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Nixon Asks Strict New Secrecy Law

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The Nixon administration asked Congress yesterday to create a new crime in the national security field by punishing the disclosure of classified information regardless of whether the classification was proper.

The proposal is part of a 680-page bill to revise the entire code of federal criminal law for the first time since 1790. It would not permit a defendant to argue, as Daniel Ellsberg is contending in the Pentagon Papers trial, that the disclosed information did not harm the national security.

The administration bill would not punish a private citizen for receiving the information — unless the individual was “an agent of a foreign power”—but a private citizen could be prosecuted if he then transmitted the information to others.

It would also be a crime to communicate non-classified information “relating to the national defense to a person not authorized to receive it . . . regardless of its origin, relating to the military capability of the United States or of an associate nation.”

Representative William S. Moorhead (Dem.-Pa.),

chairman of the House Information Subcommittee, promptly denounced the proposal.

“Rather than applying its efforts to punish the over-classifier who inhibits the public’s right to know,” said Moorhead, the administration “would make it a crime to merely disclose a document which happens to have a classification stamp on it, even if the classification is an outrageous affront to common sense.”

The national security section is one of several parts of the proposed criminal code which may prolong the process, already six years in the making, of compiling all the federal crime laws in one well organized volume.

Other controversial subjects in the massive code include the administration’s new death penalty proposal, the virtual elimination of the insanity defense in the federal courts, stiffened narcotics penalties and new definitions of obscenity.

Competing versions of the code, one drafted by a special Congressional commission and the other by the staff of a Senate criminal laws subcommittee, are already before Congress.

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