

Chief Justice Has Second Thoughts?

Earl Warren's conduct as chief justice of the United States has been the subject of recurring controversy since he took the nation's highest judicial post in 1953.

Calls for his impeachment have sprinkled his tenure, largely because of his relentless decisions in the field of civil rights.

It is in light of his hard and fast stands for civil rights, beginning with the 1954 decision overturning the "separate but equal" school policy, that his recent warning against some current civil rights proposals before Congress provokes nationwide curiosity.

Members of Congress reportedly wonder whether the chief justice is not overextending his sphere of responsibility in his advice to Congress. His comment on legislation yet to be acted upon also is curious in light of his remark to an interviewer once. Then, the chief justice said that members of the Supreme Court, unlike other branches of the government, cannot engage in public debate.

Another contradiction in Justice Warren's public record, which brought widespread criticism that he had compromised his position as impartial judge, was his acceptance of the appointment by President Johnson to head the commission to investigate the slaying of President Kennedy. Friends said the chief justice frequently had voiced severe disapproval of Supreme Court justices taking outside assignments.

Again, in 1963, when President Johnson addressed Congress for the first time after President Kennedy's death, the chief justice was widely criticized for applauding the President's proposal for more civil rights legislation. By applauding, many across the land felt the chief justice was potentially influencing future legislation, a matter reserved, by the Constitution to Congress.

In his latest overture, the chief justice advised Congress, without specification, that passage of certain current civil rights proposals might be "ill-advised." They might, he

said, entail radical changes in the federal-state relationship.

Two of the more controversial proposals provide for the federal appointment of state jurors and the elimination of all discrimination in the sale and rental of private housing.

In his farewell address as governor, Mr. Warren said of the Supreme Court:

"If through the years its work is well done, the home of every American will be his castle—every human life will have dignity and there will forever be one law for all men."

Is Chief Justice Warren having second thoughts? If so, Congress would do well to give his advice close attention.

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