

President Ramo: Bill, would you mind coming up here? Because I just realized that people sitting over there can't see, so that would be great.

Judge William H. Webster (D.C.): As we gather for the Annual Meeting of The American Law Institute, it is appropriate that we pause briefly to honor the memory of another of our most distinguished and respected members, who passed away on May 8, 2012, just two weeks ago, at the age of 90. Nicholas deBelleville Katzenbach performed outstanding service to his profession and to his country: War hero, statesman, attorney general, champion of civil liberties, and an experienced and able corporate counsel.

Nick was born in Philadelphia, attended high school at Phillips Exeter Academy in New Hampshire, where he was an accomplished hockey player, and went on to Princeton, where he majored in international relations and public affairs.

Pearl Harbor interrupted his education and at the age of 19 he drove to New York to enlist. A month later, he was commissioned a second lieutenant in the Army Air Forces and became a navigator on B-25 bombers. His plane was shot down in a mission in 1943. He was captured and in the ensuing 15 months utilized his time as a prisoner of war to read some 400 books. He was also, incidentally, awarded the Air Medal and three clusters.

Princeton recognized his reading activities and granted him a degree *cum laude* in 1945. He graduated from Yale Law School, where he was editor in chief of *The Yale Law Journal*, and thereafter studied at Balliol College in Oxford on a Rhodes scholarship.

During the 1950s, Nick both practiced law and taught law at Yale and the University of Chicago. In 1961, he coauthored his first book, with Morton A. Kaplan, entitled *The Political Foundations of International Law*.

During the Kennedy Administration, Nick Katzenbach served as an assistant attorney general in charge of the Office of Legal Counsel and subsequently as deputy attorney general. He became heavily involved in the enforcement of Supreme Court decisions calling for desegregation and had to confront the reactions and violence in the South. He was personally on the scene during the challenge to the admission of James Meredith at the University of Mississippi in 1962, and subsequently, in 1963, confronted the governor of Alabama in a historic meeting in which he had deftly avoided the earlier violence that had occurred and succeeded in his mission.

Victor Navasky wrote in a 1971 *New York Times* profile that Katzenbach received admiration from the Kennedys and a public reputation as a "courageous egghead, committed activist, and intellectual who put principle ahead of expediency, public good before personal safety."

In 1964, Attorney General Robert Kennedy resigned to run for the Senate in New York, and President Johnson appointed Nick Katzenbach to succeed him. As attorney general, he both helped to draft and steer the civil-rights legislation through Congress and

defended the 1964 Civil Rights Act before the Supreme Court, winning a nine to zero ruling. He also had the Justice Department seek a federal-court order barring Alabama officials from interfering with the Selma civil-rights march.

After his resignation in 1966, he was appointed under secretary of state by President Johnson and worked skillfully to help bring an end to the war in Vietnam, the legality of which he had vigorously defended.

Following the election of Richard Nixon as President in 1968, Nick Katzenbach resigned and joined IBM as senior vice president and general counsel. He found himself defending the antitrust suit filed at the end of the Johnson Administration, a contest that lasted for 13 years, including a six-year trial, and ended in 1982 when President Ronald Reagan dropped the case.

He left IBM in 1986 and joined the New Jersey-based firm of Riker, Danzig, Scherer, Hyland & Perretti.

During much of the time, despite all changes and challenges, Nick Katzenbach was actively involved with The American Law Institute. He was elected to membership in 1963 and thereafter, in 1983, he was elected to the Council, where he served actively until taking emeritus status in 2001.

He served as a Consultant for the Principles of Corporate Governance project from 1983 to 1993 and also was an “Adviser to the Council” on that project. From 1955 to 1961, he was an Adviser for the Restatement Second of the Foreign Relations Law of the United States. In 1982, he addressed the Institute’s 59th Annual Meeting Dinner on the subject “Has television made the United States ungovernable.” (*Laughter*)

Many of us will recall with admiration his wise and thoughtful comments at our meetings. In 2009, Nicholas Katzenbach received the ALI’s prestigious Henry J. Friendly Medal for contributions to the law in the spirit of Judge Friendly and the Institute.

Finally, one might ask how can we assess such a remarkable career? Perhaps we should be reminded of the words of the Great Yankee from Olympus, Oliver Wendell Holmes, Jr., who wrote: “[W]hether a man accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success which it is his to command is to bring to his work a mighty heart.”

We extend our sympathy to Nick’s wife, Lydia Stokes Katzenbach, and his family, and we salute the memory of this remarkably successful lawyer.

President Ramo: So, at moments like this, people say sometimes let’s have a moment of silence. But I don’t think a moment of silence is exactly what is called for. Instead, what I would like us all to do is rise up and cheer their lives, and say to ourselves what can we do to fill the vast space that has been left by their absence?

So join me in standing up and applauding the lives. (*Applause*)