

# Burger Scores Lack of Civility In Lawyers, Protesters, Press

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Chief Justice Warren E. Burger lashed out yesterday at overzealous lawyers, shouting demonstrators and shrill editorialists in a call for more "civility" in the courts and American life.

In his second annual address to the American Law Institute, Burger extended to the press his previous criticism of disruptive elements in society and the law.

"When men shout and shriek or call names," he said, "we witness the end of rational thought process if not the beginning of blows and

violence and combat. I hardly dare take the risk of adding that this may also be relevant to the news media."

Burger said the ALI, a body of leading lawyers that meets here each year to work out legal reforms, was setting an example of civility that "others, including the news media, could with profit emulate."

In what he called a "revival" of 19th century incivility characterized by "Know-Nothingism," Burger said, "Speakers are shouted down or prevented from speaking. Editorials tend to become shrill with invective and political cartoons are savagely reminiscent of a century past."

Burger referred to Washington newspapers, but identified none either during his speech or afterwards, in noting that Thomas Jefferson and other great men had been rugged but civil.

"Now Jefferson hardly was an enemy of free speech or free debate," the chief justice said in a departure from his text, Burger said there were "newspapers not too distant from this building where I speak" which "might do well to read what Jefferson had to say."

Burger spoke at the Mayflower Hotel.

The chief justice also had praise for the press. He said the role of the press "is a crucial one. Sometimes their highest service is to reflect precisely the conduct of the brash and swaggering and gutsy lawyer or the intemperate, blustering judge."

He said the press had performed a useful function in helping to reform the British bench in the last century. In those days, he noted, "News media were intensely partisan and vicious and it was not uncommon for political leaders to horsewhip newspaper reporters."

Burger said overzealous trial advocates—also not identified by name—were willing "at the drop of a hat" to cry out that their trial was "a political trial." These lawyers, he said, "had more adrenalin than judgment."