

## AMERICAN CIVIL LIBERTIES UNION

aclu

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August 13, 1970

Milton Stein, Esq.  
National Commission on Reform of  
Federal Criminal Laws  
1111 - 20 Street, N.W.  
(Vanguard Building - Room 531)  
Washington, D. C. 20036

Dear Mr. Stein:

I am writing on behalf of the ACLU to support the memorandum previously submitted to you by Mr. Arthur C. Warner concerning his criticisms of section 1853 of the study draft of the new federal criminal code.

We support the general perspective set out in Mr. Warner's memorandum without reservation.

I have some reservations as to Mr. Warner's proposed harassment statute which is contained on page 13 of his memorandum. First, his sub-section (1) is probably already covered by section 1611 of the study draft. As to sub-section (2), the ACLU would of course have some reservations about the proscription of "abusive or obscene" language or gestures. Sub-sections (3) and (4) might by themselves be adequate to meet the public interest in prohibiting harassment.

The only other reservation about Warner's memorandum is his statement, at page 15, in which he concedes that discussion with persons whom the contemplated laws are intended to affect does not include "minors." I think that would be a serious

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omission.

I have a copy of the study draft and the two volumes of working papers, together with a note that any comments should be submitted prior to September 1st. Given the range of interest which the ACLU has in the study draft, it would be impossible for us to submit any criticism or recommendations by that date. The project is a profound one, of course, with great significance to civil libertarians. But I assume that production of the study draft is merely the first step in a very long process. Can you tell me what course you expect the proposal to take after submission to the President. Particularly, do you foresee another occasion soon when it would be useful and appropriate for the ACLU to submit recommendations.

Sincerely yours,

Melvin L. Wulf  
Legal Director

MLW/tjp

cc: Mr. Arthur C. Warner