

Burger Presses Speedier Justice

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By John P. MacKenzie
Washington Post Staff Writer

ST. LOUIS, Aug. 10—Chief Justice Warren E. Burger said today that in passing laws to give rights and benefits to citizens, Congress should pause to consider their impact on the nation's overburdened federal courts.

In a "State of the Judiciary" address to the American Bar Association and a nationwide television audience, Burger said worthy proposals to help fight pollution, to protect consumers and to safeguard the rights of criminal defendants posed a threat to the judiciary's ability to deliver prompt, effective justice.

Burger said he intended his speech, the first report by a Chief Justice to receive such wide public exposure, to "provoke debate and even controversy" about the need to streamline American courts.

To the applause of 2,500 lawyers and their families at Powell Symphony Hall, he announced, "The days of apathy are past, and I intend to be neither timid nor apathetic" in telling about the judiciary's need for more money and better management.

"The most simple and obvious" way to deter criminal conduct," Burger declared, is "to give the courts the manpower and tools, including the prosecutor and defense lawyers, to try criminal cases within 60 days after indictment and let us see what happens."



WARREN E. BURGER
... reports on courts

"I predict it would sharply reduce the crime rate."

The speech, which contained several specific proposals with hints of more to come, was severely cut to keep within the 27-minute limit set by the TV networks, but Burger made clear that he wanted to be on record with his entire prepared address.

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Speedier Justice Is Urged by Burger

BURGER, From A1

ABA President Bernard G. Segal said the speech would be a bar tradition until, as he hopes, Congress itself invites the Chief Justice to give a similar message to a joint session. A resolution introduced last spring by Rep. Allard Lowenstein (D-N.Y.) and Senate liberals who differ with Burger philosophically, calls for an annual message similar to the presidential "State of the Union" message required by the Constitution.

When he was Chief Justice, Earl Warren gave an annual

report on federal court conditions to the American Law Institute, but he seldom touched on as many topics of social and political interest as Burger did today.

Burger praised federal laws providing counsel and pretrial release to defendants who lacked funds, but he said, "We can now see what was produced by their interaction in a period when crime was increasing" — the reduction of guilty pleas and trial backlogs that were "little short of disaster" in the federal courts of Washington, D.C.

He said the legal services

plan of the Office of Economic Opportunity was "a sound commitment to an under-protected segment of our people," but he called it "an example of a sound program developed without adequate planning for its impact on the courts."

Burger compared the \$128 million now spent on the federal judiciary with OEO's \$58 million legal services budget and the \$200 million price tag on a single C-5A military plane. OEO finances neighborhood law offices in states and cities, but only a portion of the federal grants support litigation in federal courts.

Burger's criticism of bur-

densome federal lawsuits that accuse manufacturers of product fraud came at a time when bills to increase consumer access to federal courts are advancing in Congress. The Nixon administration opposes such a bill cleared last week by the Senate Commerce Committee.

Noting what he called "a tendency that is unique to America to look to the courts to solve all problems," Burger said consumers and victims of automobile accidents "should look more to state courts familiar with local conditions and local problems."

Burger proposed that each state form a council of state and federal judges to reduce friction over such problems as habeas corpus petitions filed in federal courts by state prisoners. He said state judges could take steps to ease the burden of 12,000 such federal court petitions filed last year.

The Chief Justice called for a new "Judiciary Council" of federal judges, legislators and executive branch representatives to work on legislation affecting the federal courts. He suggested a study of ways to "screen out frivolous appeals" by prisoners and give better training to defense counsel.

The Judiciary Council proposal was termed "most constructive" by Attorney General John N. Mitchell at a news conference later. "I endorse it heartily," he said.

Associate Justice William O. Douglas and retired Justice Tom C. Clark, sharing the platform with Burger, Mitchell and others, received sustained applause when introduced by Segal.