

Burger Decries Demands For a Curb on Freedoms

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WASHINGTON, May 19—Chief Justice Warren E. Burger declared today that the American system of justice is resilient enough to meet the current crisis of public discipline without cutting back on constitutional guarantees.

"Some say that we must 'crack down,' that we must 'smash' the challengers and restore tight discipline," the Chief Justice told the American Law Institute.

"In periods of stress there are always some voices raised urging that we suspend fundamental guarantees and take short cuts as a matter of self-protection," Mr. Burger said. But he noted, "In those few periods of our history when we suspended basic guarantees of the individual in times of great national stress, we often found, in retrospect, that we have overreacted."

In New York City, former Chief Justice Earl Warren, who heard the Burger speech earlier in the day, said that the war in Indochina "has brought to fever pitch our crisis, already heightened by racial tensions, crime, poverty, inflation and pollution of the environment." [Details on Page 18.]

Chief Justice Burger's remarks were delivered at the Mayflower Hotel this morning as the law group began its annual four-day meeting. An opening speech by the Chief Justice is a longstanding tradition of the institute, an organization of judges, law professors and lawyers who suggest ways to im-

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prove the law and to eliminate legal differences between various jurisdictions.

About 300 members were present as Chief Justice Burger addressed the group for the first time today. He departed from the custom of the former Chief Justice, Earl Warren, who used the occasion to give detailed reports on the Federal judiciary's progress during the year.

With Mr. Warren among the listeners, Chief Justice Burger gave a brief speech, directed at the "gnawing doubts" that he said existed among those who wondered if the system of justice could withstand the strain of disruptions in and out of courtrooms.

View is Optimistic

He took an optimistic view, saying it "would be foolhardy not to be concerned about the turmoil and strife and violence," but warning "we must not give way to panic."

"A great number of students, and, sadly, a great number of parents who ought to know better, have missed the relevance of order," the Chief Justice conceded.

But, in the long view, he said, "We can see that we have never been a tightly disciplined people, and, reflecting this, our legal structure has perhaps been more relaxed than that of many other societies. If this has negative aspects, it also affords us a resiliency to tide us over and enable us to meet any crisis as it arises."

The Chief Justice mentioned the recent Supreme Court rulings that permits disruptive defendants to be ousted from courtrooms as evidence that the judicial system can adjust to meet current conditions.

Finds Institutions Durable

"I am optimistic," he concluded. "I believe our institutions are durable enough to surmount any attack."

In an unusual departure from the customary concentration on penetrating legal analysis, a group of institute members held a meeting at the end of the day's regular schedule to discuss their concern over the spread of the war in Southeast Asia.

Among those who sponsored the session were Francis T. P.

Plimpton, president of the Association of the Bar of the City of New York; Vincent L. McKusick of Portland, Me.; Prof. Maurice Rosenberg of Columbia University Law School, and Prof. Robert E. Keeton and Prof. Livingston Hall of the Harvard Law School.