

# BURGER IS SWORN AS CHIEF JUSTICE; WARREN PRAISED

Nixon, in Unusual Speech,  
Calls Retiring Court Head  
"Example of Integrity"

CONTINUITY IS STRESSED

New Leader Vows to Defend  
Constitution and to Treat  
Poor and Rich Alike

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statements, Page 24.

Special to The New York Times

WASHINGTON, June 23

Warren E. Burger was sworn in today as the 15th Chief Justice of the United States in a ceremony that included a tribute from President Nixon to retiring Chief Justice Earl Warren.

In the first speech ever made by a President before the Supreme Court, Mr. Nixon said he was appearing as a member of the bar of the Court to pay tribute to Mr. Warren's 16 years as Chief Justice and his 52 years of public service.

The 78-year-old Chief Justice replied that the Supreme Court had maintained "a more or less steady course," faithful to the Constitution and the Justices' individual sense of conscience.

"I leave in a happy vein," Mr. President, the Chief Justice said.

### Sworn In By Warren

The remarks preceded a brief swearing-in ceremony, in which Chief Justice Warren administered the oath to Judge Burger. The 61-year-old former Court of Appeals judge stood before the Chief Justice's center chair and vowed in a firm, strong voice to defend the Constitution and to mete equal justice to the poor and the rich.

Then Mr. Warren gestured to his white-haired successor and symbolically completed the transition by declaring: "Ladies and gentlemen, the Chief Justice of the United States."

Before the brief swearing-in ceremony shifted the focus of attention to the new Chief Justice, the central figure in the packed courtroom had been Chief Justice Warren, as it had been for much of the turbulent period often called the "Warren era."

Clad in a cutaway coat and striped trousers, the costume customarily worn by Government attorneys in arguments before the high bench, Mr. Nixon stood at the counsel's podium and spoke extemporaneously of the "continuity with change" that he said the

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Court had achieved under Justice Warren's leadership.

For Mr. Nixon the occasion was an act of public healing. His relations with the Chief Justice have been cool, and during the 1968 Presidential campaign Mr. Nixon spoke strong words of criticism of the Court.

"To the Chief Justice of the United States, all of us are grateful today," Mr. Nixon said. He added that "his example, the example of dignity, the example of integrity, the example of fairness, as the chief law official of this country, has helped to keep America on the path of continuity and change, which is so essential for our progress."

Speaking of the transition from the "Warren Court" to the "Burger Court," Mr. Nixon

stressed the "selfless example" and the "nonselfish example" that he said Mr. Warren had set in emphasizing the Court as a continuing institution.

Because of that, the President said, the high court will not be viewed in terms of the personalities of its chief officials but as a continuing "Supreme Court." Mr. Nixon placed emphasis on the word "supreme."

Chief Justice Warren's reply continued the theme of continuity. He spoke of the "awesome responsibility" of speaking the last word in judicial matters, as the President makes ultimate decisions in the executive branch.

"We have no constituency. We serve no majority. We serve no minority," he said. He added that the Justices were guided "only by the Constitution and our own conscience."

"And conscience sometimes is a very severe taskmaster," he said.

Justice Warren played down

the occasional disputes reflected in the Court's opinions and called it a sign of judicial vitality. "I hope the Court will never agree on all things," he said, because, he said, he considered it natural for nine men to have some disagreement over important, controversial matters.

The lofty, marble, Supreme Court chamber was packed with about 400 invited guests, including many top Government officials and leaders of the legal profession.

### A 'Family Section'

Mrs. Nixon came in a pink suit and pink red and blue scarf and sat in the "family section" near the bench, alongside Mrs. Warren. Members of Judge Burger's family and the families of other Justices were also there. Others present were Attorney General John N. Mitchell, Secretary of State William P. Rogers and J. Edgar Hoover, the director of the Federal Bureau of Investigation.

At the opening of the session, Justices Potter Stewart and Thurgood Marshall announced the final three opinions of the year in abbreviated statements that were concluded within a half hour.

After President Nixon spoke and Chief Justice Warren replied, Judge Burger, clad in his judicial robe, rose from his position at the clerk's desk and moved to the center of the bench to take his oath.

Immediately after Mr. Warren introduced him as the new Chief Justice, Mr. Burger shook hands with Justices Hugo L. Black and William O. Douglas, who will sit beside him behind the bench next year.

Then the entire Court retired through the red velvet curtain behind the bench, bringing the present court term to an end. The new term will begin on Monday, Oct. 6.

## High Court Rejects Sadists' Convictions; Search Held Illegal

WASHINGTON, June 23 (AP)

The Supreme Court has summarily reversed the convictions on lewdness charges of two persons arrested in a raid on a New Jersey sadism club.

The Court said, in a brief 6-to-2 opinion, that the search and seizure procedures used in the case were constitutionally invalid.

The unsigned opinion noted that Associate Justices Byron White and Hugo L. Black dissented from the majority action.

The two defendants, Marianna Monique Von Cleef and James Albert Beard, had been convicted for lewdness offenses. Miss Von Cleef was sentenced to four months in jail and fined \$1,000. Beard was fined \$500 and given an 18-month probationed sentence.

They claimed an appeal that an unconstitutional search had been made of their Newark house.

The arrests were made by the Essex County Sheriff's office in the 16-room colonial home in which Beard and Miss Von Cleef lived. A detective had an arrest warrant, but the appeal claimed the warrant was invalid.

In the course of the raid, the appeal said, the police seized 4,500 pieces of personal correspondence, two filing cabinets and a file drawer containing about 2,000 names and addresses, a cigar box containing applications for membership in the "Flair Club" and more than 200 photographs.

Miss Von Cleef and Beard claimed, through lawyers, that this sort of "general, exploratory search" was forbidden by the Federal Constitution.