

well be helpful in this committee's examination of the pending legislation. Likewise, if these reports are those of the committees involved, this committee would like to include such in the appendix of the printed hearing record for the benefit of the Members of the Senate considering this subject matter.

A staff member of the District of Columbia Committee spoke with Mr. Joseph F. Spaniol, Jr., over the past several weeks in an effort to arrange a date satisfactory for Judge William Smith of the U.S. Court of Appeals, Third Circuit, to testify on the Mallory legislative proposal. However, a conflict with schedules of Judge Smith and the committee precluded his testimony. Therefore, as another means of securing information on the position of the Advisory Committee and the Committee on Rules of Practice and Procedure, I am attempting to secure the inclusion of such reports in the hearing record.

For your general information as to the general subject matter involved I enclose a copy of H.R. 7525 and call your attention to the *McNabb-Mallory* section designated as title I and commencing on page 1.

I shall await your reply in order that we can proceed with the preparation of the printed hearing record.

Your courtesy is appreciated.

Cordially,

ALAN BIBLE.

ADMINISTRATIVE OFFICE OF THE U.S. COURTS,
Washington, D.C., November 21, 1963.

HON. ALAN BIBLE,
Chairman, Committee on the District of Columbia,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BIBLE: I am replying to your letter of November 15, concerning the report of the Advisory Committee on Criminal Rules on its study of the provisions of Rule 5(a): Federal Rules of Criminal Procedure, dated July 2, 1963, and the report of the Committee on Rules of Practice and Procedure to the Judicial Conference of the United States, dated August 26, 1963, copies of which were enclosed with your letter.

We have examined these reports and find them to be identical with the reports submitted to the Judicial Conference at its recent session in September 1963. I should like to inform you further that at that time the recommendations contained in these reports were approved by the Judicial Conference. The copies of the reports which you enclosed with your letter are returned herewith for such use as you may wish to make of them.

Sincerely yours,

WARREN OLNEY III, *Director.*

REPORT OF THE COMMITTEE ON RULES OF PRACTICE AND PROCEDURE TO THE
JUDICIAL CONFERENCE OF THE UNITED STATES

Your Committee on Rules of Practice and Procedure has received from the Advisory Committee on Criminal Rules a report of its study of the provisions of rule 5(a) of the Federal Rules of Criminal Procedure. That report, a copy of which is annexed hereto, recommends that the Judicial Conference disapprove S. 1012, 88th Congress, and similar bills which seek to abrogate the *McNabb-Mallory* rule. Your committee approves the report of the Advisory Committee on Criminal Rules and recommends that it be approved and adopted by the Judicial Conference and that the Bureau of the Budget, which has requested the views of the Conference on S. 1012, 88th Congress, be informed of the action of the Conference.

Our committee has no definitive proposals to present to the Judicial Conference at this time for changes in the rules of practice and procedure. Tentative proposals for the amendment of certain of the Federal rules of criminal procedure have been widely circulated and are now being considered by the bench and bar. All five of the advisory committees now under appointment are actively engaged in the work to which they have been assigned. Progress reports from each of them are annexed hereto for the information of the Conference.

Respectfully submitted.

ALBERT B. MARIS, *Chairman.*