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Tribute to Dr. William F. Swindler

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WILLIAM F. SWINDLER

*A Tribute from the
Chief Justice of the United States*

When I learned that my friend, William F. Swindler, John Marshall Professor of Law at William and Mary, planned to "retire," I was a little incredulous. "Retirement" is not a term that fits a person so filled with ideas and energy. Merely relinquishing regular teaching duties will not mean that this combination of intellectual and innovative dynamism can be stopped like the ancient machines at the Smithsonian.

I first knew of Bill Swindler some time before we actually met. On my arrival at the Supreme Court, I made a point of reexamining some aspects of the Court's history, so that I might put my new responsibilities in perspective. I called the Court's Librarian to order some representative scholarly works; Bill Swindler's *Court & Constitution in the Twentieth Century* was one of the most helpful.

In 1971, while involved in planning the National Conference on the Judiciary at Williamsburg, I concluded that that was the appropriate occasion to propose, to a nationwide forum, that the National Center for State Courts be created. At that gathering I met Bill Swindler. Later in 1971, when I returned to Williamsburg, I discussed with Bill various projects I had in mind for the Judiciary, as well as some new historical programs I was thinking of launching.

Soon after my appointment to the Court, I had been appalled to discover that alone among the three branches of government, the Court had no curator, no historian, nor any arrangement to recover and to preserve important records of the past. To remedy the lack of any systematic effort to organize and preserve the many historical papers and memorabilia relating to the Supreme Court and its Justices, we created a Historical Advisory Committee consisting of historians, curators and archivists and, of course, Bill was an influential member. We had developed some simple historical exhibits at the Court in 1970 and found that visitors showed interest. The activities of the Advisory Committee led to the creation of a Supreme Court Historical Society through which interested people outside the Court could aid in the acquisition, organization, preservation, and exhibition of memorabilia, materials, and furnishings identified with former Justices and especially with the first century of the Court.

Bill Swindler became Chairman of the Supreme Court Historical Society's publications committee. Under his direction the Society annually publishes its handsome and informative *Yearbook*. He also

serves in a consulting capacity to the Society's Documentary History project which is reconstituting the Court's records from 1789-1800. The latter work promises to be the first comprehensive study of its kind of that era, and was launched with a grant from the National Historical Publications and Records Commission.

Bill Swindler served as a consultant to the 1976 Bicentennial Committee of the Judicial Conference of the United States, and in this role, he participated in developing the five television film documentaries on important cases of the Marshall era. The documentaries dramatically relate the reasoning and historical importance of such cases as *Marbury v. Madison*, *Gibbons v. Ogden*, and the trial of Aaron Burr. The documentaries have been widely shown on educational television, and are used as teaching aids in many high schools. They also have been shown in Europe, including at the Inns of Court.

Over the years, I have enjoyed a warm personal relationship with Bill as well. I particularly have enjoyed visits and walks with him at Williamsburg and conversations on the history of the Supreme Court. Various projects for the improvement of judicial administration have benefited from Bill's comprehensive knowledge of the evolution of Western legal systems. His dedication to the humanistic values in the law has accompanied his understanding of the complex problems facing the Judiciary today.

It is good that Bill Swindler will continue to be so active in the service of the law, legal education and history.

Warren E. Burger