

Merry-Go-Round

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Judge Burger
Met the Press

Drew Pearson

Today's column is by Drew Pearson and Jack Anderson

PRESIDENT NIXON went to unprecedented lengths to explain why and how he picked Warren Burger to be his first major judicial appointment, that of Chief Justice.

There was good reason for this. Because never in the past half century has such an obscure jurist been appointed to this high post. In the past, Presidents have picked ex-Presidents of the United States, candidates for President, or cabinet officers to be Chief Justice.

In contrast, Judge Burger held only an obscure position as Assistant Attorney General and as Associate Judge on the U.S. Court of Appeals.

Inside reason for the President's choice, as previously reported, was Burger's close affiliation with Mr. Nixon in the Joe McCarthy witchhunting days, and his role in the No. 1 loyalty case under President Eisenhower — that of Dr. John Peters of Yale.

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HERE IS A quote from the Washington Merry-Go-Round column of April 9, 1955, regarding an off-the-record luncheon which Burger staged in connection with the Peters case:

"Purpose of the luncheon was to do what the American Bar Association frowns on — influencing the courts through the press.

"Assistant Attorney General Burger is scheduled to stand before the Supreme Court of the United States on April 18 to argue a famous security case. And, to sway public opinion in advance, he invited 12 newsmen to an off-the-record lunch. Upon arrival they were amazed to hear a bald attempt to use them to incite the pub-

lic for the purpose of influencing the Supreme Court.

"The Supreme Court case that Burger will argue is the famous one of Professor John P. Peters, top medical officer of Yale University who was fired from his part-time, nonsensitive government job in the U.S. Public Health Service after an unnamed, undercover government witness claimed that Peters had Communist affiliations.

"The case comes up for argument in the Supreme Court in about a week . . .

"So, to arouse public opinion in advance, Assistant Attorney General Burger proceeded to tell newsmen how a wrong decision by the Supreme Court could wreck the government's entire security program, how the Justice Department could function efficiently only if its corps of informers remained under cover, and how disclosure of their identities would wreck the security machine.

"Sooner than identify its secret witnesses, Burger hinted, the Eisenhower Administration would abolish its security hearings altogether.

"But he did attack anyone who criticized the Justice Department's security program, as being Communist-inspired.

"The 12 newsmen listened in silence . . .

"Note — newsmen present did not fall for Burger's anonymous diatribe . . ."

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BURGER'S CRITICISM of anyone who criticized the security program as "Communist-inspired" later could have been applied to most of the Supreme Court over which he will now preside. For a majority found against him.

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