

Judge rules no one has right to reveal classified information

United Press International
ALEXANDRIA, Va. — The government's breach-of-contract suit against a former CIA officer who wrote a book about the fall of Saigon went to trial Tuesday before a federal judge who declared no one has a right to reveal classified information.

The government, in a civil suit against Frank W. Snepp, contends the former CIA officer violated his contract with the agency by publishing "Decent Interval" about the communist takeover of Vietnam. CIA employees are required to submit manuscripts to the agency before publication.

The government seeks Snepp's profits from the book and wants to prohibit further disclosures.

The central issue, U.S. District Judge Oren R. Lewis told lawyers in the opening 90 minutes of the trial, is, "Does an individual under the basic law of a fiduciary relationship, have a right to get inside information, plans, modus operandi, and then resign and divulge it to the whole wide world?"

"Nobody has got a right to divulge classified information," Lewis said.

Lewis rejected Snepp's request for a jury trial, saying the facts were not at issue.

"We are not going to try the fall of Saigon here," he said.

Lewis initially refused to allow the book to be entered as evidence, but then changed his mind, saying, "The court of appeals might want to read it, but not buy it."

Lewis said he had not read the book.

Snepp's lawyers argue the government does not maintain classified information was contained in Snepp's book.

"We are dealing with semantics," Lewis replied, reminding the lawyers he disagreed with their definition of classified material.

Both sides contend the case involves serious questions far beyond those at hand, pitting constitutional rights of free speech and "whistle blowers" against the right of government to protect what it regards as legitimate secrets.

"This is not a First Amendment case," the judge said.

Death row inmates decline in number

United Press International
WASHINGTON — Death sentences were handed down against 133 people in 19 states last year, but the total of death row convicts in the nation declined, the Law Enforcement Assistance Administration reported Tuesday.

The agency said that as of Dec. 31, there were 443 people — eight of them women — on death row in 22 states, compared with 463, including seven women, a year earlier.

The drop resulted mainly from the lifting of death penalties in 152 cases, often because states revoked capital punishment laws and redesignated them to meet the Supreme Court's constitutionality tests.

Although federal laws also permit capital punishment, the only federal prisoner on death row received a reduced sentence during the year, the LEAA said in an Advance Report on Capital Punishment 1977.

Five of the 22 states accounted for nearly four of every five prisoners under death sentence — Florida with 82, Ohio 78, California 68, Texas 58 and Georgia 45, the report said.

It said the South had the largest proportion of death row inmates, nearly three out of every five, while the Northeast had only two prisoners facing a death sentence — both in Rhode Island.

The report noted that seven states which began 1977 with one or more prisoners sentenced to die ended the year with none. In six of those cases, it said, all or part of the state capital punishment statutes were struck down by a state supreme court or the U.S. Supreme Court.

Eleven states now have some form of death penalty, but no prisoners awaiting execution.

Two years ago, the Supreme Court refused to block the first execution in almost a decade, allowing murderer Gary Gilmore to die as he requested before a Utah firing squad on Jan. 17, 1977.

But in a major ruling in 1976, the high court upheld for the first time death penalty laws in Georgia, Florida and Texas, indicating the Constitution does not prohibit capital punishment if it is carried out fairly.

The justices are expected to rule soon on Ohio's more restrictive capital punishment law, which allows consideration of only three "mitigating" mercy factors that could prevent imposition of death sentences for seven offenses.

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(IN THE MSC)

Ohio senator to introduce legislation to freeze 15-cent postage four years

United Press International
WASHINGTON — Sen. John Glenn, D-Ohio, has announced he will introduce legislation to freeze first-class postage for individuals at 15 cents for four years.

The bill would extend the federal subsidy of nearly \$1 billion for the same period of time but require stricter accounting by the Postal Service.

The legislation was co-sponsored by Sens. Ted Stevens, R-Alaska, and Jacob Javits, R-N.Y. and Glenn announced that hearings will be held next week.

These amendments, if enacted, would constitute the most significant changes in the nation's postal institution since the Reorganization Act of 1970," Glenn said. "They would not, however, turn back the clock."

"In many ways, I consider this an interim bill," Glenn added. "It is now clear that the 1970 goal of Postal Service self-sufficiency probably will never be realized with required labor costs up and particularly with general support for keeping rural post offices and maintaining six-day-a-week deliveries."

Glenn said at a news conference that by freezing the first-class postage rate for individuals at 15 cents — recently raised from 13 cents — would benefit the consumers — most notably those on fixed income — and help maintain a higher volume of mail which is needed to sustain the huge system for six-day-a-week delivery.

First-class postage for individuals would be established through a separate classification in the event of a general postage increase before September 1982. Congress, however, would have to appropriate the loss of revenue to the Postal Service.

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