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Burger Accepts Free Flight Offer

Salt Lake Tribune Wed 22 Sept '71 p. 6A

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By Lyle Denniston
Washington Star Writer

WASHINGTON — Chief Justice Warren E. Burger accepted an offer of a free flight last weekend on a private plane owned by an industrialist who lost an appeal to the Supreme Court earlier this year.

Burger confirmed through a spokesman last night that he and his wife had used the aircraft, but said he had no knowledge that its owner had ever been involved in a Supreme Court case.

The plane belongs to Bernard P. McDonough of Parkersburg, W.Va.

Last Jan. 11, the court refused to hear an appeal in which McDonough was attempting to win the right to keep \$612,000 he had made on a stock option deal.

Burger said he had never seen McDonough or heard of him prior to last Friday, when the businessman suggested that the Burgers use his plane to go to Long Island, where they were to attend the wedding of Secretary of State William P. Rogers' son, Jeffrey.

The case that the Supreme Court turned down in January is apparently closed. Presumably, however, McDonough's wide-ranging financial activi-

ties could become the subject of a legal controversy in the future.

A federal judge's conduct outside of the court is governed, in an advisory way, by ethics rules drafted by the American Bar Assn.

In recent years, the off-bench conduct of Supreme Court justices has been surrounded by controversy which has led to demands for tighter restrictions.

This controversy grew out of the ethics dispute which led

to the resignation of Supreme Court Justice Abe Fortas. The controversy grew more intense when the Senate, citing ethical problems, turned down President Nixon's Supreme Court nomination of Federal Judge Clement F. Haynsworth Jr.

The key challenge to Haynsworth involved his participation in court cases where he had had some private relationship with the companies or persons involved.

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Ohio Jurist Gets Position on Military Court

Washington Star Service

WASHINGTON — President Nixon Tuesday named Judge Robert M. Duncan, a justice of the Ohio Supreme Court for the last two and a half years, to fill a vacancy on the three-judge U.S. Court of Military Appeals.

Duncan, 43, will be the first black and only the seventh judge to sit on the military appeals bench since it was created in 1951 by Congress when the uniform code of military justice was established.

Duncan, whose appointment must be confirmed by the Senate, is to succeed Judge Homer Ferguson, whose 15-year term expired on May 1. Duncan's term will also be for 15 years.

Sen. William B. Saxbe, R-Ohio, under whom Duncan served when Saxbe was Ohio attorney general, said he expected no difficulty in winning Senate confirmation.

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