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S.I vs. Freedom

To the Editor:

It was rather startling to read the claim by Assistant Attorney General Richard Thornburgh in his June 11 letter that "there is nothing in S.I as now before the Senate Judiciary Committee to justify the charge that the bill contains provisions inimical to the First Amendment."

Space limitations preclude detailed refutation of this disingenuous allegation. For example, Mr. Thornburgh conveniently fails to mention that the provision on riot offenses (which he alleges ameliorates existing law) omits the crucial requirement that the Government prove that the defendant crossed a state line or utilized an interstate facility with the intent to create a riot. It was precisely this issue of intent on which the Government floundered in the well-known Chicago Seven conspiracy case.

The Times has been eminently correct in its opposition to S.I. It is now widely recognized that the Official Secrets Act provisions of the bill threaten a free press. They also jeopardize the public's right to know, a constitutional right which was deeply involved in both the Pentagon Papers case and in Watergate. Labor should recognize the numerous dangers it faces if S.I becomes law. This includes artful rewriting of the extortion provision to achieve the purpose of making any violence in a labor dispute a Federal rather than a state or local offense, punishable by a heavy prison term and a fine of \$100,000. Hidden in this omnibus legislation is an over-riding of *United States v. Emmons*, 410 U.S. 396 (1973) in which the Mitchell Department of Justice unsuccessfully sought this result. And one could go on and on refuting Mr. Thornburgh's siren song.

Former U.S. Senator Sam J. Ervin has written that "S.I in its present form is a hideous proposal which merits the condemnation of everyone who believes in due process and a free society." Admittedly, we need reforms in Federal criminal laws. These must, however, be drafted in the spirit of the Bill of Rights. To accomplish this, S.I must be rejected. Mr. Thornburgh's blandishments are intended to obfuscate that simple fact.

DANIEL CRYSTAL

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