

Nurnberg Lawyer's 'Secret'

By Harry Johannesen

No one ever asked Thomas F. Lambert Jr. how he felt about the death penalty while he was serving as a U.S. prosecutor at the war crimes trials in Nuernberg after World War II.

If anyone had put the question to Lambert at that time, he would have had to say he was opposed to punishment by death.

His answer would have astounded the questioner because it was Lambert's job to prepare the trial brief against the Nazi Party and to deliver the argument against Martin Bormann, Adolf Hitler's deputy fuhrer.

Reveals Feelings

Lambert revealed his feelings of so many years ago about the death penalty at the convention of the California Trial Lawyers Association at Fairmont Hoel.

"I was against the death penalty then, and I am against it now," said the noted Boston lawyer who now serves as editor of the national journal of the American Trial Lawyers Association.

"I'm glad that Martin Bormann was never found," he added. (Bormann was convicted in absentia and sentenced to death by the Nuernberg war crimes tribunal.)

Luncheon Address

Lambert came here to deliver the luncheon address

at the CTLA convention. He paid high tribute to the State Supreme Court for its recent decision outlawing the death penalty in California.

"The decision will make it easier for the United States Supreme Court to do right and harder for the court to do wrong," he said.

Lambert said it is conceivable to him that the nation's

highest tribunal will outlaw the death penalty for most crimes of murder, but retain it for killers of on-duty policemen or prison guards.

Blazed Trail

The California decision, he said, has placed the U.S. Supreme Court in the role of a pedestrian following a trail blazed by the State Supreme Court.

Lambert noted the emotional aspects of the task facing the country's highest court and continued:

"When you have to say you will pass the poisoned chalice to several hundred persons, it's a very difficult decision."

Four State Supreme Court justices were honored guests at the luncheon, including Marshall F. McComb, the lone dissenter in the court's 6-1 decision on the death penalty. Lambert complimented McComb for his dissent, saying "it is better for a court to be divided than wrong."

Arbitration Plan

Yesterday's convention session included an explanation of a special arbitration plan drawn up by San Francisco and Los Angeles attorneys to expedite the trial of pending superior court cases.

The plan provides for a panel of arbitrators to decide civil cases, rather than judge and jury, when both sides agree to the procedure.

The arbitrators would be "hand picked" from a panel of 100 blue ribbon members who would serve without compensation.

General acceptance of the plan would relieve the staggering backlog of pending civil cases.