

Revised Criminal Code Is

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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.

Rep. William S. Moorehead (D-Pa.), chairman of the House Information subcommittee, promptly denounced the proposal as giving "the stamp-happy classifiers a new lease on life."

"Rather than applying its ef-

forts to punish the over-classifier who inhibits the public's right to know," said Moorehead, 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, new definitions of obscenity and a host of others.

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. President Nixon heralded his version in a message last week advocating the punishment of wrongdoers "without pity."

A Justice Department lawyer said "there are differences in every line" between the administration and Senate versions, principally in the ad-

Proposed by Administration

ministration's request for a higher range of maximum sentences for most federal crimes.

The administration's death penalty proposal and a bill to restore mandatory minimum prison terms in heroin cases have also been introduced as separate legislation. The narcotics bill includes a preventive detention section that would jail all accused heroin traffickers unless they could prove they are not dangerous.

Moorehead's subcommittee is certain to hold separate hearings on the code's national security sections and a special Senate subcommittee on executive privilege and government secrecy is expected to

examine the proposals at hearings next month.

Department officials said they flatly rejected any attempt to label their information bill an "official secrets act." Britain has a criminal law against release by government employees of government information to unauthorized persons.

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.

The proposal would make it a crime for the first time to

mishandle defense information in violation of a rule of the agency which authorizes him to possess the information.

Department lawyers conceded that the insanity proposal was designed to take all but a handful of insanity cases out of the federal courts and to "substitute another structure" whereby the defendant's treatment—whether by imprisonment or hospitalization—would follow a determination of guilt.

The two-sentence section on insanity would call for an insanity acquittal if the defendant, "as the result of mental disease or defect, lacks the state of mind required as an

element of the offense charged. Mental disease or defect does not otherwise constitute a defense."