

'Buffer Court' Proposal Is Opposed by Warren

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Former Chief Justice Earl Warren has come out publicly against a proposal to create a special buffer court to screen high court cases, calling the idea both naive and dangerous.

In a Law Day speech to the Association of the Bar of the City of New York, Warren said the proposed National Court of Appeals "would cause irreparable harm to the prestige, the power and the function of the Supreme Court" without easing the justices' main burdens.

Although the 82-year-old retired chief justice had spoken privately against the plan, the speech was surprising for the depth and tone of his opposition.

Warren told the New York lawyers that his speech was a major exception to his self-imposed restraint from public comment on high court matters since his retirement in June, 1969.

He noted that in order to help strengthen the court's independence, "To this day I have never defended any decisions made during my tenure nor viewed with alarm any change which followed my retirement."

The new court was proposed by a seven-member study group appointed by Warren's successor, Warren E. Burger.

The proposed tribunal would be composed of seven judges from federal appellate courts serving rotating terms and would have the power to deny Supreme Court hearing to any petitioner seeking review of a defeat in lower courts.

Warren said the new court should be dubbed "the National Court of Glorified Law Clerks" because of their limited function of weeding out frivolous cases, but he said there was danger in giving the tribunal the final right to cut off access to the Supreme Court.

Burger has not endorsed the proposal but he has contended that some solution must be found to the court's back-breaking caseload. Warren differed on this point also.

The court's heaviest burden, said Warren, is making decisions in the major cases selected for a full hearing. He said the study committee, examining "bare numbers" of increased case filings, had not found a way to ease that task.