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SPECIAL REPORT



## Chief Justice Burger Tells Swedes 'U.S. Constitution Nothing Holy'

*Sept. 10 (NSIPS) — The following excerpts are taken from an exclusive interview given by U.S. Chief Justice Warren Burger to reporter Harald Hamrin, published in the Swedish newspaper Dagens Nyheter Sept. 4. The article was run under the double headline "More Influence Than the President" — "Warren Burger, Chief of the Supreme Court: The U.S. Constitution Is Nothing Holy."*

As a general consideration, says Warren Burger, it might be an exaggeration, but there is no doubt that potential to lead a nation, to exercise far reaching influence is built into the office (of Chief Justice). Much depends on the nature of the times and which questions are important. John Marshall, the first Chief Justice of the Supreme Court, had without doubt more influence than any other judge in this country and probably also more influence than many presidents.

A Constitution that was worked out almost 200 years ago at the end of the 18th century by a group of businessmen, lawyers and farmers — what kind of value does such a Constitution have when the USA has developed into a superpower and we are nearing the year 2000, Burger asks.

It is a common misconception that the American Constitution should be something holy, something you can't touch, Burger says. Not less than 25 times we have added to the original text and many more times additional proposals have been voted down. While our Constitution is very clear and categorical on certain points, it leaves great room for flexibility in other areas.

Burger mentions the death penalty as an example. It is wrong, he says, that, as sometimes happens, the Supreme Court is criticized for not having abolished the death penalty.

In not less than four places the Constitution permits the taking of American citizens' lives. But it is also written that "life, liberty and property" cannot be taken from anyone without

"due process of law." The Supreme Court can only interpret the content of the concept "due process," says Burger. If the death penalty as such should be abolished, it is the task of the politicians, the President and Congress.

But the Constitution also forbids "cruel and unusual" forms of punishment and Burger admits that those who claim that the death penalty should be considered as "cruel and unusual" have an argument with weight. Burger's own interpretation of the Constitution, however, is, as in so many other cases, literal.

This doesn't necessarily mean that I am a follower of the death penalty, he says....

The situation is the same when it has to do with the attempts to push through a general registration of guns. . . . It is true that the right "to own and bear arms" is written into the Constitution, . . . Burger says.

In his home in Arlington Warren Burger has four hunting rifles. When he moved here 20 years ago, he says, he called up the police chief and asked to voluntarily register the weapons.

"I was told that there was no way to register the weapons. . . . Democracies often work slowly. Dictatorships are often more effective. But weapons registration will even come to the U.S. some day...."

The Tillberga prison outside of Vaesteraas where the prisoners receive wages according to contracts for their work is on Warren Burger's program during his Swedish visit.

But in the USA, he says, we have a problem with the trade unions. They are working against the efforts to engage our prisoners in meaningful work.

As an example he mentions the trade unions' resistance to transporting goods made by prisoners across state lines to be sold freely under normal competitive conditions.