

Chief Justice Scores Constructionist Label

By Associated Press
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Chief Justice Warren E. Burger says the label "strict constructionist," used by President Nixon to characterize the type of judge he wants on the Supreme Court, may be a sophomoric oversimplification.

In an interview with Reader's Digest, the Chief Justice also says he doubts Congress will alter "the historic functions of the Supreme Court."

In 1968, while campaigning for the White House, Mr. Nixon said he would seek out "strict constructionists" for the court. He named Burger to succeed Earl Warren shortly after taking over as President in 1969.

Burger was asked by the magazine: "You have been called a 'strict constructionist,' a 'conservative,' even an 'activist.' What sort of label would you fashion for yourself?"

The Chief Justice replied: "Labels are generally sophomoric oversimplifications. All

judges are 'strict constructionists' on some portions of the Constitution, 'activists' on others.

"I try to conserve the values of the Constitution, as best I see them, and I will always seek to change and improve our system of Justice to make it work better."

In the interview, appearing in the February issue, Burger was asked whether he feared efforts in Congress to strip the court of power over such matters as school busing, legislative reapportionment and obscenity.

"No," he replied. "Certainly there will always be some legislators who don't agree with the court's decisions in particular areas. There's nothing inherently wrong about that."

"There will always be sharp division in Congress, but in my judgment the two houses, as institutions, will not alter the historic functions of the Supreme Court."