington, D.C., May 31. For more information, read the enclosed pamphlet.

**A C T I O N:** Write Hon. Rufus Edmisten, Att'y General, Raleigh, N.C. 27602. Edmisten was Sam Ervin's chief aid in the Watergate investigation. Urge him to drop charges or call for a new trial for the Wilmington Ten (an appeal will be heard in the N.C. Supreme Court in June). Attend the May 31 rally, beginning at 11:00 am at the Ellipse, if you can. The National Alliance is sponsoring the demonstration in support of the Conyers-Mitchell call for a federal investigation into the charges of a frame-up. The march will go to Treasury, Justice, and end in front of the White House.

**Washington, DC** — S. 1, a 753-page consolidation of the Nixon-Mitchell S. 1 and S. 1400, is now backed by an influential, "bipartisan" group of 11 Senators (Bayh, Eastland, McClellan, Mansfield, Moss, Fong, Griffin, Hruska, Scott, Taft, and Tower). Some four years of hearings in a Judiciary subcommittee have been completed and the bill is expected to come before the Senate for debate and vote in the early fall.

**A C T I O N:** U.S. Senators should be urged to study S. 1 carefully and vote against it when it comes on the floor. Representatives should be urged to consider amending H.R. 333, a more progressive alternate to S. 1, and call for comprehensive hearings on Criminal Code Revision in the House Judiciary.

**CONTRIBUTE** Help us fight against repressive laws

Please send a contribution to our Washington National Office in the enclosed envelope. If you cannot

contribute, please respond with the return envelop, so we will know if we should keep you on our mailing list. NCARL is run at a subsistence level with much of the work done by volunteers; citizen support is our only source of funds.

## CRIMINAL JUSTICE CODIFICATION, REVISION, & REFORM ACT

### REPRESSIVE FEATURES OF S. 1

**DEATH PENALTY** -- Nullifies 1972 Supreme Court decision (Furman v. Georgia) by making executions mandatory for certain crimes under certain conditions. (pp. 194-198 - Chapter 24)

**SECRECY** -- Reverses democratic decision making under the Constitution by substituting government secrecy for the freedoms guaranteed by the First Amendment. Provides penalties ranging from 3 years-\$100,000 fine up to death penalty to prohibit public access to "national defense information." For the first time in history, would provide for criminal sanctions to enforce the administrative classification of documents. The fact that a document "was not lawfully subject to classification at the time" is barred as a defense, unless all administrative remedies were previously exhausted. This conflicts with the Freedom of Information Act of 1974 (passed over Presidential veto), which provides for judicial review of classifications and places burden of proof on the government to justify secrecy. Provides 7 years-\$100,000 fine for person who receives "National Defense Information" and "fails to deliver it promptly" to a federal agent. Provides additional, alternative means of curbing freedom of the press. (pp. 66-71, 81 - Sec. 1114-1301)

**CONTEMPT** -- Penalty for refusal to cooperate with Congressional Committees, e.g., Senate Internal Security Subcommittee (Eastland), is increased to 3 years-\$100,000 fine. (p. 93 - Sec. 1333)

WIRETAPPING -- Reaffirms 1968 law permitting the President to wiretap domestic activities which he thinks are a "danger to the structure" of the government. Expands Attorney General's authority to wiretap alleged offenses related to First Amendment protections. Permits 48 hour "emergency" taps without court approval. Directs and compensates telephone companies and landlords to cooperate "forthwith" and "unobtrusively" with government wiretappers. (pp. 206-218 - Chapter 31, A)

SMITH ACT -- Redrafts 1940 Sedition Act used in the McCarthy era witch hunt trials until made inoperative by 1957 Supreme Court decision. Provides 15 years-\$100,000 fine for incitement of others to engage in conduct "that then or at some future time would facilitate" the destruction of the government. (p. 63 - Sec. 1103)

DEMONSTRATIONS -- Virtually every kind of civil rights, peace and other protest action would be threatened with severe penalties under a series of vaguely drafted infringements on the right of assembly, including restrictions on the right to demonstrate adjacent to wherever authorities may declare the "temporary residence" of the President to be. (pp. 65-68 - Sec. 1112, 1114-1117; p. 82 - Sec. 1302; p. 83 - Sec. 1311; p. 91 - Sec. 1328; p. 94 - Sec. 1334; p. 391 - II, 209)

IMMUNITY -- Permits grant of limited "use" immunity to witnesses in criminal proceedings and Congressional hearings, allowing indeterminate jail sentences for persons invoking Constitutional privilege against self-incrimination. (p. 219 - Sec. 3111)

ENTRAPMENT -- Puts burden on defendant to prove that he was subject to "unlawful entrapment," even though undercover agent provocateur employed "deception," provided "a facility or an opportunity," and used "active inducement" in crime charged. (p. 59 - Sec. 551)

SABOTAGE -- Provides death penalty or life imprisonment in some cases, 20/30 years-\$100,000 fine in others, for activity that "damages, tampers with . . ." almost any property, facility, or service that is or might be used in the national defense, with intent to "interfere with or obstruct the ability of the U.S. or an associate nation (e.g., South Vietnam) to prepare for or engage in war or defense activities." Thus it would make every public demonstration, no matter how peaceful and orderly, subject to potential criminal sanctions. (p. 64 - Sec. 1111)

OBSCENITY -- Makes it a criminal offense for a person to disseminate any material describing sexual intercourse or depicting nudity. Adds legislative sanction to recent Nixon Court decisions in this area. (p. 177 - Sec. 1842)

INSANITY -- Eliminates insanity defense and places decision regarding mental competency in the sentencing aspect of the trial only. (p. 55 - Sec. 522)

MARIJUANA -- Provides 30-days-\$10,000 fine for possession of small amounts for personal use; 1 year-\$10,000 for selling 8 oz. or less. Penalties drastically increased for successive convictions on above. (pp. 167-68 - Sec. 1812-13)

HAND GUNS -- Rejects the effective national control of such weapons that was recommended by NCRFCL (Brown Commission).

SENTENCING -- In addition to reinstating the death penalty, and contrary to the recommendations of the National Commission on Reform of Federal Criminal Laws, S. 1 imposes harsh, retributive prison sentences and fines for many crimes; fines for all felonies are increased to \$100,000; sets mandatory, minimum sentences with no chance of probation for certain offenses, thereby eliminating judicial discretion to consider defendant's record. (pp. 182-198 - Chapter 20)

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\_\_\_ I am concerned about S. 1 and I will write my Congresspersons.

\_\_\_ I am interested in receiving further information on repressive legislation.

\_\_\_ I am enclosing \$ \_\_\_ towards continuation of NCARL's work for civil liberties.

Please make check payable to NCARL  
and mail to: 510 C Street, N.E.  
Washington, D.C. 20003