SENATOR SAM ERVIN ☆ SAYS ☆

Federal rules of evidence, which often deal with abstruce legal matters, usually rate no more than a passing glance on the part of Congress and the public. In the view of many, such rules are primarily the concern of judges, lawyers, and legal scholars.

That would probably have been the case on February 5, 1973, when the Chief Justice of the United States sent to Congress some seventy-seven proposed Federal rules of evidence had they not gone beyond the ordinary "housekeeping" procedures of the courts. Thus, under the enabling Acts of Congress and the orders of the Supreme Court, the rules would have taken effect on July 1 unless Congress had disapproved them within 90 days. But, early in the session, it was apparent that due to the complexity of the proposed rules it would be impossible for Congress to adequately review them within the existing time frame. This was so because they involved substantial constitutional, legal, and policy questions which should be studied by the Congress.

On January 29, 1973, I, therefore, introduced S. 583, a resolution to provide Congress with adequate time to consider the proposed rules. My bill deferred the effective date of the rules to the end of the first session of the 93rd Congress unless they were approved by the Congress at an earlier date. Subsequently, the House modified my bill slightly to require the affirmative action of the Congress before the rules become operative. Last week, the Senate concurred in that amendment and sent the bill to the White House. This action is commendable. In a real sense, these rules propose changes in respect to major issues over which there is now vast debate: newsmen's privilege, executive secrecy, and individual privacy.

For example, the proposed rules forbid the use of the newsmen's privilege. They restrict the traditional doctor-patient privilege. They severely narrow the long-established right of husbands and wives to keep their conversations confidential in all civil cases and in certain criminal cases in the Federal Courts. These changes alone would have a vast impact on the daily relationships of many individuals.

By narrowing the husband-wife privilege, the rules raise a question of constitutional dimension since they may violate the right of privacy. By narrowing the hearsay doctrine, they raise a question as to the abridgement of a criminal defendant's right under the Sixth Amendment to confront his accusers. And there is a substantial question arising out of Article III of the Constitution which prohibits the Supreme Court from promulgating substantive rules of evidence except where the Court is ruling on a case or controversy. Former Supreme Court Justice Goldberg recently stated the latter as follows:

"While the Court may have some inherent power of its own and some concurrent power with Congress over matters of procedure, the Constitution vests in Congress the power to initiate and enact legislation concerning the rights and duties of citizens of the United States subject, of course, to constitutional limitations."

To my mind, the many controversies raised by the proposed Federal rules of evidence simply cannot be resolved properly witin 90 days. It took a committee of eminent scholars and lawyers eight years to promulgate these rules, and the gravity of the issues raised by these proposed rules requires that Congress carefully review them. Indeed, it would be unwise for Congress to abdicate its responsibility and rubber-stamp the product of many revisions, studies, debates, and compromises. These rules did not come to Congress with the benefit of wide-spread public discussion and criticism. In fact, up to the last minute major changes in the rules were being made without public comment.

I am pleased that Congress has passed this bill. This is particularly encouraging at a time when there is much evidence that the Executive and Judicial branches have usurped responsibilities properly within the Legislative domain.

Auto Air

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How to Buy Plentiful Dry Beans And Get Money's Worth Revealed

Dry beans are nutritious, delicious, low-cost and right now, very plentiful, according to the U. S. Department of Agriculture (USDA).

Hearty dry bean dishes are welcome entrees to any homemaker attempting to stretch her food budget.

Dry beans are an excellent source of protein. In fact, dry beans provide more protein for the money than most other foods. And the protein derived from these foods, when combined with protein from meats and other foods of animal origin, makes an unbeatable "protein team" which the body needs to build and repair vital organs and tissues.

Dry beans provide a wealth of energy and nutrition at a cost per pound that is nominal. They contain B vitamins, such as thiamin and riboflavin, and some are a good source of calcium. They are real nuggets of mineral value for the iron they provide—a ¾ cup serving of dry beans provides about a third of the iron recommended daily for an adult male.

Dry beans are on USDA's plentiful foods list for March. Each month USDA's Agricultural Marketing Service (AMS) lists those foods in abundant supply as a guide for food shoppers looking for attractive buys.

Royalty in America?

Thailand's King Bhumibol Adulyadej is the only living monarch to have been born in the United States.

ADMIRABLE . . . Beauties Marlene Svenneby and Pamela Ware prove adept horsewomen while Lee Hummel admires the pair's equestrain ability. They are on a narrow trail in a rugged palm-lined Indian canyon within the city limits of Palm Springs, California, the fabled desert resort.