

# Burger Meddles With Congress



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**Jack Anderson**

THE Supreme Court is supposed to rule on laws after they're passed, not meddle with them while they're still before Congress. Yet, Chief Justice Warren Burger sent an envoy a few weeks ago to urge House Speaker Carl Albert to water down the products safety bill.

This would protect consumers from dangerous products. Burger fears it would also overload the federal courts with new cases.

The Chief Justice, therefore, dispatched Rowland Kirks, the stuffy chief administrator of the federal courts, up to Capitol Hill to talk to Albert. Kirks was accompanied, astonishingly, by one of Washington's most engaging special pleaders, Tom "Tommy the Cork" Corcoran, who has clients opposed to the products safety bill.

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FOR MONTHS, Burger has been grumbling about all the new laws that are being passed. He complained in 1970 to the American Bar Association: "Not a week passes without speeches in Congress and elsewhere and editorials demanding new laws — to control pollution, for example, and new laws allowing class actions by consumers to protect the public from greedy and unscrupulous producers and sellers." This was clogging the courts, he grumped.

He hammered on the same theme again a few weeks ago during a return engagement before the bar association. He expressed an urgent need "to have Congress carefully scrutinize all legislation that will create more cases."

Putting his words into action, he sent Kirks four days later to lobby with Albert against the products safety bill. "Tommy the Cork," as charming an Irishman as ever practiced the art of political persuasion, volunteered to serve as Kirks' guide.

When my associate Les Whitten called Kirks to ask him about his lobbying mission, Kirks snapped: "I have nothing to say on this matter."

"Does this mean you are denying it?" asked Whitten.

"I don't want to be impolite, Mr. Whitten," said Kirks firmly, "but the conversation is at an end." And he hung up the phone.

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CORCORAN was more candid. He acknowledged that he had taken Kirks in to see Albert. "Kirks, acting for the Chief Justice, asked me to take him to see the Speaker," said Corcoran.

Although the drug interests have been leading the fight against the products safety bill and Corcoran has drug clients, he said he had not represented any client during the visit with Albert. Corcoran explained he had accompanied Kirks as a friend.

As Albert recalled the visit, Corcoran had done most of the talking. "Corcoran argued that the products safety bill would clutter the courts, and Kirks would say 'yes,'" the Speaker told us. He said he had not intervened, as they had requested, to weaken the bill.

**Footnote:** The Chief Justice failed to respond to our numerous requests for comment.