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LAWYERS CRITICAL OF WARREN COURT

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This brought another round of applause.

Chief Justice Burger spoke on the need to improve United States lawyers' courtroom manners, a subject he has discussed before.

He drew enthusiastic applause 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 performed its important function."

Mr. 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 trial" legislation are being held in Washington by Senator Sam J. Ervin Jr., Democrat of North Carolina, who has chided the Justice Department for refusing to comment.

Today Mr. Mitchell attacked Mr. Ervin's 60-day proposal as a "nonresolution," which, he said, "attacks only the symptoms 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, Mr. Mitchell said.

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

But he asserted that even those reforms would be only palliatives unless something was done about the "sea of legalisms" that he said had engulfed United States criminal procedures.

Mr. Mitchell did not mention the Warren Court by name, but he did single out for criticism two developments of the Warren era: the proliferation of pretrial 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.

He suggested that the judiciary had 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."

Mr. Mitchell asserted that the basic cause of court delays were the "generations of legalisms" that had crept into the law, and he called upon the legal profession to concentrate its reform efforts upon these "legalisms."

He disclaimed any intention to lessen the due process rights of the accused, but called upon lawyers to "insist that constitutional rights can be protected without immobilizing our courts with unnecessary procedures and litigation."

In his speech, Lord Widgery suggested that the time may have come to relax the rules of interrogation governing the British police, who already have considerably more freedom to ask questions than American policemen do.

The British "judges' rules" require officers to stop at a certain point during questioning and warn suspects that they are not obliged to talk. If the police break the rules, subsequent confessions are not ruled admissible as evidence, as in United States courts.

But Lord Widgery said that the present British requirement that suspects be told that they need not talk was "a possible discouragement of confessions which seems to me to be something which we now cannot afford."