



WARREN BURGER
Changing conditions

Burger on

WASHINGTON — (AP) — Chief Justice Warren Burger said today Americans should not look to the courts to innovate and reshape their society.

The statement brought a charge from radical attorney William Kunstler that Burger is dedicated to "destroying the new breed of lawyers."

In a Constitution Day speech dedicating the new Georgetown University Law Center, Burger noted that significant changes in the litigation process and recent

fruits of litigation have led some to look to this as the road to social change.

Lawsuits, he said, have brought advances in such areas as personal rights, consumer protection and equal employment.

"This has given rise to the alluring prospect that our world can be changed in the courts," Burger said.

"I confess this is an intriguing idea.

"Federal judges in particular need not be troubled by constituents or elections and

Courts Role in U.S.

can therefore concentrate on problems without regard to public opinion."

However, Burger said, much of this has consisted of the application of laws produced by the legislative branch and not innovations of the courts.

Georgetown law students staged a counter-dedication ceremony outside the new center featuring Kunstler, who said:

"I think the chief justice . . . is embarked on a program of destroying the

new breed of lawyers."

Kunstler, cited for contempt for his defense of the "Chicago 7," said he agrees the law cannot bring about much social change.

But he said lawyers who want social change engage in antiestablishment law so they can deal with oppressed people who eventually must bring about such change themselves.

"I think it takes the power of the people to bring about social change," he said.

"There is no doubt that im-

aginative lawyers have contributed much progress achieved," Burger said.

"The truth is that judges rarely create but usually work on what the advocates provide in the way of evidence and legal theory.

"This is but to point out that although the litigation process is one factor in change it is a slow, painful and often clumsy instrument of progress unless one is content to measure progress in terms of generations and centuries," Burger said.



WILLIAM KUNSTLER
Strong dissent