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## Response

Warren E. Burger

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the millions of others who keep him in revered and grateful memory.

We do

RESOLVE that we, the Bar of the Supreme Court of the United States, express our profound sorrow at the death of Justice James Francis Byrnes, and our grateful appreciation for his long life of public service of the highest order in the Executive, Legislative and Judicial branches of his State and National Governments, giving his all to a search for light and truth and justice and the promotion of love, peace and freedom for all mankind:

IT IS FURTHER RESOLVED

That the Attorney General be asked to present these Resolutions to the Court and to ask that they be inscribed on its permanent records and that copies of these Resolutions be forwarded to Mrs. Byrnes in Columbia, South Carolina.

Robert R. Carpenter, Rock Hill, S.C.  
Benjamin V. Cohen, Washington, D.C.  
J. Bratton Davis, Columbia, S.C.  
James E. Doyle, Madison, Wis.  
Nelson Hartson, Washington, D.C.  
E. F. Hollings, Washington, D.C.  
W. F. Prioleau, Jr., Columbia, S.C.  
David W. Robinson, Columbia, S.C.  
T. Frank Watkins, Anderson, S.C.  
C. G. Wyche, Greenville, S.C.  
E. Smythe Gambrell, Atlanta, Ga., *Chairman*

## RESPONSE

MR. CHIEF JUSTICE WARREN E. BURGER

Your motion is granted, Mr. Attorney General, and we thank you for your statement<sup>1</sup> and tributes of the Supreme Court Bar to our late Brother, James Francis Byrnes.

At the time of this Memorial today, only Justice Douglas of the present Court served on the Court when Justice Byrnes was here, and Justice Douglas has asked me to express his very deep regret that a commitment made before the date was fixed for this

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<sup>1</sup> The remarks of Attorney General Kleindienst have been omitted.

memorial service prevents his being here today. In visiting with Justice Douglas about Justice Byrnes, I learned that he and Byrnes had been friends from the time Justice Douglas first came to Washington as a member of the Securities and Exchange Commission more than 35 years ago.

As others have done, Justice Douglas recalled particularly the warm human qualities that have been spoken of so eloquently in the Memorial today. He said few men he had known could concentrate on important governmental problems of the highest order for long hours and yet, when the work was finished at the end of the day, turn to the rich pleasures of congenial friends at dinner. He recalled that a favorite pastime of Justice Byrnes was to participate in singing folk songs and ballads of the South and of America in his rich tenor voice.

When Justice Byrnes came to this Court it was after an enormously active career as a leader in public life, and he found the change to the isolated life of a Justice of this Court not easy to make. But nothing in his opinions while he was on the Court would give any indication of any difficulties in the transition.

Justice Byrnes had a remarkable capacity to adjust to new responsibilities. When *Taylor v. Georgia* was unanimously decided in 1942, Chief Justice Stone assigned the writing of the opinion to Justice Byrnes for the very sound reason that an opinion by a leading figure from the South gave added force to a holding that the Georgia statute violated Federal prohibitions against peonage. From yet another point of view, the opinion in that case reflects the broad national outlook he was prepared to take once he came to this Court and was free to lay aside sectional or regional interests and attitudes.

I had the honor to attend the services for Justice Byrnes in Columbia and heard the eloquent eulogy to him delivered by General Lucius Clay. When Justice Byrnes was drafted from the Court in 1944 to become Director of War Mobilization, General Clay was appointed his Deputy, and later they were intimately associated in Europe following our occupation of Germany. General Clay described very graphically the breadth of vision and the great skill of Justice Byrnes in the representation of American interests in Europe while he was Secretary of State. This, of course, was one of the crucial periods in the development of American foreign policy, and his handling of these problems took into account the natural tendency of every country to turn inward after a war.

Justice Byrnes, as Secretary of State and as a leading political figure in the country, was determined that the United States should not turn its back on the world after the enormous sacrifices that had brought victory. His remarkable talents as a conciliator and a negotiator that had developed through his many years in legislative work enabled him to deal with some of the most difficult and trying problems ever to confront an American statesman or diplomat. His exposition of American policy relating to post-war Europe and the pledge on behalf of the United States that we would support Western civilization and the restoration of Europe stands out as one of the high points in his remarkable career.

General Clay, who shared some of the most trying hours in Europe in the work of Justice Byrnes as Secretary of State, recalls the same warm human qualities that so many others remember. General Clay told me that these qualities helped to sustain the Justice while he was representing the interests of our country in those difficult times.

In Europe, as in the days when Justice Byrnes sat on this Court, he would renew and refresh himself, after long hours of negotiation and intense dealing with the representatives of Russia, by laying work aside and spending an evening with friends singing the songs that are a common heritage for all Americans. The historians and biographers will chronicle the unique career of Justice Byrnes in the highest levels of all three branches of Government, but his friends will remember him for his humanity and his love of life and people.

Mr. Attorney General, Mr. Solicitor General, on behalf of the Court I thank you for your presentations here today in memory of James Byrnes. We ask you to convey to the Chairman and the Committee on Resolutions our appreciation for their efforts. The resolutions will be made part of the permanent records of this Court.

Mr. Justice Byrnes, who retired from active service on the Court October 3, 1942, 317 U.S. vii, viii (1942), died in Columbia, South Carolina, on April 9, 1972. Services were held at the State House and at Trinity Episcopal Church, Columbia, South Carolina, on April 12, 1972. Interment was in Trinity Episcopal Church Cemetery, Columbia, South Carolina, on April 12, 1972.

The following are additional tributes: U.S. Congress, 92d Congress, Second Session, Memorial Addresses and Other Tributes in the Congress of the United States on the Life and Contributions of James F. Byrnes, Washington, D. C., U. S. Government Printing Office, 1972; Proceedings in the United States Senate, April 10, April 11, April 12, April 13, April 19, May 17, May 23, 1972; Proceedings in the U. S. House of Representatives, April 10 and April 13, 1972.

