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Merry-Go-Round

The Affinity Between Nixon and Burger



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Today's column is by Drew Pearson and Jack Anderson

IF THE SENATE Judiciary Committee, passing on the qualifications of Warren E. Burger to be Chief Justice, digs deeply enough, it will find an interesting affinity between him and President Nixon which Mr. Nixon has been trying to forget. It is the record of witchhunting in the days when Mr. Nixon was a rootin' tootin' member of the House Un-American Activities Committee backing up Senator Joe McCarthy and, in some cases, ahead of him.

Warren Burger at that time was his chief operator inside the Justice Department. That was where the 21-year-old friendship between the two really began.

The Senate is sure to confirm Burger.

But the Judiciary Committee has an obligation to bring out the full facts regarding his career. Whether it will do so, stacked as it is with Dirksen, Dodd, Hruska and Strom Thurmond, is another matter. However, this column on April 9, 1955, reported on an incident in Burger's career which goes to the root of his old witch-hunting days. It was the famous case against Dr. John P. Peters of Yale before the Supreme Court which Burger argued because the then-Solicitor General Simon Sobeloff refused to participate in witch-hunting. Sobeloff would not even sign the Justice Department's brief.

The issue was very clearly drawn between Burger, Mr. Nixon and McCarthy-

ism on one side, and the protection of constitutional rights on the other.

Dr. Peters was an eminent specialist whom the U.S. Public Health Service brought down from Yale for four to ten days each year to give advice on where money should be spent on medical research. As Chief Justice Earl Warren later described it, "this work was not of a confidential or sensitive character and did not entail access to classified material." Furthermore, Dr. Peters was cleared regarding any disloyalty by two loyalty boards during the Truman Administration.

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HOWEVER, when the Eisenhower Administration came into power, it reversed the Truman board findings and found Dr. Peters disloyal. It did so on the basis of "faceless informers," many of them not under oath, whom Dr. Peters was not permitted to cross-examine or even know about.

The Eisenhower loyalty board's opinion was handed down April 6, 1953, approximately two months after Mr. Eisenhower and Mr. Nixon took office and at a time when both had campaigned on a platform of driving all "Communists" out of government. Attorney General Herbert Brownell was the public spearhead of that drive with an assist from Vice President Nixon.

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