

## ABA Convention

# Warren Court Decisions Blasted

.. London

Jurists criticized liberal decisions of the "Warren court" at the American Bar Association convention here yesterday and drew heavy applause.

With U.S. Supreme Courts Chief Justice Warren E. Burger — himself a critic of much that was done during the enure of Earl Warren, his predecessor — seated beside the podium, U.S. Attorney General John N. Mitchell and Lord Widgery, Britain's highest judge, criticized some of the procedural safeguards instituted during the Warren courtin the 1960's.

"We face in the United States a situation where the discovery of guilt or innocence is in danger of drowning in a sea of legalisms," Mitchell said.

Mitchell did not mention the Warren court by name, but he did insgle out for criticism two developments of the Warren era which could "steal the very life out of the law": the proliferation of pertrial hearings to determine if evidence should be excluded because of improper police methods, and the expansion of prisoners' rights to challenge their convictions in repeated habeas corpus hearings.

## MIRANDA

Lord Widgery, England's Lord Chief Justice, characterized as "startling" the most controversial of the Warren court's criminal decisions, *Miranda V. Arizona*. The ruling, in 1966, held that suspects may not be legally interrogated unless they have first been told that they have a right to silence and to counsel — provided, if necessary, by the government.

"For my part," Lord Widgery said, "any rule requiring the attendance of the suspect's lawyer during police interrogation is unacceptable."

In his address Burger contentated on the need to upgrade the courtroom manners of U.S. lawyers — a subject he has discussed before. He drew his most enthusiastic applause from the 1000 delegates when he declared: "A system of legal education that teaches lawyers to think brilliantly but fails to teach them how to behave properly, in the professional sense of that term, has not fully function."

## 'SPEEDY TRIAL'

Mitchell's speech expressed an important new point of justice department policy. He disclosed that the Nixon administration would oppose a proposal now pending in Congress to speed federal criminal trials by requiring that charges usually must be tried within 60 days or dismissed.

Hearings on proposed "speedy trail" legislation are currently being held in Washington by Senator Sam J. Ervin Jr. (Dem.-N.C.), who had chided the Justice Department for refusing to comment.

Mitchell attacked Ervin's 60-day proposal as a "non-solution," which he said "attacks only the sumptoms of court delay, not the causes."

To impose an arbitrary deadline for trials would only strengthen defense lawyers' hands in bargaining for guilty pleas and could result in the freeing of guilty persons, Mitchell said.

A better approach, he said, would be to put into effect improved court administration, more judges and accelerated appeals based on oral arguments without written briefs or tanscripts.

But he asserted that even these reforms would be only palliatives, unless something is done about the "sea of legalisms" that he said has engulfed U.S. criminal procedures.

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