

## U. S. Considering Major Law Changes

By JOHN CHADWICK

WASHINGTON (AP) — Far-reaching proposals for changing the procedures in federal criminal cases are under consideration by the U.S. Judicial Conference, senators' were told Tuesday.

One change, if adopted, would eliminate hearings before U. S. commissioners to determine whether there is probable cause for holding a defendant for action by a grand jury.

Another would provide for a court hearing to dispose of issues involved in the legality and fairness of investigation and arrest procedures before a case goes to trial before a jury.

Warren Olney III, director of the administrative office of the federal courts, said these proposals are being considered by committees of the Judicial Conference, but no conclusions have been reached.

He told a Senate Judiciary

subcommittee, headed by Sen. Joseph D. Tydings, D-Md., that if these proposals should be adopted, they would make "unnecessary substantial reorganization of the system of U.S. commissioners."

The subcommittee is studying the commissioner system to determine whether legislation should be introduced to overhaul it. The commissioners, appointed by federal district judges and paid on a fee basis, conduct preliminary hearings, issue search and arrest warrants and fix bail. Many of them are not lawyers.

Olney testified that, in effect, the Judicial Conference criminal law committee is suggesting that the probable cause hearings conducted by commissioners have become obsolete.

The original purpose of such hearings, he said, was to avoid hardship to defendants who might have to wait a long time

after being arrested until a grand jury could be convened to consider a case.

"These conditions no longer exist," Olney said. "It is perfectly practical today to have a grand jury available to hear cases promptly in any district in the United States."

Olney said it also is proposed that procedures be designed to require both sides in criminal cases to raise — after arraignment and before trial — all issues relating to the legality of arrest, promptness of arraignment, admissibility of confessions and similar matters.

The idea would be to dispose of these issues in advance of a jury trial, Olney said, "thus avoiding most of the waste of effort, time and money involved in the declaration of mistrials and the reversal of convictions on appeal for procedural irregularities."