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Thank You, Burke

Nicholas deB. Katzenbach[†]

History will record Burke Marshall as the architect and frequent implementer of the Kennedy and Johnson Administrations' successful breakup of the South's racial caste system and the country's start on the long road to Dr. King's colorblind society. But for those of us who knew him, Burke was simply a wonderful person who taught us all—students and friends alike—the fundamental values of the world we live in. It was not his extraordinary intelligence or analytical ability that made us love him. It was his humanity, his quiet sense of humor, and his willingness to share himself with us.

The other day I received a letter about Burke from a person I had never met. He wrote:

In 1968, I had the honor of working in the New York headquarters of the R.F.K. Presidential Campaign (licking stamps, sealing envelopes). Burke Marshall stopped by, and began answering phones—like the rest of us. He was always ready to demonstrate that neither station in life nor superior intellect took precedence over humility and civility.

We all knew and loved that part of Burke. It existed alongside a courage and strength of character as great as any I have known. He married a woman whose character and principles were as strong and dedicated as his own, and through them that character and those principles have been passed on to three fine daughters.

Much has been and will be said here and elsewhere about Burke's great intellect and accomplishments. But perhaps one had to know him very well to perceive how he used his quiet and unassuming manner in an almost wily way. He came to my office in the Department of Justice one Saturday morning to tell me that our great Solicitor General, Archie Cox, was having

[†] Attorney General of the United States, 1965-1966. This Tribute is an edited version of oral remarks given at a memorial service for Burke Marshall at the Yale Club of New York City on June 18, 2003.

trouble finding a constitutional basis that would protect the sit-ins of the time from prosecution under state trespass laws. We both went to see Archie and I spent my time telling him what a disaster such a failure would be. Burke—who understood people so well—knew that Archie would not be persuaded by my arguments and, of equal importance, would only be persuaded by Archie’s own reasoning about the Constitution. Burke quietly ruminated about the law, sympathizing with Archie’s problem and suggesting possible solutions so subtly that neither of us was aware of what he, in fact, was doing. I became aware about an hour later when Archie excitedly telephoned me saying, “I think I may have found the argument I was looking for.” I suddenly realized where he had found it—and it wasn’t quite where Archie thought.

This same modest manner made Burke effective with Congress. We spent hours—it seemed like years—in Senator Dirksen’s back office rewriting the 1964 Civil Rights Act to Dirksen’s satisfaction. Burke accomplished a feat I think must be unequalled in legislative history. He redrafted virtually every section of the bill—to say in different words exactly what the original had said. Blissfully unaware of what Burke had done, the Senator was absolutely delighted with the new bill.

My sons tell me that Burke made the greatest speech their classmates at Exeter had ever heard. The occasion was morning chapel when Burke was presented with Exeter’s highest award, the John Phillips medal. The Headmaster spoke at length about Burke’s accomplishments. The Dean then spoke at even greater length about Burke’s accomplishments and presented him the medal. The student body politely applauded, and settled back on the hard wooden benches to hear his speech. Burke went to the podium and turned to the Headmaster and Dean: “Thank you,” said Burke, and sat down. The student body rose as one, shouting, applauding, and stomping. Chapel was over and there was time to get a breakfast snack at the Grill before the first class began. Burke always knew his audience.

Let me conclude by saying for myself of a friendship of more than sixty years and, I know, for all his friends, colleagues, students, and a nation grateful for what he did for all of us in so many different ways, “Thank you, Burke.”