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House Panel Votes Bill to Delay New Federal Rules of Evidence

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WASHINGTON, March 6 — In a move designed to reassert legislative authority over the judicial branch, the House Judiciary Committee voted today to postpone indefinitely the effective date of new rules of evidence promulgated by the Supreme Court for use in the Federal courts.

The committee reported favorably for floor action a bill that would prevent the automatic adoption of the proposed code of evidence, requiring that none of it could become law until Congress expressly approved the language.

The vote represented a major step toward a direct confrontation between Congress and the Supreme Court. Many members of Congress believe that their law-making power is being threatened by the Court's move in sponsoring the controversial rules, which were drafted by committee appointed by Chief Justice Warren E. Burger.

The House committee's action went well beyond steps already taken by Senate critics of the evidence rules. A bill that would only postpone the effectiveness of the rules until the adjournment of Congress this year was approved a month ago in the Senate.

Supporters of the House move reported at the committee session today that Senator Sam J. Ervin Jr., sponsor of the Senate bill, had agreed to the stronger version and would work for its Senate approval, assuming House passage within the next few weeks.

Representative Elizabeth Holtzman, Democrat of Brooklyn, who proposed the indefinite postponement, said at the

committee meeting that the move would "restore Congressional prerogative and not put Congress in the demeaning position of accepting rules that neither house would agree with."

Generally, committee Republicans supported the bill. On a voice vote, only three or four of them could be heard in the opposition. The ranking Republican, Representative Edward Hutchinson of Michigan, said that he did not believe President Nixon would veto the measure.

The new rules of evidence, promulgated in November, have aroused a wide variety of controversy in Congress. Many Senators and Representatives are lawyers and feel qualified to criticize specific changes in what the Federal courts can and cannot consider in deciding cases.

More broadly, however, many members of Congress feel that the code includes substantive changes that are the business of the legislative branch. Although the Supreme Court clearly has authority set procedural rules for the Federal court system, some critics believe the Justices exceeded that authority in the 168-page code.

The new evidence rules, among other things, would establish a new "secrets of state" classification to prevent admission of Government documents in court, expand exceptions to the general ban on the admission of hearsay evidence and eliminate the privilege under which conversations between husband and wife and between doctor and patient have been inadmissible.