

# Chief Justice Denies Lobbying Charge

10/24/72 By John P. MacKenzie  
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Chief Justice Warren E. Burger yesterday denied charges that he meddled in consumer legislation before Congress and said that he will continue to call attention to the impact new laws have on the caseloads of federal courts.

His denial, made in a letter to House Speaker Carl Albert (D-Okla.), was quickly criticized as "highly evasive" by Rep. John Moss (D-Calif.), who accused Burger of "arrogant interference in the legislative process."

Charges that Burger engaged in injudicious attempts to weaken the pending prod-

ucts safety bill stemmed from reports that he sent a top aide, U.S. courts administrator Rowland F. Kirks, along with veteran Washington lobbyist Thomas G. (Tommy the Cork) Corcoran to Albert's office to lobby against the bill.

Burger's letter, dated yesterday and released in the Supreme Court press office, said the chief justice was writing to thank Albert for something he had said. Burger quoted Albert as telling him in a telephone call that no one had purported to speak to Albert

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on Burger's behalf on any legislation.

The letter did not deny that Burger sent Kirks to see Albert or that Kirks, at Burger's behest, had asked Corcoran to accompany him to the meeting last summer.

Corcoran, who represents drug industry clients opposed to the products safety bill, was quoted last week by columnist Jack Anderson as saying, "Kirks, acting for the chief justice, asked me to take him to the speaker."

Burger was presiding at the high court's weekly conference of the nine justices yesterday when the letter was released and had no immediate reply to questions about whether he inspired the Capitol Hill meeting.

Last night Kirks, in written answers to newsmen's questions, said he was "on my own" in going to see Albert and that Burger knew nothing about the meeting until he read about it in the newspapers. Kirks said the visit was Corcoran's idea.

In addition to creating a new products safety agency,

the bill would allow more consumer law suits against manufacturers and distributors of allegedly unsafe merchandise. Burger has urged in public speeches that such proposals be screened for their effect on "overloaded" federal courts.

Quoting a speech last August to the American Bar Association, Burger said he was not suggesting that Congress reject legislation just because it would increase litigation, "but only to suggest that Congress consider the needs of the courts along with the need for new legislation."

Any intimation that he was involved with "the merits of the substantive legislation in question" was unwarranted,urger said, adding, "Any responsible person who wanted to secure the facts could have secured them from me."

He said Kirks had testified publicly two years ago on the court impact of consumer legislation at the written invitation of the Senate Judiciary Committee. "Thus, Mr. Kirks' activity is a matter of public record and in response to a congressional mandate," Burger said.

Informed of the Burger letter, Moss said the chief justice had issued "a highly evasive response" in that "he denied something that was not alleged and did not deny what was alleged."

Moss, one of the safety bill's principal sponsors, said no one had charged that either Kirks or Corcoran dropped Burger's name at the conference in the speaker's office. The accusation, he said, was that Burger sent the two men on the mission.

Moss released a copy of his own letter to Burger dated Wednesday which expressed "shocked disbelief" over the episode and pointed out that the legislation had undergone extensive and "responsible" consideration in Congress. He wrote:

"If the information which has now surfaced is true, your action can most charitably be described as naive. But, I would believe a more accurate characterization would be one of arrogant interference in the legislative process."

Moss said the incident "raises the most basic questions as to your ability to par-

ticipate objectively in considering any case involving the interest of consumers in the United States."