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BAR UNIT ASSAILS PENDING SPY LAW

U.S. Criminal Code Action Said to Curb Press Rights

The Association of the Bar of the City of New York has issued a report opposing new proposed Federal legislation involving defense secrets and espionage.

The association says the proposed legislation is "too narrow to deal adequately with spies and too broad where persons other than spies are concerned."

The pending legislation is included in a proposal now before Congress to codify the entire Federal Criminal Code.

In its study, the association warns that the "new provisions will be only to trade the current ambiguities (in the law) for one certainty—incompatibility with the First Amendment." That amendment guarantees freedom of speech and freedom of the press.

Need for Public Awareness

The association's report was drafted by its special committee on communications law. It says that the "concepts embodied in the new provisions ignore the profound importance of public awareness of, and debate about, issues of national security."

It went on to say that under the new proposals many disclosures by the press of governmental misbehavior would open the press, or the person who made the information available to the press, "even more vulnerable to the risk of prosecution than they have been in the past."

Most press groups have taken a similar stand on the proposed new legislation involving defense secrets and espionage on the same grounds.

The association says that under the new proposals the public disclosures of such incidents as the cost overrun on the Lockheed C-5A aircraft, the secret bombing of Cambodia, the My Lai massacre, the Bay of Pigs invasion and the domestic spying by the Central Intelligence Agency could be punished by criminal prosecution.

"Except in rare and special instances, modern warfare depends much more on sound policy and planning, the economic use of our national resources and the morale of the guarding secrets," the association report says. Given this, the report goes on, the First Amendment freedoms "have a significant role to play in building and maintaining our national security."