

Burger Aide Linked To a Bid to Weaken Product Safety Bill

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WASHINGTON, Oct. 5—The chief administrative officer of the Federal courts under Chief Justice Warren E. Burger has worked with a Washington drug industry lawyer in an effort to weaken the product safety bill now pending before Congress. He said he was doing so to avoid an increase in Federal court cases.

Representative Carl Albert of Oklahoma, Speaker of the House, acknowledged today that a man "associated with judicial administration" came to see him last August with a Washington lawyer, Thomas G. Corcoran. The man was subsequently identified as Rowland F. Kirks, the director of the administrative office of the United States Courts.

Mr. Corcoran, a former New Deal official widely known as "Tommy the Cork," has several clients in the drug industry, which is leading the fight against the products safety bill.

Mr. Albert said the two men urged him to remove some of the court remedies from the bill on the ground that the provisions would generate too much new litigation in the Federal courts.

The bill, which is designed to protect consumers from dangerous products, contains provisions that give the public broad rights to bring suits in Federal courts to force companies to follow safety standards or to pay damages if their

Continued on Page 43, Column 5

Continued From Page 1, Col. 4

products cause injuries.

Mr. Corcoran was quoted today by Jack Anderson, the columnist, as stating that Mr.

Kirks, saying he was acting for Chief Justice Burger, asked Mr. Corcoran to see the Speaker about watering down the bill.

Chief Justice Burger has warned in speeches against enacting consumer legislation that he contends would create more cases and clog the heavily burdened Federal courts. In a speech before the American Bar Association four days before the approach to Mr. Albert, the Chief Justice called upon Congress to refrain from passing any bills without first considering their impact on the courts.

Today, Chief Justice Burger's office and Mr. Kirk's office referred all questions about the incident to the Supreme Court's information officer, Banning E. Whittington. Mr. Whittington responded to questions by saying that neither the Chief Justice nor Mr. Kirks "would have anything to say about it." Mr. Corcoran was said by his office to be out of town.

Memorandum to Congressmen

A Congressional source close to the incident confirmed today that Mr. Kirks's office acknowledged several weeks ago that he was the man who accompanied Mr. Corcoran. Several weeks after the visit, Mr. Corcoran sent key Congressmen a memorandum with his professional card, attacking the sections of the bill broadening the public's right to sue, and quoting Chief Justice Burger's critical statements about consumer bills.

Representative John E. Moss, Democrat of California, who is the chief House sponsor of the bill, said today of the incident, "If this is true, and there is very little evidence that has surfaced that it is not true, it is a shocking and offensive intrusion by the Chief Justice into the legislative process, bordering on judicial misconduct."

Uncertain Role

Mr. Albert said that he did not know whether Mr. Corcoran was speaking as "a lobbyist or a lawyer" when he came to Capitol Hill with the man who has been identified as Mr. Kirks. Mr. Albert said he did not catch Mr. Kirks's name or title, but the Speaker added that he understood him to be an official "associated with judicial administration" who was there "to verify what Tommy was saying."

"He said a provision in the bill would throw a lot more cases upon the Federal courts than they were prepared to handle," Mr. Albert said in an interview today. "So far as I can remember, the name of

Burger was never mentioned—they didn't come to me as representatives of Burger."

Mr. Corcoran was said to have done all the talking, with Mr. Kirks nodding his agreement.

Mr. Albert said he passed along Mr. Corcoran's views to "two or three members of the Interstate and Foreign Commerce Committee," which was then considering the bill.

No action was taken in the committee as a result of Mr. Albert's message, but the bill was modified on the House floor by a voice vote to permit personal injury suits only if \$10,000 in damages were alleged.

Mr. Kirks, a 58-year-old former colleague of the Chief Justice when both were in the Justice Department during the Eisenhower Administration, was appointed to his present position by the Chief Justice shortly after he took office in 1969.

There have been intermittent reports of informal lobbying at social functions by Chief Justice Burger with Congressmen about legislation affecting the judiciary. But this is the first time that an allegation has been made that Mr. Burger expressed his wishes through an intermediary.