

MONDAY, FEBRUARY 2, 1976

## Letters to the Ed

### S.1: A Surrender of Freedom?

To the Editor:

In former Governor Edmund G. Brown's letter (Jan. 27) about Senate Bill 1, the pending revision of the Federal criminal code (Title 18, U.S. Code), he states that a great deal of misinformation has been spread about the bill. It is unfortunate that his letter contributes to that situation.

The National Commission for Reform of Federal Criminal Laws, which Governor Brown headed, studied the problem of outdated and conflicting laws in great depth. It recommended a comprehensive rewrite of Title 18 in order to remove contradictions and provide a coherent set of Federal criminal laws. In its proposed revisions, the Brown Commission suggested very few substantive changes in the law; the recommendations were directed more toward clarifying the code than toward changing it.

Unfortunately, S.1 is not the Brown Commission report. The current bill is a double rewrite of the original report: It was first perverted by the Justice Department under Attorneys General Mitchell and Kleindienst; later, Senators McClellan and Hruska added their political philosophies to the bill. S.1 is a technical improvement mutated into a monster. It should not be allowed to reach the floor of the Senate.

There are, however, three criminal-code bills now pending in the House of Representatives. H.R. 3907 is identical to S.1, while H.R. 333 embodies

the original Brown Commission recommendations. H.R. 10850, introduced by Representatives Kastenmeier, Edwards and Mikva, is a criminal-code revision proposal which would preserve our civil liberties. While S.1 seeks to repeal the Bill of Rights, H.R. 10850 would reaffirm it.

We must not allow the need for reform of the criminal code to provide an excuse for enacting retrogressive and repressive legislation. S.1 is the longest bill ever introduced in Congress; the 5 percent which Governor Brown admits is controversial amounts to 38 pages which would abridge freedom of speech, limit freedom of the press, restrict the right to peacefully assemble, impose harsh penalties for marijuana and obscenity, allow essentially unlimited government wiretapping, remove constitutional guarantees of fair trials, reinstate the death penalty, eliminate the insanity defense, legalize entrapment and allow government officials to claim the "Nuremberg Defense."

Is the need for criminal-code revision so great that we must surrender our freedom? Congress would do far better to work with H.R. 10850 or H.R. 333 than with the embodiment of McCarthyism and Watergate. Our Bill of Rights must not be "reformed" in our Bicentennial year.

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White Plains, Jan. 28, 1976