

JULY 9, 1976

Office of the White House Press Secretary

NOTICE TO THE PRESS

The President has signed H.R. 13899 -- Delaying effective date of certain rules of criminal and judicial procedure. This bill delays the effective date of proposed Supreme Court amendments to the Federal Rules of Criminal Procedure and to rules of procedure governing habeas corpus cases.

Under the Rules Enabling Acts, the United States Supreme Court is authorized to promulgate rules of practice and procedure governing the conduct of criminal and civil cases in the Federal Courts. Under these statutes, rules promulgated by the Supreme Court take effect ninety days after they have been reported to Congress unless the Congress, by specific Act, rejects or modifies them.

The bill will delay the effective date of the Supreme Court's proposed changes to the Federal Rules of Criminal Procedure until August 1, 1977, unless Congress approves or modifies these rules at an earlier date. The proposed rules are:

- Rule 6(e) - will authorize disclosure of information before a grand jury not only to the prosecution but also to such other government personnel as are necessary to assist the prosecution.
- Rule 23 - will authorize the right to stipulate that a trial may proceed with less than twelve jurors and require that requests for specific findings of fact be made before a general finding of fact in a trial without a jury.
- Rule 24 - will reduce the number of peremptory challenges to the jury in criminal cases and also permit courts to grant additional peremptory challenges in certain situations.
- Rule 40.1 - a new rule, relating to removal to a Federal court of a criminal case pending in a State court, which would change current law by providing that the filing of a petition for removal (a) must normally be done within 10 days after arraignment and (b) does not prevent the State court prosecution from proceeding, but only stays the entry of judgment or conviction.
- Rule 41(c) (2) - will authorize the issuance of search and seizure warrants through "sworn oral testimony" transmitted by telephone by the law enforcement officer to the magistrates or judge.

The bill will also delay the effective date of the Supreme Court's proposed rules regarding certain habeas corpus cases until thirty days after the final adjournment of the 94th Congress.

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