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## A.C.L.U. SEES MOVE TO CURB PROTEST

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Fears Changes in Criminal  
Code May Prolong Secrecy.  
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By PETER KIHSS

The American Civil Liberties Union says that parts of a pending revision of the United States Criminal Code are designed "to perpetuate secrecy and stifle protest."

In a 12-page pamphlet report entitled "Stop S-1"—the number of the bill now in a Senate Judiciary subcommittee—the group said the much-amended current version "stands a good chance of being passed." It said that 30 provisions in the 753-page proposal were "so detrimental to civil liberties" that it would be better to have no bill.

Regarding one section, which would impose up to seven years in prison for unauthorized possession of "national defense information," the group said the definition of such information would be "limited only by the imagination of the prosecutor."

This, the civil liberties union said, could include "run-of-the-mill industrial, agricultural, economic, scientific and other technical data."

### 'Minimal Statute' Favored

To combat real spying, the A.C.L.U. said, only a "minimal statute" would be needed. This would specify an intent to injure the national defense by communicating to a foreign power technical details of secret weapons or tactical military plans, cryptographic information and perhaps military contingency plans. It would also require "proof that the information could actually be used to injure the United States."

In the proposed revisions of the code section continuing authority for electronic surveillance would be broadened, the report said, to authorize such surveillance for up to 48 hours without a court order when "an emergency situation exists with respect to conspiratorial activities threatening the national security." Such breadth, the report said, violates a Supreme Court decision of 1972.

Another section, the civil liberties group said, "re-enacts the Smith Act." This act, which prohibited teaching or advocating forcible overthrow of the Government, was used in prosecutions against leading Communists. The new bill, the report said, "tries to disguise the fact by dropping the use of the word 'advocacy' and substituting the term 'incitement to imminent lawless conduct.'"

Such "incitement," the report went on, might merely be action leading to conduct that "could facilitate" forcible overthrow of the Government in some distant future. The "real purpose," the report said, is to permit imprisonment "merely for talking about revolution—an activity fully protected by the First Amendment."

### Broader Curbs Feared

Sections barring interference with government functions or property could bar "virtually every mass demonstration" if near a Federal building, the civil liberties group contended. "Even an influx of cars carrying demonstrators to the chosen site might constitute the proscribed felony," it added.

A section against false statements able to affect military strategy or tactics or "likely to create general panic" would "make punishable as a major felony good-faith errors in news reports about a wide range of activity," the report, entitled "Stop S-1," also said.