

96th to enact Kennedy justice code revisions

Under the leadership of Senate Judiciary Committee head Sen. Edward Kennedy (D-Mass), the 96th Congress is preparing to pass a revised version of the federal criminal code reform once known as S-1. Billed as the latest in modern penology, Kennedy's reform is in fact a sharp turn away from the basic legal principles traditionally at the heart of American criminal law.

While the latest version of the controversial bill is not yet available, previous drafts centered on three provisions: first, repudiation of statutory immunities protecting individual entrepreneurs from risks attached to corporate ventures; under the earlier versions, individual corporate officers were made liable not only for violations of criminal law by the corporation they served, but also for criminal negligence arising in the course of a corporation's operations. Such a standard is unknown in American law except in cases which directly threaten the lives of individuals. The proposal means that corporate executives will be subjected to a wide range of felony "white collar crimes" which now do not even exist as prosecutable offenses.

Second, previous versions of the bill have contained sweeping proposals for the decriminalization of marijuana, and have pointed in the direction of broader sanction for psychotropic drugs.

Finally, the bill has previously propounded broad encroachments on civil liberties, punctuated by its proposals to abolish the discretionary sentencing powers of federal judges and virtually wipe out the parole system, in favor of mandatory fixed sentences for felony crimes. This last proposal, which serves partly as a ploy to gain conservative support for the bill, would guarantee long prison stays for the legion of new "white collar offenders" the bill would create.

Thanks principally to Kennedy, the bill, reported out as S-1437, sailed through the Senate in the 95th Congress, but its companion legislation, HR-2311, ran out of steam in the House Judiciary Committee largely due to objections from civil libertarians and the pressures of time at end-of-session.

Kennedy has now arranged a special procedure to eliminate the House roadblock. At present, the staff of the criminal law subcommittee of the House Judiciary Committee is conducting an unofficial markup of the bill, comparing, provision by provision, S-1437, HR-2311, the original Brown Commission recommendations on the criminal code, and current federal law, hammering out differences and making political deals to assure lightning passage when the bill is finally drafted and submitted. Rep. Robert Drinan is acting as Kennedy's "point man" in the House Committee.

House panel suppresses Mitchell fraud evidence

The Democratic-controlled House Administration Committee has torn up the due process provisions of the U.S. Constitution in their attempts to cover up the vote fraud through which Parren Mitchell "won" the congressional seat in Maryland's 7th district. The committee yesterday unilaterally denied contestant Debra Hanania-Freeman the right to subpoena evidence — thus preparing the way to dismiss her election contest next week for "lack of evidence."

Last week, attorneys for Mrs. Freeman, the U.S. Labor Party-backed candidate in last November's elections, issued subpoenas to the Baltimore Board of Elections requiring the board to produce voter registration books, tally sheets, and the voting machines for inspection. With the aid of corrupt local judges, the board of elections has succeeded so far in preventing Mrs. Freeman's representatives from examining election materials — which are normally *public* records. Examination of these materials and inspection of the voting machines will provide the positive proof of how Mitchell and his backers stole the Nov. 7 election.

Yesterday — without offering Mrs. Freeman's attorney an opportunity to reply or even holding a hearing — Administration Committee Counsel Robert Moss granted the board of elections' motion to quash the subpoena. Reportedly, not even the Republican member of the three-member panel which is officially designated to hear the case was notified of the motion to quash.

By quashing the subpoena, Administration Committee Chairman Frank "Tombstone" Thompson of New Jersey and his hatchet man Moss hope to set the stage for a dismissal of Freeman's contest in the hearing scheduled for March 14. If the committee holds to recent practice, they will attempt to dismiss the case on the grounds that Mrs. Freeman has not shown sufficient evidence that she won the election.

By suppressing the evidence, observers noted, Thompson and Moss will have in fact *guaranteed* that Mrs. Freeman will not have that evidence.

At stake in the Mitchell-Freeman contest is the issue of whether Congress will take on the Kennedy national vote-fraud machine, or whether it will suppress the evidence in this case as it has done in almost every other case in recent years. The larger issue is whether the Kennedy machine — which has often expressed its dissatisfaction with the U.S. Constitution — has already decided that the Constitution no longer applies to procedures used in the House of Representatives.