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The Honorable Warren E. Burger, the Fifteenth Chief Justice of the United States Supreme Court and Twentieth Chancellor of the College of William and Mary: Introductory Remarks

Timothy J. Sullivan
William & Mary Law School

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TRIBUTE

THE HONORABLE WARREN E. BURGER, THE FIFTEENTH
CHIEF JUSTICE OF THE UNITED STATES SUPREME
COURT (1969-1986) AND THE TWENTIETH CHANCELLOR
OF THE COLLEGE OF WILLIAM AND MARY (1987-1994)

INTRODUCTORY REMARKS

By

TIMOTHY J. SULLIVAN
PRESIDENT, COLLEGE OF WILLIAM AND MARY

Warren Burger, fifteenth Chief Justice of the United States and the twentieth Chancellor of the College of William and Mary, was buried in Arlington National Cemetery on June 29th. The College community was deeply saddened by the death of this man who presided over our highest court for seventeen of our nation's most turbulent years.

Chancellor of the College from 1987 to 1994, Chief Justice Burger manifested in his professional career the determination and independence of thought we seek to develop in our students. As those who follow history will recall, President Richard Nixon appointed Burger to the Supreme Court in 1969, hoping that

this conservative judge would temper some of the decisions inherited from the more "activist" Warren court. However, Chief Justice Burger's decisions were guided not by politics or patronage, but by his loyalty to the Constitution. Consequently, his nominally conservative court upheld compulsory busing to desegregate schools, outlawed sex discrimination, established the right to abortion, and denied Nixon himself the "executive privilege" that would have held the President above the law for his participation in Watergate.

His devotion to the Constitution led to his resignation from the Court in 1986, to assume leadership of the Commission on the Bicentennial of the United States Constitution, and fortunately for us, to provide us the opportunity to reactivate the role of the College's Chancellor, an office empty since 1974. In these new roles, he struck the perfect balance between Town and Gown. Years before, Chief Justice Burger had provided the impetus to open the National Center for State Courts—a unique marriage of College and community expertise. In his role as Chancellor, he became a model teacher, committed to educating the citizens of this country, and of this College, about the document that protects and preserves the freedom we enjoy.

And despite his reputation as a law-and-order judge, or on the other hand, *because* of his commitment to law and order, he cherished freedom above all else. Eight years ago, when he was installed as Chancellor, he remarked: "Conflicts have been going on a long time within our system. Walt Whitman in one of his poems said, 'All the noisy conflict, excitement, and strife are GOOD to behold.' . . . He saw it as 'GOOD' to behold because it was a manifestation of our freedom."¹

More recently, in his book *It is So Ordered: A Constitution Unfolds*, he reminded us that "[d]emocracy is people—men and women with all their virtues and flaws—trying to work together to produce ordered liberty."²

To his great credit, Chief Justice Warren E. Burger never toed

1. Chief Justice of the United States Supreme Court, and Chancellor of the College of William and Mary, Warren E. Burger, Charter Day Address at the College of William and Mary (Feb. 7, 1987).

2. WARREN E. BURGER, *IT IS SO ORDERED: A CONSTITUTION UNFOLDS* vii (1995).

a party line. He recognized that, for all of its noise and inherent conflict, the freedom to speak one's conscience—to fight for what one believes is truly right—is the most important freedom this country offers its people. And I am proud to say that he offered his own wonderful example to the students, faculty, and staff of this College. He will be missed, but his passion for the Constitution and his love for our country will continue to inspire all who were touched by his remarkable life.