

# Senate at Impasse on New Criminal Code

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WASHINGTON, March 1—An attempt by the Senate leadership to end the three-year-deadlock over a controversial bill that would revise and reform the Federal criminal code has boomeranged and virtually killed any chance that Congress will pass the massive measure this year.

The 799-page bill, labeled S.1, has been the target of outraged protests from liberals who argue that some of its provisions would lead to the repression of individual liberties.

Supporters of the legislation point out that there is general agreement that revision of the laws is long overdue, and that the more controversial features still can be modified to suit both conservatives and liberals.

In an effort to reach such a compromise, four members of the Senate Judiciary Committee have tried over the last two months to rewrite the most troublesome provisions in a manner that would suit both sides.

Those involved are Senators John L. McClellan, Democrat of Arkansas, and Roman L. Hruska, Republican of Nebraska, who are conservatives, and Edward M. Kennedy, Democrat of Massachusetts, and Philip A. Hart, Democrat of Michigan, both liberals.

## Agreement Reported Near

Aides of the Senators said they were near agreement on the major stumbling blocks when Senator Mike Mansfield of Montana, Majority Leader, and Senator Hugh Scott of Pennsylvania, Minority Leader, sent a memorandum to members of the Judiciary Committee about 20 days ago asking that

a new bill be drafted "to break the impasse."

"It has become clear that S.1, under attack from both the left and the right, is in great deal of jeopardy," the memo said. "It is also understood that many Senators, both liberal and conservative, are vitally interested in passing a criminal revision and reform bill during this session."

The memo went on to state that Senators Mansfield and Scott "think it would be advisable to bring together the principals involved in the issue. This would include Senators Hart, Kennedy, McClellan and Hruska." The memo listed a series of recommendations that the four might address themselves to.

According to Senate staff aides involved in the weeks of negotiations that had preceded the memo, its result was chaos.

"McClellan was furious, considering the memo a stab in the back," one aide said. "Kennedy went bananas because the negotiations were his idea, and he accused Mansfield of trying to pull a fast one."

## 'Fossilized Everyone's Position'

Aides on both sides of the ideological dispute agree that the Mansfield-Scott memo created such ill will that, in the words of one, "it has fossilized everyone's position." Attempts at further compromise have bogged down.

Senate sources, noting that the net effect was exactly contrary to what the leadership had hoped for, said that Mr. Mansfield had written the memo in an effort to bring the negotiations into the open because he was under a great deal of pressure from liberals who want some of the bill's provisions either greatly modified or dropped.

The pressure groups, according to the sources, include the American Civil Liberties Union, the American Federation of Labor and Congress of Industrial Organizations, and organization named the National Committee Against Repressive Legislation.

The latter group, a successor to the National Committee to Abolish the House Committee on un-American activities (which was disbanded) with headquarters in Angeles and chapters in major cities, has as its avowed aim the destruction of the bill.

The position of the A. C. L. U. is more moderate. However, Jay Miller, an A. C. L. U. official here, said that "the bill still is loaded with provisions we don't like," and that the liberal-conservative compromise "didn't go far enough."

## Likened to British Law

The section of the bill that has drawn the widest protest is headed "Subchapter C—Espionage and Related Offenses." Critics argue that the provisions dealing with the disclosure of information designed "classified" by the executive branch amount, in effect, to Britain's Official Secrets Act. Under both S.1 and the British statute a person disclosing classified data may be charged with a felony.

Opponents of this provision say this could lead to the muzzling of the press, and that, for example, the publishing of the Pentagon Papers would have been impossible if this provision of S.1 had been in force at that time.

Other areas in dispute include the definition of insanity, the use of wiretapping by governmental agencies, the imposition of the death penalty and at least eight more.