Because of the lateness of the hour tonight and the business at hand I ask unanimous consent that my special order for today and the special order of the gentleman from California (Mr. Moss) for today be put over until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the statement of the gentleman from Missouri (Mr. Holifield) be considered as read.

The Clerk read the title of the bill (H.R. 5463) to establish rules of evidence for certain courts and proceedings, and asked unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill. The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement. The House and Senate appointed conferees to consider the bill. On November 15, 1973, the bill was reported favorably with amendments. The Senate passed the bill on November 22 by a vote of 69 to 0.

The House and Senate appointed conferees to resolve the differences in the two bills. House conferees were Representatives KASTENMEIER, EDWARDS of California, SMITH of New York, DENNIS, Quayle of Delaware, with Mr. Mahon, Mr. Young of California.

The Senate made 44 numbered amendments to the House bill. Seven of these were of a technical or conforming nature and were easily disposed of. Of the remainder, only a few amendments raised difficult problems. The Senate receded from 14 of its amendments, and the House receded from its disagreement with 21 of the Senate amendments. The House and Senate agreed to modify the language of 9 Senate amendments. These 9 amendments, as amended, were then adopted by the conference.

I must say that, in all fairness, neither the House nor the Senate "won" at the conference. The real winner is the Federal judicial system. A spirit of compromise and accommodation ran throughout the conference sessions and enabled us to do our work quickly, yet thoroughly and fairly.

Let me now discuss a few of the more important matters and how the conference handled them.

RULE 410—OFFER TO Plead GUILTY; NOLO CON- Tent;

This rule deals with the admissibility of pleas of guilty or no contest and offers of pleas of such, and statements
made in connection with such pleas or offers of such pleas. The Senate had proposed to make such evidence admissible.

This same subject is covered by proposed rule 11(e) (6) of the Federal Rules of Criminal Procedure. Pursuant to Public Law 93-361, proposed rule 11(e) (6) will become effective on August 1, 1975. Proposed rule 11(e) (6) will be the subject of further study at the conference hearing. In fact, the Subcommittee on Criminal Justice has already had one day of hearings on this and other proposed changes in the Federal Rules of Criminal Procedure.

The conference decided that the issues raised by rule 410 could better be considered in connection with proposed rule 11(e) (6) of the Federal Rules of Criminal Procedure. Therefore, the conference added language to the bill that, in effect, strikes rule 410 from the rules of evidence. Specifically, the new language provides that rule 410 will become effective on August 1, 1975. The language further provides that rule 410 will be superceded by any amendment to the Federal Rules of Criminal Procedure with effect after enactment of it, rule 410, is inconsistent, if that amendment takes effect after enactment of this legislation establishing the rules of evidence.

RULE 501—GENERAL RULE OF PRIVILEGE

This rule deals with when a witness is privileged not to testify—that is, when a witness may decline to give evidence that is otherwise relevant, material and probative. The Senate receded from its amendments to this rule. Under the House rule, which was adopted by the conferees, the federal law of privilege will apply in Federal criminal cases. The Federal law of privilege will apply to civil actions and proceedings, unless State law supplies rules promulgated by a court for a claim or defense, or for an element of a claim or defense. When State law does supply the rule of decision, then State privilege law applies.

The rule uses the term "element of a claim or defense." This term means that the evidence in question must tend to support or defeat a claim or defense. If the evidence does tend to support or defeat a claim or defense, then the evidence is an "element of a claim or defense." As suggested by the Supreme Court contained 11 specific rules of privilege. Without doubt, the privilege section of the rules of evidence generated more comment or controversy than any other section. I would say that 50 percent of the complaints received by the Criminal Justice Subcommittee related to the privilege section. The House rule on privilege is intended to leave the Federal law of privilege where we found it. The Federal courts are to develop the law of privilege on a case-by-case basis. Rule 501 is not intended to freeze the law of privilege as it now exists. The phrase "governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience" is intended to provide the courts with the flexibility to develop rules of privilege on a case-by-case basis. For example, the Supreme Court's rules of evidence contained no rule of privilege for a newspaperman. The language of rule 501 permits the courts to develop a privilege for newspaperman on a case-by-case basis. The language cannot be interpreted as a congressional expression in favor of having no such privilege, nor can the Supreme Court's rules of evidence be interpreted as denying to newsmen any protection they may have from State newspapermen's privilege laws.

RULE 501(a)—IMPEACHMENT BY EVIDENCE OF PRIOR CONVICTION

This rule provides a privilege of admission of evidence of a prior conviction may be used to impeach the credibility of a witness. The House version prohibited the use of convictions for crimes of dishonesty or false statement. The Senate version permitted the use of convictions for any felony or for any crime of dishonesty or false statement. Thus, the Senate version permitted greater latitude in the use of prior convictions than the House version.

The conference rule strikes a middle ground between the two versions, but a ground as close or closer to the House version than to the Senate's. The conference rule provides that evidence of a conviction of a crime involving dishonesty or false statement may always be used to impeach the credibility of a witness. Of course, to the time limitation of subsection (b).

This constitutes no change from either the House or Senate version. The conference rule further provides that evidence of a prior felony conviction may be used for impeachment but only if the court determines that the probative value of the evidence outweighs its prejudicial effect to the defendant. Thus, the rule puts the burden on the proponent of such evidence to show that it should be used. The probability of the probative value of the evidence outweighs its prejudicial effect to the defendant. The rule, in practical effect, means that in a criminal case, the probative value of a prosecution witness may always be used. There can be no prejudicial effect to the defendant if he, the defendant, impeaches the credibility of a prosecution witness. The prior conviction of a defense witness, on the other hand, may have a prejudicial effect to the defendant.

RULE 504—CRIMINAL LAW ENFORCEMENT REPORTS AND RECORDS

This was added by the Senate to establish a new hearsay exception for police reports. It made police reports admissible when the officer-declarant was unavailable as a witness. The conference deleted this provision. As the rules of evidence now stand, police and law enforcement reports are not admissible against defendants in criminal cases. This has been made clear by the provisions of rule 803(8) (B) and (C). Police reports, except those taken to be one sided and self-serving, are frequently prepared for the use of prosecutors, who use such reports in deciding whether to prosecute. The danger of unfair prejudice inherent in such reports is heightened where there is no rule to exclude them. Senate's rule 804(b) (5)—the officer who prepared the report is not available to take the stand and be cross-examined about it. There was opposition. The conference decided that the Senate's rule would raise a constitutional question of the right of confrontation.

Section 2 of the bill establishes a procedure by which the rules of evidence can be amended. The Senate made some changes in the House bill. The House bill is to the effect that a Supreme Court could promulgate amendments to the rules of evidence and that such amendments would become effective 180 days after the report to the Congress. The Senate increased the time period to 365 days. The conferees adopted the House provision.

The Senate added new language that permits either House of Congress to delay any proposed amendment. The deferral can be indefinite or to a date certain. The Senate language also provided that an act of Congress could not amend any rule of evidence, proposed or in effect. The House conferences agreed to accept this language.

The House version required that any amendment to the rules of evidence that creates, abolishes, or modifies a rule of privilege must be approved by act of Congress. The Senate deleted this provision. The Senate receded from this amendment.

Rules of privilege keep out of litigation relevant and material information. They do so because of a substantive policy judgment that certain values—such as preserving confidential relationships—outweigh the detrimental effect that excluding the information has on the judicial truthfinding process. In short, rules of privilege reflect a substantive policy choice between competing values, and this policy choice is legislative in nature. The legislative character of the policy choice is particularly clear with governmental privileges. Because of the legislative character of rules of privilege, there is a need for affirmative congressional action in formulating them.

As I said earlier, this bill is the culmination of over 13 years of work by people in all three branches of Government. The bill is a wholly nonpartisan effort to develop the best possible set of evidence rules to use nationwide in Federal courts. I urge the House to pass this legislation.

Mr. Speaker, I yield to the gentleman from New York (Mr. Smith). Mr. Speaker, I yield to the gentleman from Indiana (Mr. znck). Mr. Speaker, I yield to the gentleman from New York (Mr. Smith). Mr. Speaker, I yield to the gentleman from Indiana (Mr. znck) to speak out of order.

CHARLESTON, W. VA., BOOK CONTROVERSY

Mr. TOWN. Mr. Speaker, some concerned parents flew up from West Virginia this afternoon to show some textbooks which are being used in their schools. I would like to quote a few passages.

"Christ, man; "No shit; ";..he's a mean son-of-a-bitch", "They'll beat shit out of
The bill has two provisions which will
go a long way toward correcting this
problem. First, it insures that school dis-
tricts which receive Federal money must
permit parents to scrutinize any books
used in the schools. This guarantees
parental knowledge of materials being
used in classrooms.
Second, the bill would insure parental
recourse if their collective objections
were ignored by school board members.
The bill would require establishment of a
mechanism for removing school board
members, between regular elections,
upon petition of a reasonable percentage
of the voting parents. The procedures
of referendum and recall are two of the
outstanding measures for the protection
of popular democracy.

This bill is a guarantee of those treas-
ured principles of local control. Too
often, I am afraid, Federal aid to edu-
cation has a chilling effect on local con-
trol: the standards that Congress im-
poses on school districts, and the regula-
tions that are promulgated by the execu-
tive branch, often conflict with the will of
the people, especially those of us who are
voting taxpayers. The courts, in recent years, have
allowed this sort of trashy presentation in the name
of education.

When decent parents object, they are subject
to ridicule. Last week, I was told,
Mr. Harris, president of the National
Education Association, sent a delega-
tion of people to Charleston, W. Va.,
books used in many public schools across
the country. Children in their tender
years—fifth, sixth, and seventh grades,
are daily exposed to this sort of
pornography, a point with which, I sub-
stitute, most American parents agree.

Yes; I was reading to you from a stack
of books used in Charleston, W. Va.;
books used in many public schools across
the country. Children in their tender
years—fifth, sixth, and seventh grades,
are daily exposed to this sort of
trashy presentation in the name
of education.

When decent parents object, they are subject
to ridicule. Last week, I was told,
Mr. Harris, president of the National
Education Association, sent a delega-
tion of people to Charleston, W. Va.,
to investigate the "radical extratars who are
trying to tear down our educational
system."

Education is supposed to improve
children; strengthen their character
and develop their minds. I ask you: how
can cursing, swearing, and blatant im-
morality improve anyone?

It is not as if children did not learn about
these things of their own accord:
that is an inevitable part of growing up, but
schools should take precious time away
from their vital, and increasingly diff-
ticult, task of legitimate education is un-
thinkable. There is, moreover, no peda-
gogical justification for pornography and
obscenity, a point with which I sub-
mit, most American parents agree.

We all know about the textbook issue
in Kanawha County, W. Va., because the
media have told us all about it. But do
you know about North Dakota, New Jer-
sy, Connecticut, Indiana, Texas, Vir-
ginia, Maryland, and other similar cases
where the principle of parental respon-
sibility is being challenged by so-called
professional educators?

Parents are primarily responsible for
the upbringing of their children; it is
about time that Americans as a whole
accept that responsibility to the State and all
the more unthinkable to allow the State
to preempt their responsibility for their
children, especially so when I am intro-
ducing it at this time the Local Educa-
tion Accountability Act of 1974 to correct the
now-established disregard for parents' rights with respect to the location and
upbringing of their children.

Mr. ZION. I believe there are already
laws in the books and rather serious
penalties.

Mr. SEIBERLING. I assume the gen-
tleman shares my views that these ac-
tions were equally reprehensible.

Mr. HUNGATE. Mr. Speaker, I yield
5 minutes to the gentleman from New
York (Ms. HOLZMAN).

Ms. HOLZMAN. Mr. Speaker, I thank
the gentleman. I would like, first, to compliment
the gentleman from Missouri for the hard
work and effort and diligence he has put
into these rules of evidence.

Although there is no question that this
conference report is better than the pro-
posed rules of evidence that were sent to
us 2 years ago, the bill as adopted by the conference report still
troubles me greatly. In my judgment the proposed rules present enormous
problems for each of us who have been
law in the past. My concern is heightened
because these proposed rules of evi-
dence, if enacted, will be used every day
every trial in every Federal court in this
country.

I would like to point to one major
problem that the rules in this conference
report create conflict, to the Mem-
bers' attention. One of these rules—rule
804(b)(5)—as it came out of the con-
ference committee, creates a general
open-ended exception to the six-
the amendment rule. It basically abolishes the rules against hearsay and leaves it to the dis-
cretion of every judge to let in any kind
of hearsay that he wants. This is true for
criminal as well as civil cases.

One of the basic assumptions in our
system of jurisprudence is that the de-
fendant in criminal trials has the right
to confront his accuser. To abolish all
prohibitions against hearsay really
abridges our concept of a fair trial, aside
from the question from North Dakota
for the hard
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work and effort and diligence he has put
into these rules of evidence.
Instead of permitting, by statute, any kind of hearsay to be used, we ought to have allowed courts to develop evidentiary principles on a case-by-case basis— as they have done for 300 years of our Federal history.

Since there is a fundamental problem of codification to begin with, as is reflected in this open-ended rule, I do not think the conference report ought to be accepted by the Congress.

I would like to point out one other problem in the conference report regarding impeachment by prior conviction— rule 609(b). The rule adopted by the conference report will permit the credibility of a party to be impeached by evidence of every felony to be used to impeach the credibility of a defendant— rule 609(a).

Mr. HUNGATE. Mr. Speaker, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I am veering a little bit from what the gentleman from New York has said, especially with regard to confrontation by one's accuser. I wonder what possible justification has been given for such a relaxation.

Ms. HOLTMAN. Mr. Speaker, the only justification given by the codifiers of this rule was that they could not think of every foreseeable exception to the hearsay rule. Therefore they just created a casual, open-ended, exception. There really is no justification for it, nothing thereby seriously and possibly unjustifiably, inhibiting the right of the defendant to take the stand.

Mr. HUNGATE. What section, if we are talking about the same one, has been taken out. We took out one section. Please let me see whether I am looking at the right section.

Mr. DANIELSON. Mr. Speaker, if the gentleman will yield further, I do understand if confrontation were denied so as to deprive the defendant of the traditional rights considered fundamental for Englishmen and preserved for Americans in the fifth amendment, due process would be denied. The difficulty with that is that question would in many cases never be adjudicated because a poor man charged with a petty or moderate crime would probably never have an opportunity to raise that question effectively, whereas, of course, someone who may have the Supreme Court may get his relief.

Mr. HUNGATE. To what section is the gentleman referring?

Mr. DANIELSON. On the change in the hearsay rule, which is, I understand it, Rule 804(b) (5).

Mr. HUNGATE. That section, if we are talking about the same one, has been taken out. We took out one section. Please let me see whether I am looking at the right section.

Mr. DANIELSON. Apparently it appears at the bottom of page 3 of the conference report.

Mr. HUNGATE. I could say to the gentleman that we narrowed the rule by the language that he sees: "... a statement may not be admitted under this exception unless the proponent of it makes known to the adversary party, sufficiently in advance of the trial," et cetera.

Mr. DANIELSON. I have just read that. I would like to point out to the gentleman that one of the reasons for the hearsay rule is to give life to the constitutional guarantee that a defendant accused of a crime is entitled to be confronted by the witnesses against him and given
an opportunity to cross-examine. Under the adopted clause, he is only given an opportunity to find some way to respond.

Suppose a witness is dead or has moved away. There is no way to find him. Without the hearsay rule, then, what in the world is a defendant to do? Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. EUNGAITE. I yield to the gentleman from Indiana. Mr. DENNIS. I would like to address myself to the same question raised by the gentlewoman from New York on this particular rule, and yet it is not nearly so bad as it sounds.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. SMITH of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. Dewson).

Mr. DENNIS. Mr. Speaker, I thank the gentleman for yielding.

Since we have been talking about this rule and talking about it as the rule came down to us from the Supreme Court, I would like to say to the gentleman from California, because really I basically agree with the gentlewoman from New York on this particular rule, and now by my colleague, the gentleman from Missouri has expired.

Mr. HUGATE. I yield to the gentleman from Indiana (Mr. DENNIS).

Mr. SMITH of New York. Mr. Speaker, I yield to the gentlewoman from California (Ms. HOLTZMAN).

Mr. EUNGAITE. Mr. Speaker, if the gentleman will yield, the question I am asking is, can you say to what is the standard? Is the court in any way inhibited from granting an exception if the court finds under the rather general guidance language that the hearsay rule should be waived?

Mr. DENNIS. The standard is first that it has to be comparable as far as guarantees of truthfulneness are concerned.

Mr. ECKHARDT. Comparable to what?

Mr. DENNIS. Comparable to the standards which are provided for the ordinary existing exceptions to the hearsay rule. This new exception is listed in the bill after all of the familiar exceptions are listed; and then we have, in addition, the ordinary hearsay exceptions, any
court feels has comparable credibility.

Mr. EUNGAITE. Mr. Speaker, if the gentleman will yield, I am addressing to the gentleman from California (Ms. HOLTZMAN) was very interested in, which does not suit me 100 percent, but which is a slight advance over the present law. It is the best we thought we could do, and unlike the provision that we passed down to us from the Supreme Court, I wanted a bill. What the present compromise does is to say that you can inquire on cross-examination of whether or not the person has a reasonable bearing on credibility for men such matters of fraud and perjury, this type of thing; and that is the way we passed it in the House.

The Senate went back to the old rule where you could ask about any felonies without any discretion, but then in conference we came up with a compromise which does not suit me 100 percent, but which is a slight advance over the present law. It is the best we thought we could do, and unlike the provision that we passed down to us from the Supreme Court, I wanted a bill. What the present compromise does is to say that you can inquire on cross-examination of whether or not the person has a reasonable bearing on credibility for men such matters of fraud and perjury, this type of thing; and that is the way we passed it in the House.

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December 18, 1974

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sire if we went back to conference, it could be ended whether in this session or the next session.

But is it not true that all the work that our subcommittee and the Committee on the Judiciary went through was to try to clarify the exceptions can virtually be undone by this because it allows any court to use any exception; as an example of course, which the committee said could not come in.

Are police reports without policemen to testify permitted by the rules as we were given them by the Senate? Therefore, we are talking about considerable standards of trustworthiness. Can a judge say, "Well, sure, the policeman is out of state or on a trip, or something. We will use his police report."

And that is the basis for a conviction.

Mr. SMITH of New York. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman for yielding.

I would like to say in answer to my friend, the gentleman from New York, that this business of a police report, if a policeman is unavailable, was not in the rules as they came to us. That was written in by the Senate, and we struck it out in the conference. I am very happy to say. It was a terrible idea. But since we did take it out in the conference, and since it is gone, and since we insisted that it go, I cannot see how anybody could suggest that introducing such a report is possible or a thing that could be done under these rules. Senator Patrick, in fact, it is in the legislative history.

Mr. SMITH of New York. Mr. Speaker, I yield to the gentleman from Maryland (Mr. Hogan).

Mr. HOOGAN. Mr. Speaker, I rise in support of the report of the conference committee as embodied in the conference report, which also favorably reports the bill. I commend the House conferees for the excellent work they have done in maintaining the House position in this matter. The final version, as embodied in the conference report is by no means perfect, it does represent very substantial progress. If the report is rejected by the body, we will lose the fruits not only of 2 years of work by our subcommittee, but also some 7 years of work by the Advisory Committee on the Rules of Evidence which was completed before the rules were ever submitted to the Congress in January 1973.

It would be a terrible waste of time and effort if this report were voted down today. This would mean that the subcommittee or full Judiciary Committee would have to start all over again on this Complicated subject next year. The difficulty of this procedure would be greatly increased by the fact that there will be many changes in membership of the Judiciary Committee in the next Congress. As a result this very Complicated subject would have to be taken up from scratch by new members having no familiarity with it. I urge all Members to vote "aye" to accept the conference report.
Mr. SMITH of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to consider their remarks on the conference report under consideration.

The SPEAKER. Is there objection to the speech of the gentleman from New York?

There was no objection.

Mr. SMITH of New York. Mr. Speaker, I think this bill and an amendment to the conference report contains the first time in the history of the United States in March of 1961. The Judicial Conference of the United States established a special committee to determine whether the development of uniform Federal Rules of Evidence would be desirable and feasible.

The special committee made its recommendations in this conference report represents an idea whose time has eminently come. I hope the House will support this great effort and keep going on for approximately 13½ years in the Judicial Conference, in the courts and in this Congress.

Mr. Speaker, I support the report of the committee of conference on the bill H.R. 5465.

The codification of Federal Rules of Evidence was undertaken for the first time in the history of the United States in March of 1961. The Judicial Conference of the United States established a special committee to determine whether the development of uniform Federal Rules of Evidence would be desirable and feasible. The special committee made its recommendations in this conference report represents an idea whose time has eminently come. I hope the House will support this great effort and keep going on for approximately 13½ years in the Judicial Conference, in the courts and in this Congress.

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The special committee made its recommendations in this conference report represents an idea whose time has eminently come. I hope the House will support this great effort and keep going on for approximately 13½ years in the Judicial Conference, in the courts and in this Congress.
A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and concurrent resolutions of the House of the following titles:

H.R. 5813. An act to amend the Trademark Act to extend the time for filing oppositions, to eliminate requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees;


FURTHER MESSAGE FROM THE SENATE

December 18, 1974

Mr. Charles H. Wilson of California with Mr. Bolanil with Mr. Grover.
Mr. Jones with Mr. Minshall of Idaho.
Mr. Hébert with Mr. Rey.
Mr. Teague with Mr. MoSpadden.
Mr. Litton with Mr. Holleld.
Mr. Ford with Mrs. Hansen of Washington.
Mr. Adams with Mrs. Grauo.
Mr. MacDonald with Mr. Gray.
Mr. Jones of North Carolina with Mr. Hanna.
Mr. Litton with Mr. Hollfield.
Mr. Yeague with Mr. Molppadden.
Mr. Carey of New York with Mr. Cmp.
Mr. Charles H. Wilson of California with Mr. King.
Mr. Young of Georgia with Mr. Hansen of Idaho.
Mr. Roland with Mr. Grover.
Mr. Fulton with Mr. Ehleman.
Mr. Hébert with Mr. Rey.
Mr. Jones of Alabama with Mr. Mitchell of Ohio.
Mr. O'Hara with Mr. Goldwater.
Mr. Patric.
Mr. Sandman with Mr. Roncallo of New York.
Mr. Wyman with Mr. Shoup.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The Clerk announced the following pairs:

Mr. Shipley with Mr. Mills.
Mr. Howard with Mrs. Hansen of Washington.
Mr. Adams with Mrs. Grauo.
Mr. MacDonald with Mr. Gray.
Mr. Jones of North Carolina with Mr. Hanna.
Mr. Litton with Mr. Hollfield.
Mr. Yeague with Mr. Molppadden.
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Mr. Fulton with Mr. Ehleman.
Mr. Hébert with Mr. Rey.
Mr. Jones of Alabama with Mr. Mitchell of Ohio.
Mr. O'Hara with Mr. Goldwater.
Mr. Patric.
Mr. Sandman with Mr. Roncallo of New York.
Mr. Wyman with Mr. Shoup.

The Speaker. Is there objection to the request of the gentleman from Arizona?
Mr. DELLENBACK. Mr. Speaker, I request the right to object.

The Speaker. The gentleman from Oregon reserves the right to object.

PARKMAN INQUIRIES

Mr. DELLENBACK. Mr. Speaker, I have a parliamentary inquiry under the reservation.

The Speaker. The gentleman from Oregon will state his parliamentary inquiry.

Mr. DELLENBACK. Mr. Speaker, in the event that this unanimous-consent request is not agreed to, what would be the procedure provided?

Mr. UDAAL. Mr. Speaker, will the gentleman yield to me?

Mr. DELLENBACK. I will be glad to yield to the gentleman from Arizona.

Mr. UDAAL. The unanimous-consent request was to read the statement instead of the report.

The Speaker. The gentleman from Oregon will state his parliamentary inquiry.

Mr. DELLENBACK. Under my further reservation, may I yield to the gentleman from Arizona for a further explanation of what he intends to do, exactly how we will proceed?