

Washington Report

S. 1 must be stopped

By Jay Miller, ACLU Legislative Director

Described as the "Criminal Justice Reform Act of 1975," Senate bill 1 is a 753-page attempt to codify, revise and reform the United States Criminal Code. While the stated goal might be desirable (the present criminal code is an inconsistent maze in need of reform), the cost is too high. For S. 1 has some 30 provisions, which if passed, would turn back the civil liberties clock to a time before the Warren Court.

The following are highlights of the ACLU's analysis of S. 1's most objectionable features. These and other features are explained in more detail in the ACLU pamphlet *Stop S. 1*. (Copies cost \$.05 each.)

- A government official who leaked "national defense information" or "classified information" to a reporter or any unauthorized persons could be prosecuted and, even in peace time, get up to seven years in prison. (§1122 & 1123)
- A reporter or publisher obtaining and communicating such information to anyone not "authorized" to receive it could be similarly guilty. (§1124 & 1125)
- "National defense information" is loosely defined; Congress and the Executive branch are given broad power to declare what is "classified information;" and the bill drops present requirements that the government prove some intent to hurt the nation. The Pentagon Papers and much Watergate information would clearly come under this definition. (§1128)
- Restores the death penalty for murder under a wide variety of circumstances and for treason, sabotage or espionage. (§2401)
- Maintains government authority for wiretapping or other electronic surveillance for up to 48 hours without court order. (§3101 - 3109)
- Restores the Smith Act making it a crime to advocate revolutionary change in government, however remote the likely impact of that advocacy. (§1103)
- Makes "physical interference" with the government function a felony, with broad discretion to define "interference"—peaceful picketing of a government building, sitting in front of busses, or what. (§1302)
- Provides 3 years imprisonment and a \$100,000 fine for "inciting" or leading a "riot," including "movement of a person across a state line" or for even the use of mail or telephone in "the course of planning, or promotion" of a "riot," which is defined as "an assemblage of 5 persons" which "creates a grave danger" to "property." (§1831 - 1834)
- Broadens the definition of sabotage in such a way that it could include public demonstrations against war or defense activities. (§1112)
- Creates a new crime of "impairing" military effectiveness by false statement. (§1114)
- Frees federal officials from criminal penalties for any illegal acts so long as they believed "the conduct charged was required or authorized by law"—a provision tagged "the 'Watergate' or 'Nuremberg' defense." (§552)

To help stop S. 1, you should:

- Write or call your Senator and ask for a copy of S. 1 indicating that you have heard of its repressive nature.
- Check through the bill yourself (you can use the highlights as a guide).
- Write your senator a second letter about those sections that you feel most strongly should be eliminated or changed and ask that he work to amend or vote against the bill.
- Write your representative pointing out the anti-civil libertarian features and indicating your concern.
- Contact your local newspapers and urge them to run stories and editorials on the bill.
- Send the ACLU, Washington office, 410 First Street, S.E., Washington, D.C. 20003, copies of any newspaper articles that are printed in the area.