

# Proposed Censorship Law Hit

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MONTREAL, Aug. 8—The American Bar Association's Board of Governors today urged the ABA to disapprove proposed new laws that would make it a crime to publish "national defense information" such as the Pentagon Papers without government permission.

Yielding to arguments by press and civil liberties groups and the ABA's law student division, the board expressed opposition to controversial sections of a bill pending in Congress to revise the entire federal criminal code.

The board recommended, however, that the 340-member ABA House of Delegates give approval "in principle" to the 750-page bill containing hundreds of changes in American criminal law.

At issue are proposals to tighten federal laws on espionage, communication and pos-

session of government information and documents, and the handling of data stamped secret by federal officials.

The board, which makes nonbinding recommendations to the ABA's policy-making delegates, rejected the argument of Georgetown law professor Herbert S. Miller that the entire legislative package is too massive for adequate review by the organized bar.

Over Miller's lone dissent, the ABA's criminal Law Section is seeking broad endorsement for the bill, which is the result of several years of efforts to modernize, simplify and draw together all the criminal laws scattered throughout the statute books.

Miller said the goal of codifying federal criminal law was worthwhile but he argued that the bill goes far beyond that objective. "It is a massive attempt to change some criminal laws in the guise of codification," Miller said.

Principal Senate sponsors for publishing the Pentagon Papers.

of the bill, called S.1, are Sens. John L. McClellan (D-Ark.), chairman of the Senate Criminal Laws and Procedures Subcommittee, and Roman L. Hruska (R-Neb.), the subcommittee's ranking Republican.

Miller said the bill's prohibition against unauthorized use of national defense information was so broad that it could be invoked to punish publication and even discussion—of "almost any aspect of national defense and much of our foreign policy" and would permit any administration in power "to decide what could be discussed by the public."

According to Miller, the bill would infringe on First Amendment freedoms, and if it had been in effect in 1971, it would have authorized prosecution of The Washington Post and The New York Times

In that instance, the Nixon administration unsuccessfully sought court injunctions that would have banned news reports of the Defense Department's previously secret history of the Vietnam war, released to the press by Daniel Ellsberg. The Supreme Court left open the constitutionality and legality of criminal prosecution.

Rejection by the House of Delegates, which speaks for the 195,000-member bar association, could be a serious setback for the national defense information proposals. Endorsement of the remainder of the bill could advance its chances for passage this year. The delegates will meet next week to consider the matter.