

Aide Reports Burger Unaware Of Lobbying on Product Safety

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WASHINGTON, Oct. 13—One of Chief Justice Warren E. Burger's top administrative aides declared today that he acted without the Chief Justice's knowledge when he accompanied a lawyer-lobbyist in an effort to persuade Representative Carl Albert, the Democratic Speaker of the House, to narrow the legal remedies in a pending product safety bill.

Rowland F. Kirks, the chief of the administrative office of the United States courts, said in a statement that he went to intercede with Mr. Albert with Thomas G. Corcoran, a Washington lawyer who represents major drug interests, after Mr. Corcoran had pointed out that the bill could overburden the Federal courts with new cases. The drug industry was leading the fight against the bill, which

is now nearing enactment.

Mr. Kirks said he considered the visit a routine effort to inform Congress of the impact of its bills upon the courts, and added that Chief Justice Burger did not learn about it until it was reported in the press last week.

He said Mr. Corcoran, who is widely known as "Tommy the Cork" from his days as a New York lawyer, suggested

Continued on Page 18, Column 6

BURGER AIDE SAYS HE ACTED ALONE

Continued From Page 1, Col. 8

the visit to Mr. Albert. Key Congressmen reported last week that at about the same time, Mr. Corcoran was using Chief Justice Burger's name and quotations from his speeches in memorandums to Congressmen, calling for defeat of the bill this year.

Today Chief Justice Burger released a letter to Mr. Albert in which he declared that he had no position for or against the proposed product safety legislation, and that no speech of his "can rationally be construed" as taking sides on consumer bills.

Calling the measure "purely a matter for Congress," the Chief Justice said that neither he nor the administrative office headed by Mr. Kirks had any position on it.

"However, I do have, and always will have a strong view that when the Congress considers legislation that will add a substantial volume of cases in the Federal courts the Congress should also provide the means to handle those cases," he said. He added that new rights "cannot have real meaning if the litigants must wait endlessly for recovery."

Asked Impact Statement

Chief Justice Burger quoted a passage from the speech to the American Bar Association last August, in which he called upon Congress to prepare with each bill creating new rights to sue in United States courts a "court impact statement," estimating the number of new judges that will be required.

It was this passage that Mr. Corcoran quoted in urging Congress not to pass the bill on the ground that no study of its impact upon the courts had been made.

The bill, which is designed to protect consumers from dangerous products, was subsequently watered down slightly to narrow the range of consumer cases that can be brought in Federal courts, but it now seems likely to be enacted before Congress adjourns.

Neither Mr. Corcoran nor Mr. Kirks have been available to the press since the incident came to light, but Mr. Albert said that Mr. Corcoran had argued that the bill would overburden the courts with new cases. He said Mr. Kirks verified this as a representative of the judicial branch, but that Chief Justice Burger's name was not specifically mentioned.