

DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 7 OF 16

FOLDER 22

**ORGANIZED CRIME CONTROL
ACT 1970**

ORGANIZED CRIME CONTROL ACT OF 1970

Public Law 91, 91st Congress S.30
October 15, 1970

TITLE II --- General Immunity

Sec. 201 (a) Title 18, United States Code, is amended by adding immediately after part IV the following new part:

"Part V. -- Immunity of Witnesses

"Sec.

"6001. Definitions

"6002. Immunity generally

"6003. Court and grand jury proceedings.

"6004. Certain administrative proceedings

"6005. Congressional proceedings.

§6001. Definitions

As used in this part ----

"(1) 'agency of the United States' means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, the Atomic Energy Commission, the China Trade Act registrar appointed under 53 Stat. 1432 (15 U.S.C. sec. 143), the Civil Aeronautics Board, the Federal Communications Commission, the Federal Deposit Insurance Corporation, The Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Interstate Commerce Commission, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, the Subversive Activities Control Board, or a board established under 49 Stat. 31 (U.S.C. sec. 715d):

"(2) 'other information' includes any book, paper, document, record, recording, or other material;

"(3) 'proceeding before an agency of the United States' means any proceeding before such an agency with respect to which it is authorized to issue subpoenas and to take testimony or receive other information from witnesses under oath; and

"(4) 'court of the United States' means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, U.S.C., the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Claims, the United States Court of Customs and Patent Appeals, the Tax Court of the United States, the Customs Court, and the Court of Military Appeals.

§6002. Immunity generally

"Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before or ancillary to --

"(1) a court or grand jury of the United States,

"(2) an agency of the United States, or

"(3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either house,

and the person presiding over the proceeding communicates to the witness an order issued under this part, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

§6003 Court and grand jury proceedings

" (a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before or ancillary to a court of the United States or a grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, in accordance with subsection (b) of this section, upon the request of the U.S. attorney for such district, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of this privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

" (b) A United States attorney may, with the approval of the Attorney General, the Deputy Attorney General, or any designated Assistant Atty. General, request an order under subsection (a) of this section when in his judgement ---

(1) the testimony or other information from such individual may be necessary to the public interest; and

(2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

§6004 Certain Administrative proceedings

" (a) In the case of any individual who has been or who may be called to testify or provide other information at any proceeding before an agency of the United States, the agency may, with the approval of the Attorney General issue, in accordance with subsection (b) of this section, an order requiring the individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

" (b) An agency of the United States may issue an order under subsection (a) of this section only if in its judgement ---

" (1) the testimony or other information from such individual may be necessary to the public interest; and

" (2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

§6005. Congressional proceedings

" (a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before either House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this part.

" (b) Before issuing an order under subsection (a) of this section, a United States district court shall find that ---

(1) in the case of a proceeding before either House of Congress, the request for such an order has been approved by an affirmative vote of the majority of the Members present on that House;

(2) in the case of a proceeding before a committee or a subcommittee of either House of Congress or a joint committee of both Houses, the request for such an order has been approved by an affirmative vote of two thirds of the members of the full committee; and

(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order.

" (c) Upon application of the Attorney General, the United States district court shall defer the issuance of any order under subsection (a) of this section for such period, not longer than twenty days from the date of the request for such order, as the Attorney General may specify.

(b) The table of parts for title 18, United States Code, is amended by adding at the end thereof the following:

"V. Immunity of Witnesses

..... this section lists some fifty odd sections of federal statutes which have been repealed. (All are the immunity portions of the various statutes.) The only one of importance to note is the following:

Sec. 227. (a) Section 2514 of title 18, United States Code, is repealed four years after the effective date of this Act.

(b) the table of sections of chapter 119 of such title is amended by striking the item relating to section 2514.

[Section 2514 is the immunity portion of the "Rap Brown Act"]

TITLE III --- RECALCITRANT WITNESSES

Section 301. (a) Chapter 119, title 28, the United States Code, is amended by adding at the end thereof the following new section:

§ 1826. Recalcitrant witnesses

"(a) Whenever a witness is any proceeding before or ancillary to any court or grand jury of the United States refuses without just cause shown to comply with an order of the court to testify or provide other information, including any book, paper, document, record, recording or other material, the court, upon such refusal, or when such refusal is duly brought to its attention, may summarily order his confinement at a suitable place until such time as the witness is willing to give such testimony or provide such information. No period of such confinement shall exceed the life of ---

"(1) the court proceeding, or

"(2) the term of the grand jury, including extensions, before which such refusal to comply with the court order occurred, but in no event shall such confinement exceed eighteen months.

"(b) No person confined pursuant to subsection (a) of this section shall be admitted to bail pending the determination of an appeal taken by him from the order for his confinement if it appears that the appeal is frivolous or taken for delay. Any appeal from an order of confinement under this section shall be disposed of as soon as practicable, but not later than thirty days from the filing of such appeal."

(b) the analysis of chapter 119, title 28, United States Code, is amended by adding at the end thereof the following new item:

§1826 Recalcitrant witnesses

Section 302 (a) The first paragraph of section 1073, chapter 49, title 18, United States Code, is amended by inserting "or (3) to avoid service of, or contempt proceedings for alleged disobedience of, lawful process requiring attendance and the giving of testimony or the production of documentary evidence before an agency of a State empowered by the law of such State to conduct investigations of alleged criminal activities" immediately after "is charged,".

(b) the second paragraph of section 1073, chapter 49, title 18, United States Code, is amended by inserting immediately after "held in custody or confinement" a comma and adding " or in which an avoidance of service of process or a contempt referred to in clause (3) of the first paragraph of this section is alleged to have been committed,".