

May 4, 1966.

The Honorable J. Millard Tawes  
Governor of Maryland  
Annapolis, Maryland

Dear Governor Tawes:

At a meeting of the Rules Committee of the Court of Appeals held on April 29, 1966 the Committee voted unanimously to request you to veto House Bill 338. The bill provides that the attorneys for the respective parties in civil and criminal cases shall have the right to examine prospective jurors on the *voir dire*, whereas under existing Rules 543d and 745 the matter is left to the discretion of the trial court.

To explain our opposition to the change it may be well to state what its proponents have in mind. In Maryland the standard procedure is for counsel to submit requests for questions in writing to the trial judge who then propounds the questions. Of course, if a proper request is refused or any improper one granted the court's action is subject to review on appeal.

In some states however, notably New York, counsel are allowed a free hand. Hours, days and even weeks are exhausted in the process, as in the famous communist trials. One author contends that almost every case can be won or lost through adroit examinations of prospective jurors before the trial even starts. Counsel seek to put forward their theory of the case and question the jurors as to their reaction to it, cross examine jurors as to their beliefs, opinions and past experiences on a wide variety of subjects. Aside from the delays and irrelevancies the unfairness of this sort of trial tactics seems manifest.

Since the rule making power was vested in the Court of Appeals it has been the policy of the Court and its Rules Committee to yield to the Legislature on debatable matters of policy. In the present instance, however, to tie the hands of the trial courts is so far removed from sound procedure that it strikes at the heart of the judicial process and will lead we fear to gross abuse.

We earnestly request that you veto this bill.

Sincerely yours,

(s) WILLIAM L. HENDERSON,  
Chairman.

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#### House Bill No. 367—Leasing for Private Oyster Culture

AN ACT to add new Section 708(bb) to Article 66C of the Annotated Code of Maryland (1957 Edition), title "Natural Resources," subtitle "Oysters and Clams," to follow immediately after Section 708(aa) thereof, to prohibit the leasing for private oyster culture of submerged grounds which have been closed for a period of years as the result of an order of the State Health Department, and to provide when these grounds are available for leasing.