

## Nixon Picks A Judge for The Times

By William Theis  
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WASHINGTON — President Nixon, with staging that should have stirred the envy of his predecessor, has given the nation what the post-Fortas period seemed to call for — a jurist to be chief justice.

Nixon's choice of Federal Circuit Judge Warren E. Burger to succeed Chief Justice Earl Warren was keyed to these fundamentals, underscored by the President in his televised announcement:

• "Unquestioned integrity throughout his private and public life," the most important qualification noted by Nixon in the wake of the resignation of Associate Justice Abe Fortas.

• Judicial temperament and philosophy, reflecting the President's own view that respect for law is the "most priceless asset a free people can have."

The 61 year old Burger, a District of Columbia circuit

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court of appeals judge since 1956, is known as a "strict constructionist" in interpreting the Constitution and the law. Firmly a "law and order" judge in the terms described by candidate Nixon last fall.

### Looks the Part

Burger not only is already a judge with seasoning on the bench — he looks like a judge.

White-maned and stocky, the Minnesotan was unknown to many of the newsmen seated in the East Room of the White House when he walked in with the President for last night's televised "surprise" announcement of Warren's successor-to-be.

But for those who have followed Burger opinions in the important district appellate

## And Now It's Warren Earl

WASHINGTON — (UPI) — Name-watchers noted today that as Chief Justice Earl Warren will be succeeded by Warren Earl — Burger.

court, his legal identification is fairly clear. Makedly conservative, as against the liberal trend of the Supreme Court under Chief Justice Warren, Burger in a recent dissent had this to say:

"The seeming anxiety of judges to protect every accused person from every consequence of his voluntary utterances is giving rise to myriad rules, subrules, variations and exceptions which even the most alert and sophisticated lawyers and judges are taxed to follow."

### Fair Balance

The White House itself called attention to Burger's view that the American system of criminal justice was "based on the idea of striking a fair balance between the needs of society and the rights of the individual."

The President's staging, with its element of heightened surprise, reminded Washington veterans of President Johnson's technique. Announcement of the 7 p.m. East Room ceremony came in the early afternoon, without warning. The most serious advance speculation as to Warren's successor centered on Associate Justice Potter Stewart, who was flying back from California when Nixon named Burger.

It appeared clear the overriding factor assuring his confirmation and acceptance

was the fact Burger has been a federal judge for 13 years, not a practicing lawyer with unknown judicial views and perhaps unrevealed private financial ties that could raise a conflict of interest problem.

Burger himself noted that factor in his own way when he said that the President, in appointing him, was in a sense paying "tribute to all of the sitting judges of the federal and state systems."

## Man in the News Burger's Hard Climb to the Top

ST. PAUL (Minn.) — (AP) — Friends and relatives showed little surprise at the news President Nixon had nominated a St. Paul native, Warren E. Burger, to be Chief Justice of the United States.

"Warren had to work hard for everything he's ever had. He started at age of 9 as a paperboy carrying the St. Paul Pioneer Press and Dispatch," said John Burger, one of three brothers residing in St. Paul.

A former law partner, James Otis Jr., now an associate justice on the Minnesota Supreme Court, said the President probably didn't have a very hard job convincing Burger to become chief justice.

### Pay Cut

"One of the standard jokes around our office was how much of a pay cut Warren had to take to join our law firm," said Otis.

"He was making so much money selling insurance nights and going to school days that we couldn't match his income."

Burger studied at the University of Minnesota from 1925-27 and won his degree, magna cum laude, from the St. Paul College of Law, now the William Mitchell College of Law, in 1931.

He remained with Otis until 1953 when he went to Washington, D.C.

Judge Burger married the former Elvera Stromberg in 1933, continued to teach at the St. Paul College of Law from 1931 to 1948.

He was active in the state Republican Party during the 1930s and 1940s.

Herbert Lewis, a retired St. Paul Pioneer Press editor, recalled that Burger was an early, late and continuing supporter of Harold Stassen, both as Minnesota governor and later as a presidential aspirant.

### Gave Ike the Nomination

Said Lewis:

"In 1952 at the Republican convention, Stassen, when he realized he wouldn't win the nomination, held a hurried conference with Gen. Eisenhower.

Judge Burger, the Minnesota delegate on the credentials committee, later presented such a perfect anti-Robert-Taft case that it insured the nomination of Eisenhower.

"When he later became President, Eisenhower was always grateful to Burger," Lewis said.

After Burger became an assistant attorney general in 1953, "Warren became restless," said one friend.

"It was because of this that Eisenhower appointed him to the Court of Appeals for the District of Columbia in 1956," he added.

Judge Burger is a trustee of the Mayo Foundation in Rochester, Minn.