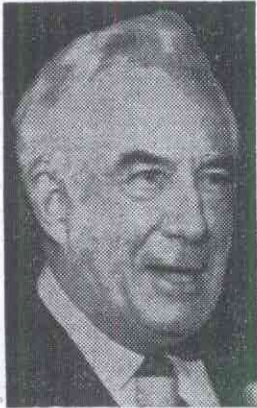


# Burger Asks ABA To Curb Lawyers Who Disrupt, Cheat

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NEW YORK, July 5—Chief Justice Warren E. Burger called on the American Bar Association today to take disciplinary action against "a small minority of lawyers" whose misconduct is giving the bar a bad name.

In his second annual address to the ABA on "the State on the Judiciary" and in a televised interview,



CHIEF JUSTICE BURGER  
... calls for "civility"

Burger made clear his intentions to press criticism of allegedly disruptive trial lawyers as well as attorneys found to have cheated their clients.

Burger was the featured speaker as the ABA opened its 94th convention amid controversy over the organized bar's position on the Vietnam war, its attitude toward black lawyers and its agreement to honor the chief justice's request to exclude all cameras and recording equipment from his speech.

Groups of antiwar lawyers and a number of black lawyers demonstrated outside the Americana Hotel ballroom where Burger spoke. The ABA took under advisement a number of antiwar resolutions. Top ABA officials denied the black lawyer's charges of racial discrimination by the organized bar.

To an ABA audience of 1,000 and again in a TV interview taped last week and shown tonight over the American Broadcasting Company network, Burger made these points:

- Although he is not free to comment on the Supreme Court's 6-to-3 decision last week in favor of *The Washington Post* and *The New York Times* — a decision from which Burger dissented — the court was "actually unanimous" about "the basic problems of First Amendment rights of newspapers" in that case.

- He has maintained an "arm's-length" relationship with President Nixon, who

named him to the high court two years ago. He communicates with the administration only on routine procedural matters on handling Justice Department cases in the court. "Otherwise . . . I have no contact," he said.

- The ABA should create a "legislative implementation committee" to convince Congress of the need for a "judiciary council" of judges, legislators and Executive Branch representatives to tell Congress when a proposed bill would overburden the federal courts.

- When the ABA's convention shifts to London next week, he will tell the British more about his proposals to regulate the bar more strictly. And at some later date he will unfold new ideas for controlling the "input" of the Supreme Court's mounting case load.

- He rejects such labels as the "Burger court" because "the court doesn't really warrant anybody's name being attached to it." He also dislikes the phrase "law and order" because "that has become a stereotyped cliché sort of thing" that detracts from the drive for court reform.

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## ABA, From A1

In his speech to the ABA, Burger said "More stringent discipline in terms of protection of the public from the small minority of lawyers who have exploited uninformed laymen and abused the trust implicit in the franchise to engage in practice."

These remarks and Burger's speech in mid-May to the American Law Institute on the need for "civility" among lawyers, the press and judges, prompted the TV interviewer, William H. Lawrence of ABC

News, to ask how civility would be enforced.

"Well, of course," Burger replied "we can't do anything about the media. This is a matter of self-restraint. We can do something about lawyers and judges who are not civil." And, he said, he would therefore urge "that there ought to be an examination of the standards of legal and judicial practice and then strict enforcement when those standards are violated."

Asked to explain previous observations that unruly newspapermen used to be "horse-whipped," Burger replied he wasn't advocating that.

"Not at all," he said. "I was suggesting that, again, when it gets out of hand, this is what happens. And this did happen 100 years ago and more. We have just got to have a pervasive civility in dealing with all our problems, and it is more important when the problems are difficult than when the problems are easy.

Burger's determination to confine his television appearance to the ABC interview stirred resentment among some TV news reporters, who were barred from filming the address. They asked the Chief Justice to face their cameras for questions, and with visible reluctance, Burger agreed to answer three questions.

He used the occasion to underscore his call for improved correctional systems and more efficient court management.

Burger announced grants totaling \$900,000 by the U.S.

Law Enforcement Assistance Administration, the Ford Foundation and the American Bar Endowment for court streamlining studies.

Tonight's interview program was taped Thursday, the day after the court term ended with the Supreme Court's decision in the Pentagon papers Case, in Burger's chambers at the court. Lawrence's questions were based in part on an advance text of the State of the Judiciary address.

Burger's statement that the court was actually unanimous

on the basic issues in the Pentagon papers case surprised newsmen who had heard the oral argument and who had read Burger's dissent. The dissent said The Times should have reported to officials the leak of the military archives and should have sought agreement with the government over what could be published in the interest of national security.

Burger explained that the issuance of nine separate opinions, one for each member of the court, was the result of the "pressure" of the case in which "the simplest thing to do in getting it out in a hurry is each justice states what is on his mind."

Burger's statement that he had no unofficial contacts with the Nixon administration

apparently did not include his appearance at the White House on several occasions such as the President's Sunday nondemominational religious services.

"I hardly have time to be doing anything else" besides court work, Burger said. Reminded that justices in the past had been criticized for advising presidents on such matters as the Vietnam war, Burger said his advice hadn't been sought and wouldn't be of much value.

Asked whether his relationship with Mrs. Nixon had remained "correct but arms-length" Burger replied:

"The president is a lawyer. I am a lawyer. We both understand this. I am sure that that is the way it should be done and is being done."