

October 1995

## Eulogy for the Honorable Warren E. Burger, Chief Justice, Supreme Court of the United States

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### Repository Citation

William H. Rehnquist, *Eulogy for the Honorable Warren E. Burger, Chief Justice, Supreme Court of the United States*, 37 Wm. & Mary L. Rev. 5 (1995), <https://scholarship.law.wm.edu/wmlr/vol37/iss1/3>

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EULOGY FOR THE HONORABLE WARREN E. BURGER  
CHIEF JUSTICE, SUPREME COURT OF THE UNITED  
STATES

The National Presbyterian Church  
Washington, DC  
June 29, 1995

Given By

THE HONORABLE WILLIAM H. REHNQUIST  
CHIEF JUSTICE, SUPREME COURT OF  
THE UNITED STATES

I first met Warren Burger when he swore me in as an Associate Justice of the Supreme Court in a private ceremony in his chambers in December 1969. I had expected him to be rather stiff and formal, as I assumed all Chief Justices were. But I could not have been more wrong; he was warm, friendly, and cordial, and thus began a friendship that continued for more than twenty-five years.

Warren Burger practiced law for a number of years in Saint Paul, Minnesota. He then served as Assistant Attorney General in charge of the Civil Division of the Justice Department under President Eisenhower, and was appointed by Eisenhower to a seat on the United States Court of Appeals for the District of Columbia Circuit. He served on that Court for thirteen years until President Nixon appointed him Chief Justice in 1969.

He presided over our Court for seventeen years, and during that period of time authored a number of important decisions—*Griggs v. Duke Power Co.*,<sup>1</sup> the *Nixon Tapes* case,<sup>2</sup> *Tornillo v. Miami Herald*,<sup>3</sup> the *Nebraska Press Association*

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1. 404 U.S. 424 (1971).

2. *United States v. Nixon*, 418 U.S. 683 (1974).

3. *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974).

case,<sup>4</sup> to mention only a few. He also brought numerous important procedural changes to the way the Court did its business. The time for argument was reduced from one hour a side to half an hour a side. The bench was reconfigured so that those on the wings now have a better view of what is going on. He led the way in bringing automation to the Court; the way we prepare, produce, and issue our opinions today is dramatically different from what it was when he took office in 1969. But to him it was not enough to simply lay down the principle from on high: the system of justice which would administer these principles was staffed by fallible human beings, and he bent his efforts to see that these people had all the help in the way of training and education that they could in order to succeed in their difficult task.

Ordinarily when one takes the bench, one becomes less involved than previously with the various concerns of the legal profession, but this was not true of Warren Burger. As an appellate judge, he helped to found the Appellate Judges Conference at New York University, and played an important part in the drafting of the standards of criminal justice for the American Bar Association. As Chief Justice, he played a major role in the creation of the National Center for State Courts, the Institute for Court Management, the State-Federal Judicial Councils, and the expansion of the Federal Judicial Center. All of these were designed in some way to train and educate judges in how to better perform the judicial task; he was particularly concerned that the state court systems be helped in every way possible to be more effective and more efficient.

While he was Chief Justice he helped to found the American Inns of Court, which were designed to bring members of the bench and bar together with law students in much the way it is done in the English Inns of Court. In this respect, Warren Burger was definitely an anglophile—he thought the English Inns of Court represented a happy means of bringing together the various segments of the legal profession on a regular basis. And in this country this idea which he pioneered has continued to spread through various law schools and legal communities.

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4. *Nebraska Press Ass'n v. Stuart*, 427 U.S. 539 (1976).

When Warren Burger retired as Chief Justice in 1986, he said one of the reasons that he did so was that he could not do justice to both that office and his position as Chairman of the Committee on the Bicentennial of the Constitution. When asked why he had chosen his Chairmanship over his Chief Justiceship, he replied that he thought the President would have no trouble finding someone to be Chief Justice, but he might have trouble finding someone to be Chairman of the Committee on the Bicentennial. After his retirement he was able to concentrate on the Bicentennial Commission and bring his tremendous energy to bear to make Americans better acquainted with the Constitution. He was on occasion pressed by scholars to devote substantial amounts of Commission resources to academic forums and treatises on constitutional law, but he declined to do so. He saw his job as bringing home to millions of Americans the significance of their Constitution, and he succeeded in it magnificently.