

BURGER SUGGESTS JUSTICE INSTITUTE

National Unit Would Seek to Solve Judicial Problems

By FRED P. GRAHAM
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WASHINGTON, May 16—Chief Justice Warren E. Burger said today that consideration should be given to the creation of a national institute of justice, patterned after the National Institutes of Health, to help solve Federal and state judicial problems.

In his annual speech to the American Law Institute, the Chief Justice called on the institute to join with the American Bar Association and other

organizations of the legal profession to conduct a study that could lay the groundwork for such a justice institute.

He said that, if the proposed institute proved to be a good idea, Congress could be approached to support it as it has the National Institutes of Health, which now spends \$2.4-billion a year for medical research and development.

More Ambitions Plan

Chief Justice Burger said the judicial counterpart would conduct research on judicial problems, make grants for private research and provide experts to help states and cities modernize their courts. He stressed that it would assist only the states and would not try to press them all into the same mold.

Since he became Chief Justice three years ago, Mr. Burger has proved prolific in inspiring

the creation of new judicial institutions. The Institute for Court Management in Denver and the National Center for State Courts in Washington were set up — with crucial assistance from the American Bar Association and money from the Ford Foundation — after he made speeches suggesting they were needed. The suggested national institute of justice, however, is more ambitious because far more money would be needed — and it would have to come from Congress.

The American Law Institute is a group of about 1,500 of the nation's most scholarly lawyers, judges and law professors, who draft model laws and publish "restatements" designed to simplify and explain the law laid down in court decisions. The group, which meets each May in Washington, is an influential force in the legal pro-

profession, which was traditionally conservative but which has taken some strong civil-liberties stands in recent years.

Today, however, the group gave final approval to a model law that would break with Supreme Court doctrines of the Warren Court and permit courts to consider some evidence obtained by the police in illegal searches. In the debate this morning, Prof. Sam Dash of the Georgetown Law Center called it "an invitation" for the current Supreme Court to overturn a landmark 1961 Supreme Court decision—*Mapp v. Ohio*, which ruled out the use of all evidence obtained in unconstitutional searches.

The group approved a provision that would authorize judges to admit illegally seized items into evidence so long as the constitutional violation was not "substantial."