

No. 26

**SENATE BILL NO. 80—SABOTAGE PREVENTION
ACT—ACTS AND ACTIONS**

Held: Senate Bill No. 80 is not contradictory to Federal statute. Present State law deals only with sedition and criminal syndicalism, and deals only with the spoken or written word, etc. This bill deals with acts and actions. The title of this bill is comprehensive to include the definition of "sabotage."

February 18, 1941.

Honorable Reynold C. Dahl
Senator from Cascade County
Capitol Building
Helena, Montana

Dear Senator Dahl:

You have submitted this morning the following:

"In the first place, is this bill (Senate Bill No. 80) contradictory to our Federal statutes?"

"Second, under existing State laws on sabotage does this bill conflict in any manner or accomplish anything which cannot be done under our present laws?"

"Third, is this bill properly drawn in regard to the vital subject matter of the bill which is not included in the title?"

You ask to have a reply by noon today. In the short time you have given me, I submit the following:

In answering your first inquiry, I call your attention to the Federal Sabotage Act of April 20, 1918, found at 40 Stat., 533 (1918), 50 N. S. C. Par. 101 to 103 (1934) and the amendment thereof, Pub. L. No. 866, 76th Cong., 3rd Sess. (Nov. 30, 1940), amending 40 Stat. 533 (1918), 50 U. S. C. Par 101-103 (1934). This act has no official title and is also known as "Destruction of War Material Act." On reading the above act and the amendment, you will note that from the federal standpoint it covers about the same ground, but does not cover local conditions such as closing streets, etc.; therefore, this act would not conflict with the Federal statute in my opinion.

Answering your second question above, you will note the distinction in our present law which is found in Chapter 4, Revised Codes of Montana, 1935, which deals with sedition and criminal syndicalism. This law deals with words, printing, publishing, advocating and circulating, the spoken or written word; while the proposed act contained in Senate Bill No. 80 deals with and punishes for an act or actions instead of words. This bill apparently aims to do four things:

1. Provide for the punishment of acts of sabotage committed.
2. Facilitate in the detection of saboteurs entering unlawfully upon properties essential to national defense by providing for their questioning and detention.
3. Make it more difficult to destroy properties essential to national defense by providing for the regulation of the use of streets abutting on such properties.
4. Aid in the conviction of saboteurs by changes in the law of attempts, conspiracy, and the privilege against self-incrimination.

It is apparent, therefore, that Senate Bill No. 80 deals with an entirely different subject matter than covered by our present law.

Answering your third question, and your comment thereon, I find the definition of the word "sabotage" as defined by Webster's New International Dictionary is as follows.

"Sabotage, the refusal to perform work assigned and the obstruction in all possible ways of the regular process of production.

In law—a course of malicious destruction of or injury to the property, etc."

Americana defines "sabotage" as follows,

"The practices are varied. Some of the more common forms are waste of materials, placing sand or emery in wheel bearings, loosening screws and nuts; cutting belts, and many number of other devices for hindering and delaying production."

In the case of *People v. Ruthenberg*, 201 N. W. 358, 229 Mich. 315, the Supreme Court of Michigan defined "sabotage" as "signifying a wilful act of destruction to property."

In the Michigan Act, the word "sabotage" is not defined. Neither is it defined in the Federal statute.

The title of Senate Bill No. 80 contains the phrase "an act to protect property by making criminal certain unlawful entries on, **injuries to and interference with property.**" This, in my opinion, is broad enough to include the meaning of "sabotage" and therefore, the said Bill is not defective in that respect.

Very truly yours,

JOHN W. BONNER
Attorney General