

# House Rejects Fingerprints Before Suspect Is Charged

By Roger E. Linehan

DES MOINES (UPI) — A provision of the Iowa criminal code rewrite which would have allowed law enforcement officers to fingerprint and place in a lineup a person who had not been arrested was removed by the house Thursday as it wound up its third week of debate on the bill.

The chamber planned Friday to work on appropriations legislation and a major measure concerning the siting of electric generating plants.

The section removed from the rewrite, which passed the senate last year, would have allowed law officers to take

fingerprints, footprints and samples of handwriting, voice and blood before a suspect formally was charged with a crime. The provision was removed through an amendment which passed 64-23.

Democratic Reps. Carl Nielsen of Altoona and Norman Jesse of Des Moines, both trial attorneys, led opposition to the provision on grounds it violated the constitutional protection of due process.

### Shouldn't Be There

"No matter how many protections you write into this section, until you write in the constitutional protection of probable cause, you

haven't written in enough protection," Jesse said. "It's presently not in the code and it shouldn't be in the code."

Nielsen agreed, saying, "I want them (law officers) to have probable cause before they start moving my body around. After an arrest, the state can do anything that's outlined in (the law)."

The house also Thursday killed an amendment, offered by Rep. Robert Kreamer (R-Des Moines), which would have set up a state grand jury similar to district court grand juries, a priority of Attorney General Richard C. Turner. The proposal, which would have allowed the attorney general to petition the Iowa supreme court to convene such a panel, was defeated 27-63.

### Opposed Proposal

Rep. Brice Oakley (R-Clinton) argued against the proposal, saying it was a "very basic deviation from the Iowa concept of criminal justice" which centers on the county attorney and attorney general, not the grand jury system.

Rep. Thomas Higgins (D-Davenport) said the provision should be offered as a separate bill, and added, "I would loathe giving this sweeping power to the attorney general."

Another amendment, defeated 45-46, would have allowed only "extraordinary circumstances" to delay a preliminary hearing in a criminal case.

Under the senate bill, a preliminary hearing would be required within 20 days of initial court appearance for persons released on bond and within ten days for persons held in jail unless "good cause" was shown that the time limit should be extended.

The amendment would have replaced "good cause" with "extraordinary circumstances."

### Senate Proposal Requires Bicycles Be ReflectORIZED

DES MOINES (UPI) — Bicycle owners would be required to display reflective tape or similar material on their bicycles to make them more visible at night and during evening hours, under legislation passed by the senate Wednesday.

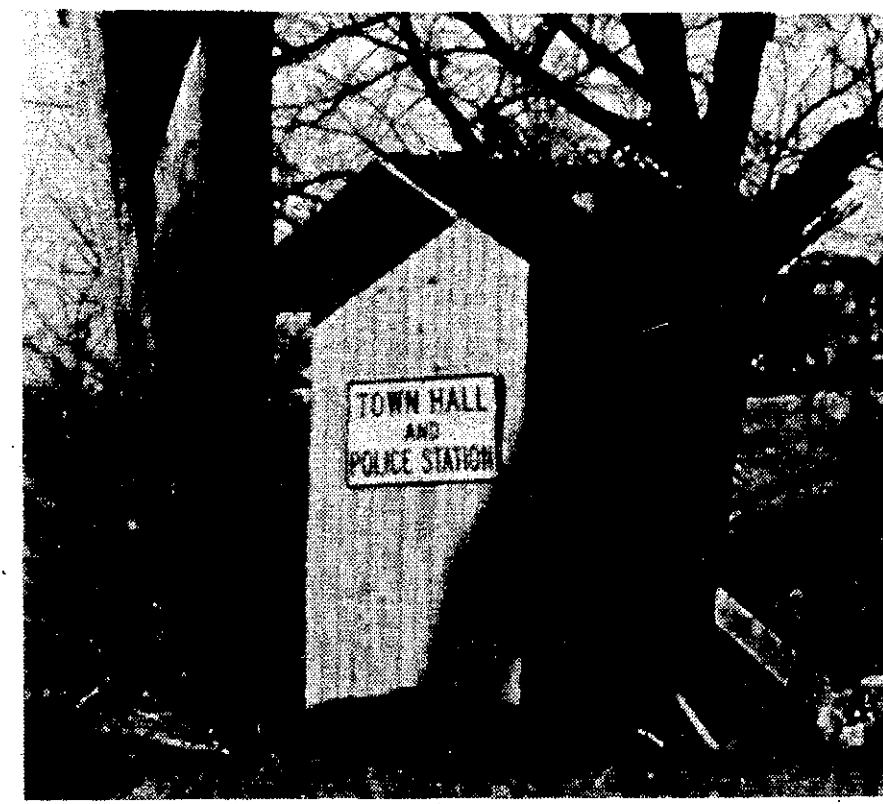
The bill, sponsored by Sen. Richard Norel (D-Belleue), passed the senate 30-12, but only after a lengthy debate on whether criminal penalties should be included in the measure.

"I don't want to see some 7- or 8-year-old kid get a criminal record just because he doesn't read the Iowa code," said Sen. William Gluba (D-Davenport).

Criminal sanctions originally proposed in amendment form eventually were dropped from consideration, but the bill still contains a provision giving bicycle owners 48 hours in which to comply with the law's requirements before a citation can be issued by law enforcement authorities.

Failure to obey warnings by officials could result in the bicycle being impounded by the police, according to the bill.

10 YEARS AGO — House Republican Leader Gerald Ford requested a congressional investigation of UFOs.



UPI Telephoto

## Economy in Government

One means of reducing the cost of local government might be to consolidate office facilities. This structure facetiously suggests such a solution, even though it is located behind a farmhouse near Iowa City.

## Agree on Need, Not Site

By Harrison Weber

DES MOINES (IDPA) — A slight difference of opinion has developed between the state's top two officials over the location of a proposed medium security facility.

If Gov. Robert Ray had his druthers, he would pick the Riverview release center at Newton as the facility site.

On the other hand, Lt. Gov. Arthur Neu tends to favor converting the mental health institute at Mt. Pleasant into a medium security facility.

While they may disagree on the site, both officials are emphatic in calling for a new facility to cope with the expected rise in the state's prison population. Both the men's reformatory at Anamosa and the state penitentiary at Fort Madison are close to capacity.

Either site would be acceptable to the two Republican leaders. It's just that each has his own reasons for favoring one proposal over the other.

Neu is basing his judgment, in part, on what he thinks the legislature would support. Since money is going to be

an issue, Neu thinks the Mt. Pleasant proposal has a better chance of passing because the initial costs are less.

It's estimated the mental health institute could be converted into a prison for roughly \$1 million, plus another \$400,000 to replace a laundry facility.

The department of social services has proposed spending \$5.6 million to put up a prefabricated steel building at Newton on the release center grounds.

It's estimated it would take from \$3.5 to \$4.6 million a year for staff and support of a new medium security facility.

Ray thinks the Newton site lends itself better to the problem at hand, which is not only housing the inmates, but to have them in close proximity to an urban center, such as Des Moines, where they could be absorbed in work release projects.

A hearing is scheduled for Monday at 7 p.m. in the senate chambers on the entire issue of a new medium security facility. The senate state government committee is holding the hearing.

Neu is urging the committee to move ahead with a bill to convert the mental health institute at Mt. Pleasant into a medium security facility. If the committee approves the bill, it still must go to the appropriations committee to be thrashed out there. All viable alternatives will be reviewed by the appropriations committee, Neu added.

A third proposal is to close the girls' training school at Mitchellville and transfer the girls to the juvenile home at Toledo, using the Mitchellville institution as a medium security facility.

The Mitchellville proposal ranks third on both Ray's and Neu's priority list.

### Meeting Slated On Manchester Treatment Issue

MANCHESTER — Following a discussion by members of the Manchester city council this week on discharge permits for the city's wastewater treatment plant, the council agreed to meet again next week.

At next week's meeting, the council hopes to discuss discharge permit requirements with representatives of the state department of environmental quality and its engineering consultant.

At a meeting this week, the council agreed to retain legal counsel to represent the city in a dispute over granting a discharge permit to a local industry.

Also at this week's meeting, Dr. Richard Dague of the University of Iowa college of engineering presented his evaluation on the wastewater plant.

The council also passed a resolution directing that all ordinances dealing with wastewater treatment, according to DEQ specifications, be enforced.

### Tri-County Chorus To Present Musical

WHAT CHEER — The Tri-County high school chorus will present Paul Johnson's contemporary musical "Here Comes the Sun" on Sunday at 7:30 p.m. in the high school gym in Thornburg.

This is a modern work on the power of Christ in the lives of those who lived at the time He was on earth.

The public is invited to share in this musical experience. A free-will offering may be given at the door to help defray expenses of the vocal department. Richard Rohloff, vocal instructor, is the director.

### Legislative Bills Digest

DES MOINES (AP) — Bills in the Iowa legislature Thursday:

#### Introduced in Senate

SF1273. To revise Iowa law on pipelines and underground gas storage. Commerce.

SF1274. To provide that the cost of a project carried out by a city shall include reserve funds. Cities.

SF1275. To appropriate \$1.5 million to the state board of regents to replace lost federal funds. Appropriations.

SF1276. To appropriate \$5 million to the county government assistance fund and \$75 million to the municipal assistance fund. Appropriations.

SF1277. To establish a county and city physician recruitment program. Doderer.

SF1278. To correct obsolete sections of the code which pertain to aeronautics. Transportation.

SJR1008. To establish a study committee on the feasibility of establishing a separate retirement system for peace officers. Appropriations.

#### Introduced in House

HF1590. To require the Iowa commerce commission to study proposals on modification of utility rate structures for residential users. Commerce.

### Legislative Notes

## If That's Revenge, It's Surely Not Sweet

By Frank Nye

DES MOINES — There's nary a member of the legislature who isn't aware of the influence Director Kenneth Jernigan of the Iowa commission for the blind wields on that body.

Jernigan wines and dines legislators in his apartment at the commission center. They respond by giving him just about everything he wants in the way of funds.

So, it was no surprise when Sen. Steve Sovern (D-Marion) received only three of some 28 votes for his attempt to cut Jernigan's 1976-77 budget by \$26,000 during a senate appropriations committee meeting recently.



Sovern

### Salt for Sugar

SOVERN REASONED THAT Jernigan's table of organization showed 120 employees, but that only 108 or 109 persons were actually employed.

He received good-natured warnings he was playing with fire and that Jernigan would be out to get even if Sovern made the motion. He made it anyway.

Next morning, Sovern was breakfasting at the statehouse cafeteria, which is operated by the commission for the blind.

When the sugar on his breakfast food turned out to be salt, Sovern joked:

"Jernigan must be getting his revenge already."

### Girl Criticized Death Penalty; Found Dead

PLAINFIELD (AP) — A teenager who sharply criticized the taking of human life and life imprisonment was dead six months later, an apparent murder victim.

The nude, decomposed body of Julie Benning, 19, Clarksville, was found recently in a ditch on a lonely gravel road near Shell Rock in northeast Iowa.

While she was a senior at Plainfield high school, her editorial in the school newspaper May 8, 1975, was an unequivocal stand against death:

"Murder is a horrible crime to commit and, of course the offender must be punished, but does that mean he should rot in prison until he dies?" she wrote.

"I don't think so... nor do I think any person has the right to say someone should never be let out of prison, or give them the death penalty."

She urged her readers to, "Put yourself in their shoes — the convicts are still humans, too. I hope people will be willing to help them and lend support in convicts' efforts to rehabilitate themselves."

ON THIS DATE in 1913, more than 1,400 people perished in floods in Ohio, Indiana and Texas.

### Sparks Blamed In Bridge Fire

MAQUOKETA (UPI) — Fire apparently set off by sparks from a passing train caused the main line of the Milwaukee road between Green Island and Dubuque to close to train traffic Thursday.

Fire units from Miles and Bellevue extinguished a blaze on the Green Island bridge over the Maquoketa river after about an hour.

Jackson county Deputy Sheriff Al Barker said wooden beams along the bridge were charred and the structure was believed to be weakened by the fire.

Officials from the Milwaukee road in Dubuque awaited daylight to fully assess damages.

Trains were being re-routed to Burlington Northern tracks, a railroad spokesman said.

### Clark Request

WASHINGTON (UPI) — Sen. Dick Clark (D-Iowa) Thursday urged that congress delay action on several controversial major weapons systems until the presidential election is over. Clark, testifying before the senate defense appropriations subcommittee, said action should be delayed "so that the next President is not bound to carrying out costly projects which he may not believe are necessary."

## Chariton Finds Piece of History

CHARITON (AP) — Chariton has found its missing past.

A group led by attorney Paul Christoffers discovered a time capsule hidden 100 years ago with the understanding that it be opened July 4, 1976.

The box was on a shelf in the vault of the Chariton Masonic temple, which was built in 1948.

Christoffers found reference to the time capsule — actually an iron box — in a historical work, but no one in the community knew anything about it.

So he set about finding the missing time capsule.

The courthouse, city hall, library and cemetery records were deadends. Finally Christoffers came across a reference to the Rev. Robert Coles, who was chairman of that first centennial. A directory of churches and ministers yielded nothing.

But then he discovered a list of organizations to which ministers belonged. The Rev. Mr. Coles was a member of Masonic lodge No. 63. So the search went to the Masonic temple. And while hunting for still more records in the vault, Christoffers, Layne Kono and John Clark found the box.

The Masons built their temple less than 30 years ago and the box obviously had to be carried there from the old building, Christoffers noted.

But no one seemed to remember it.

"I wanted to run out in the middle of the street and scream!" said Christoffers. "I couldn't believe my eyes that we'd actually found the box."

### Fayette GOP To Honor Gehring

WEST UNION — Republicans are planning an appreciation dinner honoring Hazel Gehring, who retired recently as Fayette county auditor after nearly 50 years of service in the auditor's office.

The event will take place Friday at the West Union Country club with a social hour at 6:30 followed by dinner.

Tickets are available from A.W. Martin, Republican county chairman; Connie Sanborn, Oelwein, and Gay Bowden, West Union.

### Bureau Speaker

BROOKLYN — Lee Kline, assistant farm director at radio station WHO, Des Moines, will be the keynote speaker at the annual meeting of the Malcom Farmers Cooperative at the Malcom school gymnasium Saturday. The meeting will follow a 6 p.m. dinner.

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