

BURGER APPROVED BY SENATE PANEL

A Unanimous Vote Follows
Friendly Questioning—

Protester Is Barred

4 June 29

By FRED P. GRAHAM

Special to The New York Times

WASHINGTON, June 3 —

Judge Warren E. Burger's nomination to succeed Earl Warren as Chief Justice won the quick and unanimous approval today of the Senate Judiciary Committee.

After a friendly hearing, at which only Judge Burger testified, the committee voted its approval in a five-minute private session. The full Senate is expected to vote on his confirmation next week.

In contrast to the acrid Supreme Court confirmation hearings of recent years, today's proceedings were marked by gentle questions and laudatory remarks toward the calm, white-haired nominee.

Tijerina Protests

The cordial atmosphere in the committee room was disturbed only once, when shouts of protest were heard from outside the well-guarded door, which was closed to Reies Lopez Tijerina, the Mexican-American militant, who had come to protest Judge Burger's nomination.

Senate officials had been warned of Mr. Tijerina's threat to place Judge Burger under "citizen's arrest" for alleged violations of poor people's civil rights.

The small hearing room was packed with American Bar Association officials, who appeared in support of the nominee, and the largest contingent of uniformed and plainclothes policemen that had been seen at a Congressional hearing in

Continued on Page 20, Column 1

Burger Is Approved by Senate Panel

Continued From Page 1, Col. 5

years. Members of the general public—including Mr. Tijerina—were left outside.

Judge Burger was treated warmly by the committees' conservatives and politely by its liberals during the one-hour-and-40-minute hearing.

He was questioned about his judicial philosophy, but was not pressed to commit himself when he declined to discuss current, controversial legal issues.

Backs Fee Disclosure

He did say that "I would see no objection" to a law that would require Federal judges to disclose, as do Senators, all honorariums and fees in excess of \$300.

He also expressed no objection to a proposal that judges be required to make full financial reports that would be kept confidential within the judiciary.

Judge Burger added that he saw no constitutional problems in a proposed law that would create a panel of judges with power to remove disabled or unfit members of the Federal bench.

Regarding his own extrajudicial activities, Judge Burger all but pledged to resign from his post as a trustee of the Mayo Foundation if he was confirmed.

Questions have been raised about the \$7,500 that he has received during the past 11 years for his service to the foundation, which is an affiliate of the Mayo Clinic in Rochester, Minn. He said today that if he became Chief Justice, "it would seem very clear to me that I must re-examine my whole mode of life and see where the priorities lie."

He indicated that he would

continue to take part in some off-the-bench activities related to the law, but added that "all matters not pertaining to judicial administration would have to be eliminated."

Throughout his testimony, Judge Burger stressed his desire to bring modern management techniques to bear on the growing problem of slow justice. He saw a need to have "traffic managers" to coordinate the flow of cases and said individual judges could no longer be permitted to function as independent operators.

Judge Burger repeated a

theme that weighed heavily in President Nixon's selection of him to lead the Court—disbelief that the procedural safeguards for criminal defendants had become too numerous and cumbersome and that criminal justice procedures should be streamlined.

He referred to his suggestion that the Supreme Court to lay down rules, with the assent of Congress, could be used to create a comprehensive set of procedures. He said he preferred this to the case-by-case method of constitutional rule-making that he said the Warren Court had used.