

High Court Issues New Evidence Rules

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The Supreme Court yesterday issued rules of evidence which are expected to bring drastic changes in the structure of civil and criminal trials in every federal district court in the United States.

Unless disapproved by Congress early in its next session, the rules will take effect July 1, giving each trial court the first set of nationally uniform evidence standards in history.

Disapproval by Congress is considered unlikely since the

draftsmen worked out controversial details with Sen. John L. McClellan (D-Ark.), chairman of the Senate Criminal Laws subcommittee, after McClellan objected to portions of earlier drafts of the rules.

The general thrust of the 43-page set of rules is to permit the use of more kinds of evidence and discard many old restrictions on admissibility.

For example, cross-examination will be wide open, no longer limited to the scope of a witness's direct examination.

When a lawyer for one side

calls a witness, his side no longer will be put in the position of vouching for the witness's credibility. Thus, if it suits the attorney's purpose, he can attack the credibility of the witness he calls to the stand without first proving that he was surprised by the witness's testimony or that the witness has turned hostile.

One new rule would overrule one of the Supreme Court's own decisions dating from 1913. It would permit a defendant to use in his own defense another man's confession to the crime if the confes-

sion is corroborated. Such evidence, previously excluded, would exonerate a defendant if believed by the jury.

Future trials will have fewer restrictions on the opinion testimony of witnesses claiming to be experts on scientific, literary and other questions in dispute.

At present most of the nation's 93 federal district courts are free to devise their own rules. Many draw their rules from the states in which they sit, and often the result is chaotic, in the view of many lawyers.