

# Mitchell Asks Reforms in Trial Process

By James Clayton

Washington Post Staff Writer

LONDON, July 16—The administration of criminal justice in the United States has come to a crossroads, Attorney General John N. Mitchell said today, as he called for sweeping changes in the procedures used in handling trials and appeals.

Speaking before a session of the American Bar Association here, Mitchell said that excessive delays in processing criminal cases have turned the American system of justice into a "caricature of justice" in some respects. "The crowded calendars, the breakdown of speedy justice, the loss of public confidence in the courts—these are the advanced symptoms of an ailment that has permeated our justice system," he said.

"We face in the United States," he asserted, "a situation where the discovery of guilt or innocence as a function of the courts is in danger of drowning in a sea of legalisms."

See ABA, A4, Col. 4

## ABA, From A1

Without specifically saying so, Mitchell made it clear that he was referring, among other things, to some decisions of the Supreme Court in recent years which have extended and elaborated the application of the protections contained in the Bill of Rights. He called for the judges to "begin to recognize that society, too, has its rights, including the right to expect that the courts will do justice, that the innocent will be cleared, and the guilty will be corrected."

The judiciary, he said, should recognize "that perhaps it has been too preoccupied in the exhilarating adventure of making new law and new public policy from the bench, and that this function of the courts has outdistanced the more sober task of judging guilt and innocence."

Mitchell urged that pre-trial hearings "designed mainly to deprive the jury of material and relevant evidence" be curtailed, that some of the requirements police now must meet in their investigative procedures be relaxed, and that the post-trial reviews of convictions be sharply reduced in number from those now available.

Each of these areas has been subjected to Supreme Court scrutiny in the last decade and the court's decisions have headed in the opposite direction from that urged by the attorney general.

Only a sharp reversal of this trend, Mitchell indicated, can restore public confidence in the American system of justice by making it possible for the courts to do their work quickly and efficiently. Other suggestions for speeding up the courts — such as one being tried in some areas where criminal charges are dismissed if trials are not begun promptly — were brushed aside by the attorney general as "no solution at all."

In one aspect of his attack on the courts, Mitchell received support from the lord chief justice of England.

Speaking immediately after the attorney general, Lord Widgery said he found the Supreme Court's decisions in recent years involving the use of confessions in criminal trials to be totally "unacceptable."

Lord Widgery said the courts in both the United States and Great Britain have leaned too far in the direction of protecting suspects from the dangers of police interrogation. While arguing that citizens must be protected from being compelled to confess crimes, Lord Widgery said restrictions such as those imposed by the Supreme Court's Miranda decision unnecessarily hamper legitimate police investigative work. The Miranda decision permits a suspect to have his lawyer present if he wishes while he is being questioned and directs that a suspect be made fully aware of his right not to incriminate himself before any questioning begins.

Edward L. Wright, president of the ABA, immediately endorsed Lord Widgery's criticism of the Miranda decision amid a wave of applause from

the lawyers attending the convention.

In another speech comparing some aspects of British and American law, Chief Justice Warren E. Burger urged that substantial changes be made in the way in which American lawyers are trained for courtroom work and disciplined for misconduct. American law schools, he said, perform well in training students to think and write but have fallen short in training them "how to behave properly, in the professional sense of that term." He had criticism for both prosecutors and defense counsel and urged the ABA to take steps aimed at improving the training of young lawyers and strengthening the mechanisms available for punishing those who engage in misconduct.