

S.1, the Massive Legal Reform Bill, WXPPost Appears Dead for 1976 Session

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Administration officials have given up the hope that S. 1, the controversial new code of federal criminal law, can get through Congress in 1976.

Statements of optimism were issued yesterday by Attorney General Edward H. Levi and key members of the Senate Judiciary Committee. But a White House aide and a Justice Department official said privately that only a series of miracles would produce enactment of far-reaching criminal law reform this year.

Even if Senate supporters and critics of the bill reach agreement in current deli-

cate negotiations, the officials said, there probably isn't enough time to obtain Senate passage and House agreement in a year marked by national campaign interruptions.

House leaders have said that hearings on code reform will not begin until the Senate passes some version of the 799-page measure. House Judiciary Committee members are not expected to rubber-stamp the Senate product if it passes the Senate.

The bill in its original form would have greatly expanded government secrecy powers, re-enacted the death penalty for numerous crimes, increased prison sen-

tences sharply, abolished the insanity defense and added other new laws that are strongly opposed by press, civil rights and civil liberties groups.

During the past month, intense secret negotiations between liberals and conservatives on the Senate Judiciary Committee have reduced the areas of disagreement.

Sens. John L. McClellan (D-Ark.) and Roman L. Hruska (R-Neb.) said yesterday they had gone "more than halfway" in dealings with Sens. Edward M. Kennedy (D-Mass.), Philip A. Hart (D-Mich.) and James

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Abourezk (D-S.D.). The liberals agreed that the bill's sponsors "have shown their willingness to compromise" but they were still studying the matter.

Concessions included decriminalizing the possession of marijuana in small amounts; repealing the Smith Act, which bars membership in groups advocating government overthrow; limiting the death penalty to the air piracy law enacted in 1974; retaining the insanity defense, and postponing any action on a controversial list of other defenses.

Jay Miller, a Washington lobbyist for the American Civil Liberties Union, said he did not think the McClellan-Hruska proposals, conciliatory as they were in the marijuana and Smith Act areas, would satisfy the bill's critics and pave the way for swift Senate action.

Levi praised the negotiators for what he called "a genuine concern for modernizing and clarifying our federal criminal laws in a way that preserves our civil liberties."

Levi said the law reform effort "is now at a critical juncture . . . Since the proposed code has been the subject of a great deal of misunderstanding in the past, it is incumbent upon those who are evaluating these proposals to consider the bill with particular dispassion and care."

But while Levi held out hope for enactment of a code this year, the two other administration officials said that could be accomplished only if Senate liberals decide to push hard for Senate passage and to lobby in the House for approval there—developments that seem unlikely to occur.

The officials said final Senate passage was still an important goal, even though the next Congress would



EDWARD H. LEVI
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have to start afresh with a favorable Senate vote.

If S.1 dies in the Senate, the officials said, the entire cause of criminal law reform—already a 10-year undertaking—might be set back indefinitely. They said many members of Congress would then conclude that the reform issue was too controversial and that association with reformers was politically harmful.