

U.S. Sees 'Problems' With Evidence Bill

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The Justice Department said yesterday that a House-passed bill establishing uniform rules of evidence for the federal courts "presents some serious problems."

It said that "there are a few matters of extreme concern" to the department, although it described the bill as being "on the whole exceptionally good legislation."

The department's views were presented to the Senate Judiciary Committee by Assistant Attorney General W. Vincent Rakestraw.

The department strongly supported a uniform code of evidence, saying it will improve the federal system of justice in both civil and criminal trials.

"It is obviously not a very just system for one federal court to be using one set of rules while another and perhaps neighboring federal

court is using a different set of rules," Rakestraw said.

The House measure is a revision of a code of evidence submitted by the Supreme Court after years of work by the Judicial Conference of the United States.

Rakestraw objected to the House bill's deletion of the Supreme Court's proposed ban on testimony about the internal deliberations of a jury.

He said that in inquiries into the validity of a civil or criminal verdict or a criminal indictment, questioning of jurors about internal matters, as distinguished from external influences, should continue to be forbidden.

"As it stands, this bill augurs a whole new pattern of post-trial litigation, the harassment of former jurors by losing parties, and the possible exploitation of disgruntled or otherwise badly motivated ex-jurors," Rakestraw testified.