

Oral History of Honorable Arthur Burnett, Sr.

This interview is being conducted on behalf of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is William Marmon and the interviewee is Honorable Arthur Burnett. The interview took place at the home of William Marmon in Chevy Chase Maryland, on Monday, September 23, 2019. This is the first interview.

MR. MARMON: Today we are going to start with your birth and early years in Spotsylvania County, Virginia. Please tell about what it was like growing up as a boy in Spotsylvania County, Virginia, in 1935, when you were born.

JUDGE BURNETT: March 15, 1935 in a midwife delivery in my mother's bedroom, and indeed the midwife was my father's older sister. I was born in a house where we did not have electricity yet. I recall when I was about four or five years of age electricians coming in and putting in electricity and hanging lights from our ceiling. Our house was located basically out in the county from the town of Fredericksburg, Virginia, at about a two to three miles from where George Washington reputedly threw a silver dollar across the Rappahannock River.

I recall when I got to be about four or five years of age, my mother started reading kindergarten-type books to me and teaching me to read about Jack and Jill and Spot and so forth, and by the time I was about five or six, I started reading *Jet* magazine, a black magazine, about the lives of Negroes, or colored people as they were then called, and Afro-Americans, and I started asking questions, "Mom, why are colored people treated differently than other people?" Why aren't we treated based on our individual personalities and what we can do?"

Right from the beginning, they said I always had an inquiring mind about human behavior and relationships, and then in 1941, I started school with a teacher by the name of Eleanor Lewis who taught 1st through the 3rd grades at a school where we were bussed. The bus was provided by my uncle, because the county didn't have county buses to take Negro kids to school. There were only two Negro schools in the county. They were Summit Elementary and John J. Wright High School. I had such an inquisitive mind that the schoolteacher, Ms. Lewis, kind of mentored me and so forth, and then since I was kind of learning fast and didn't realize it at the time, she had me assisting in teaching the other children. Therefore, when I finished 1st grade, she made me her teacher's assistant, and when I got to the 2nd grade, to teach the 1st grade. And then when I got to 2nd grade, she had me teach both 2nd and 1st year classes. We had a second teacher who taught the 4th through the 6th grade, but when I got to the point of being transferred to the 4th grade, she transferred herself as the senior teacher and said she wanted me to work with her, and said therefore, "I'm going to go with you." That was the 4th through the 6th grade. Each time, I ended up being her teaching assistant, and she would preach to me by saying, "Arthur, God gave you a great mind. You're going to be the first colored lawyer from this area." I said "I would do my best."

When I got to the 6th grade, going into the 7th grade, I was going to be transferred to John J. Wright High School, which at that point only 7th

to the 11th grade. There was a Ms. Sadie Combs who was the librarian. She called Ms. Combs and said “You have a child prodigy coming to you, his name is Arthur Burnett.” We want you to take over mentoring him because he’s going to go places in life. So when I got to John J. Wright High School, the librarian made me her assistant librarian. Every week or so, she’d give me a book to read about Negro history and segregation. I was a voracious reader. By the time I got to my junior year, I had finished almost all the high school courses. Mr. A. L. Scott, the principal, said you are too young to go to college. I want you to be my assistant, and I want you to travel across the state of Virginia to all the contests I can get you in, speaking contests, oratory competitions, and so forth. I was the John J. Wright representative in programs all over the state of Virginia.

Indeed, I also had excelled in farming enterprises, raising chickens and pigs and so forth. At that point, the Fredericksburg Fair permitted Negroes to put entrants into the fair. I ended up winning blue ribbons in competition with other farmers and gardeners. As a result of that, Mr. E. A. Ragland, my agriculture instructor, and Mr. A.L. Scott, my principal, wanted me to go to Tuskegee Institute to become another Booker T. Washington or a George Washington Carver to become an agricultural expert. They had not anticipated *Brown* at that point. They said we want you to become a teacher of agricultural science. “Teach Negro boys how to be excellent farmers.” I said I don’t want to work with just animals and chickens. I want to work with people.

And, of course, at 12 or 13 years of age, as a Baptist, you had also become a Sunday school teacher. As a Sunday school teacher, I was such an orator that the minister of our church said he wanted me to be his youth minister. I started preaching sermons when I was 12 or years of age. And I said don't want to just teach people to live to get to Heaven, I want to bring a little bit of Heaven to Earth. I want to do things seven days a week, not just on weekends. So then they said go to Tuskegee Institute and then go to Virginia Union seminary to become a Baptist minister, so in addition to teaching Negroes how to be farm experts, you can then be a preacher. I said well I'm interested in more than just preaching and telling people what to do. I think even before I noticed the Lord's Prayer that there shall be done on earth as it is in heaven. I said Jesus Christ, when he was 12 years of age, said I must be about my Father's work. I think I must be about what God has in store for me, and I said I'm not going to Tuskegee. I'm going to Howard University and its Law School and become a lawyer to try to change life in America.

MR. MARMON: I want to go back to Spotsylvania. You had animals at your house?

JUDGE BURNETT: No. I raised pigs and chickens. My grandfather even gave me a pig to raise, my personal pig, and that pig got placed in the farm market and was sold at a profit. I raised chickens and placed them in fair competitions. I raised rabbits. I had rabbits that were so tame that they would run around the yard. I'd pick them up and pet them, and I could talk with the animals. I got to be a person who was considered a farm expert. Mr. E. A. Ragland

had me teach other youngsters how to be farm experts. And I won blue ribbons.

MR. MARMON: Tell me a little about your parents.

JUDGE BURNETT: My father only had a sixth-grade education. He worked at Sylvania plant, which was a cellophane manufacturing plant that manufactured stuff like wraps you see on food stuff and so forth, and he was its kind-of outside person to go to the post office to pick up the mail, go to the bank and deposit checks and run other errands in the town. And fortunately, I guess, for him, he had foot problems, so he didn't get drafted into World War II, although he was old enough to go into World War II as an enlistee or draftee. During WWII, he would end up working two shifts. He said I only got a sixth-grade education, but I'll work sixteen hours a day if I have to, to make sure my children get an education. And during 1940, 1941 until 1952, when I went off to college, I would see him on Monday and wouldn't see him again until Friday because he would go to work at 7:00 in the morning and come home at 11:00 at night and go again at 5:00 or 6:00 in the morning when I was still asleep.

MR. MARMON: How about your mom?

JUDGE BURNETT: Mom was a housekeeper, and she canned vegetables and cleaned houses and so forth. I guess after we got to be teenagers, she became a maid cleaning motels and other rooming houses to try to add to the money to put me and my sister, who is five years younger and my younger brother

who is seven years younger, to save money so all three of us could get a college education.

MR. MARMON: Were they born in Virginia?

JUDGE BURNETT: Yes. They were both born in Virginia. My father was from King George County, and my mother was from King George County but later moved to Spotsylvania County.

MR. MARMON: You said you have one brother and sister?

JUDGE BURNETT: One sister and one brother. My sister is five years younger than I am. My brother is seven-and-a-half years younger. So there was a substantial gap between me and my two siblings.

MR. MARMON: Tell me a little bit more about your siblings.

JUDGE BURNETT: My sister Lenora Burnett Davis was five years younger, and my brother, Richard Earl Burnett, is 7 ½ years younger. They came along, and I was the big brother, so they say I grew up like I was a generation ahead of them.

MR. MARMON: Are they alive today?

JUDGE BURNETT: They are both alive and very active. My sister actually did a Ph.D. program and was the admissions person for Johns Hopkins School of Public Health. She was president of HIV organization in Baltimore and has become one of the leading HIV experts in the country today.

My brother ended up becoming a musician. He was a music director for schools in Richmond, Virginia, and played in numerous bands.

He paid his way as a band leader or participant through college and then through his master's degree.

MR. MARMON: You were aware of segregation in Virginia when you were growing up?

JUDGE BURNETT: Absolutely. As a matter of fact, when I finished high school in 1952, I applied for a job at an office supply place as a stock boy. I put things on the shelf, mopped up the floor and so forth. I was the only colored employee to do that at seventeen years of age. But in order to make money for college, I also took a night job at Howard Johnson restaurant. So I had two jobs the first summer after I finished high school.

I had an incident that summer at Howard Johnson restaurant in July of 1952 on the third weekend in July. My father's vehicle was in the shop. I was left at the restaurant to finish mopping up, cleaning up, and locking up while I waited for my father to come pick me up. I locked the place, went out to the back stoop to wait for him. Before my father got there, a police car pulled up. Two officers jump out, and as close as the distance from here and that wall, about 8-10 feet away. They approached me with guns drawn. I said, "Officer, what's the problem? I work here." The driver said, "Yeah, I bet you do," in a loud arrogant voice, with his gun pointed directly at me. At that point, my father drove up about sixty feet or more away, and they made him stay in his car. They actually arrested me and put me in the backseat of their car and locked the door. Fortunately, I didn't get a rap sheet. They took me to Mr. Overton's home, and he said he's the best employee I've ever had. He was going to

go away to college, or I would make him manager. And that's the reason I didn't get an arrest record. But I was suspected of being a burglar and trying to break into the restaurant. This was in July. Had I been like Brown and made a quick move like I was reaching for something, you might not be talking to me today, or if I had been cursing or belligerent. But I stood frozen like a statute and said "Officer, I work here." And then I said, Mr. Overton, and then the officer said we have to check on your story. They put me in the back of the car, locked the doors, and drove me to Mr. Overton's home, and that's how I was exonerated. Had I been loud, boisterous or disorderly, I could have been shot that night.

MR. MARMON: Were you affected by the fact that you couldn't use public restrooms?

JUDGE BURNETT: Absolutely. I couldn't even try on clothes. You had to buy your clothing product by eye-viewing it, take it home, and if it didn't fit, tough. When I got married, my wife went with my mother to go shopping, and they wouldn't even let her try on wedding clothes. This was in the 1960's.

MR. MARMON: You somehow transcended all of that.

JUDGE BURNETT: That reaffirms my previous disposition of saying I wanted to become a lawyer and solve these kinds of problems. A person should not be treated as inferior just because the color of a person's skin or complexion. And suffer from someone jumping to a conclusion that they're hoodlums or criminals. So I went to Howard University and notwithstanding being a straight-A student all through high school, I had not taken geometry and my English composition wasn't up to college standards, so at Howard, I

had to take two high school remedial courses during my first semester, September to December of 1952. My other courses were college courses. I made A's in all those courses. I went to the dean of the school of liberal arts, Dean Miller, and pled with him to let me take six extra hours to make up for the shortfall because I had to take remedial courses. After two hours of begging and pleading with him in December of 1952, he let me take them. He said I hope you're with us next fall when you would be a sophomore. You have a lot of guts and courage. He said he had never done that before, but he would allow me to do it. I took twenty-three hours the second semester, made all A's, and was number one in my class.

Then, as a result of that performance, I got to be a sophomore. There was a course involving juvenile delinquency in the Master's social work program. I went to the dean and asked can I take that course because I wanted to become a lawyer. The course was taught by E. Franklin Frazier, one of the authors the book, *The Black Bourgeoisie*. I took that course my sophomore year in the masters of social work program and made a B-Plus, and E. Franklin Frazier ended up being one of my key mentors.

MR. MARMON: Where did you live while at Howard?

JUDGE BURNETT: When I first came to Washington, I lived in Cook Hall, one of the men's dormitories. That was in September, October, and November. I got to a point where I said I can't afford to stay on campus because I developed such a reputation as a good student that I had students lined up outside my

dorm door for me to tutor and teach them. I didn't have time to do my own studying. So I went to one of my mother's sisters who lived in Washington, DC. She is now deceased. I said I can't find time to do my own studying and activities because everybody's pounding on my door, can I come live with you. She said, "We don't have space, but my neighbor next door has a sister who lives in upper Northwest Washington, and they have a big two-story house, and they would love to have a studious kid like you." She called her, and I ended up moving off campus and living with Ms. Bonner and her husband as if I was their grandson.

One night while still living in the dormitory between 7:00 p.m. and 11:00 p.m., I had twenty-one students asking me to be their counselor, mentor because of the reputation I had developed. In addition, because of my reputation, they made me basically the assistant to the Dean of Men, Dr. Curry.

MR. MARMON: How did you survive not being bitter by the segregated South?

JUDGE BURNETT: I didn't have time to be bitter. I had to have time to defend myself to be able to cope and handle the situation and make changes in society. So I continued making "A" grades, ended up being number one in my class, and lo' and behold, *Brown v. Board of Education* came down. Well, before that, my reputation got to be such at Howard that I became a fraternity brother in a fraternity called Omega Psi Phi, and indeed, one of the founders of that organization was Professor Frank Coburn. He was a physics instructor and taught introduction to the sciences. I was so well

known, that instead of becoming president of that Greek organization, they made me president of all the Greek organizations on the Howard University campus. So I was going along pretty happy, just doing the usual things, which I enjoyed.

And lo and behold, *Brown v. Board of Education* came along in May 1954. In my sophomore year also, Mordecai Johnson, the first black president of Howard University, was contacted by Congressman Adam Clayton Powell, who had a radio station. He said I'm protesting segregation in America. I have a radio station every Saturday. I want one of your students at Howard to be my guest on these radio stations. So my sophomore year on Saturdays, I was picked by President Mordecai Johnson to be Howard's representative on the radio station in 1953. I coined a phrase that a person should be judged by the quality of his performance, not by the accident of his birth or the color of his skin and support the idea that equality should be based on the individual character and abilities and not racial issues.

MR. MARMON: What were some of the things you talked about?

JUDGE BURNETT: What I'm talking about right now, do you think segregation in America should continue to exist? What are your views on what should be done about segregation in America? That was before *Brown* was decided. *Brown* was decided in May of 1954. This was 1953. I was the spokesperson for Howard University and its college students in an abandoned warehouse on V Street NW, right across from where Howard

University Hospital is now, a black radio station, and I would engage in conversations with him like I'm engaging in conversations with you now. I thought at that point that was the end of my sojourn with reference to civil rights matters. Then, October of 1954 came, and James Nabrit, the Vice President of Howard and former Dean of Howard Law School, called me to his office. I thought he called me there to talk about some Howard University school matters. He said, "Arthur, you're the best we have. We want you to apply to law school now." I protested and said I want to go to Howard Law School, I'm number one in my class, I want to finish college and then go to Howard Law School." He said what you can do is go ahead and apply now to University of Virginia Law School to break the back of massive resistance to desegregation to comply with the *Brown* decision, and those law schools in the top in the nation will admit you based on your academic record. Once you get in their program, you can waive or give up your right to a combination law and college degree and come back here to Howard in the summer between your law school years and finish up your four years, so you have the privilege of having a Howard University degree. I said well on those terms, I will go ahead and volunteer to become a lead plaintiff in the Farmville-Prince Edward County school cases. By the way, this gentleman sitting next to the wall is lawyer Thurgood Marshall. He will be your lawyer. I will be his assistant. And in Virginia is Spottswood Robinson and Oliver Hill, two

key lawyers in the Farmville School cases, up to this point will be associated with us. We want you to apply to these law schools now.

So at the end of October 1954, I applied to Columbia, New York University, Syracuse, Boston, and the University of Virginia. I was expecting to get a letter from those institutions asking me to come in for an interview. The first letter I got from each of these schools except the University of Virginia, and opened was “You are admitted.” They didn’t even bother to interview me. I never received acknowledgement from the University of Virginia that it had received my application.

At that point, Dr. Nabrit was the number two person on my case, kept me advised and said he and Thurgood had met with Herb Brownell, who was then the Attorney General of the U.S. Department of Justice, and said when your case goes public, we will give you two U.S. Marshals to be with you 24 hours a day to keep you alive.

In November, a month after this October initial interview, I went home and told my parents I wasn’t going to Howard Law School. They first thought that because we were in the middle of the Korean War and everything that I wanted to be involved in the military. I said no, it’s not that. I’ve been asked by Thurgood Marshall and NAACP to be the lead plaintiff in this Virginia case. I told my father “That may mean you’ll lose your job.” My father said “That doesn’t matter. I can’t afford to play golf with these white guys, but your uncle has a taxi cab company. I can drive for him, and I can do handiwork around town.” And at that point my

mother started praying the 23d Psalm. And she said it might as well be you to break the back of segregation. And I told my mother that protesters and Klan members might kidnap, rape you, or even kill you. She said, “We’ll run that risk.”

MR. MARMON: Did anything happen?

JUDGE BURNETT: No. Nothing happened.

MR. MARMON: You didn’t go to Virginia Law School?

JUDGE BURNETT: No. What happened was during the period of October and November until April, we had rumblings from Arkansas about the governor closing all the colored schools. Virginia closed schools in five counties including Prince Edwards County. In April of 1955, Dr. Nabrit called me to his office and told me that the NAACP decided they did not have enough lawyers or money to go forward in my case and deal with the situation in Arkansas, which was the Little Rock Nine case. They didn’t have enough lawyers and money so they were going to settle the U. Va. case and get one of these other law schools that already admitted me. The state of Virginia agreed to pay all my expenses at another law school. At that point, I was prepared to go to Columbia. Thurgood wanted me to go to Columbia. But three weeks after that discussion, NYU, which was my number 2 choice, gave me an irresistible offer. In addition to a full scholarship, NYU made me a teaching assistant in the masters of law program with Emile Zola Berman, who was considered in competition with Louis Nizer, one of the two best medical malpractice negligence lawyers in America. That’s how

I ended up at NYU. I declined Columbia. I said my sister and brother are behind me, and if I go through law school with the equivalent of two full scholarships, my parents won't have to worry money for my legal education. They can save all that money for my two siblings. So that's why I ended up at NYU.

MR. MARMON: Tell me again, did Virginia pay your way?

JUDGE BURNETT: NYU billed Virginia, and Virginia paid NYU all my tuition and expenses for the whole three years.

MR. MARMON: In an attempt to avoid confrontation for not admitting a Negro?

JUDGE BURNETT: Yes. To avoid having me attend University of Virginia Law School.

MR. MARMON: Have you been back to the University of Virginia?

JUDGE BURNETT: Yes. As a matter of fact, during the Carter administration, I took a seven-week course there in senior executive service management under the federal government. And indeed while in the military, I was offered a JAG commission in the Army and was supposed to spend two months there, but I turned that down and accepted a general commission in the Adjutant General Corps, which I could come back to civilian life as a reservist. So in September 1959, I declined a JAG commission and came back to the Justice Department.

MR. MARMON: want to hear a little more about your law school years at NYU.

JUDGE BURNETT: I was surprised when I got to NYU. I always had always assumed that at NYU blacks were freely integrated into activities. I got to NYU, and I ended up being the only Negro in my class. There was one in the class

before me. In the day division, there were only two of us in the whole school. Ironically, as a result of being the only person of color in my class, every time the professor called on a student, I was that student, and I always had the answer. As a result, my Jewish friends treated me like I came here from Mars or outer space. I even had one Jewish friend who was getting married in Columbia, South Carolina, in the summer of 1957, and he had listed me to be in his wedding party for the wedding to be held in early August. It wasn't until I raised the issue with him about me participating in a wedding in South Carolina that he realized that would be an issue. He said he had never even thought of that. The hotel said, no, you can't have it here with a Negro in the wedding party. So I had to withdraw from his wedding so not to upset everything. The professors were just amazed that I was always prepared. Sometimes classmates actually applauded when I would answer. By the end of my second year, out of a class of 300 students, I was number 11 in my class.

MR. MARMON: Were you on Law Review?

JUDGE BURNETT: I was on Law Review as associate research editor and prepared a Note on one person one vote, which was not published on the ground that it was "too theoretical." I was the president of the Benjamin F. Butler Law Club, and actively participated in other activities.

MR. MARMON: I want to go back a little bit to life in Virginia in 1930's, 1940's, and 1950's. How do you feel about that now?

JUDGE BURNETT: As a matter of fact, I think that Virginia has changed, and people have even changed. When I was 10 or 11 years of age, I started recruiting minor jobs from my white neighbors like mowing their lawns, washing their cars, washing their windows. I even had one white boss who ran a filling station, an Esso, and I went around to the filling station, and lo and behold, and then I worked for another white guy who was building a brick house, a county officer, and he had me help him build his house. They said you're so industrious, why do you need to go to college. And my white neighbors would say you can make a decent living just being a handyman for the whole community. I said I don't want to waste my intellectual ability just being a handyman.

When I was about 11 or 12 years of age, my parents would visit relatives and friends. I would say I can't go because I have jobs to do. So I was a hustler, you might say. I would pick up soda bottles that people threw away along the side of the road, turn them into the store and get two cents on a bottle. I did all kinds of odd jobs. The person who ran this Esso station had a chicken house, and I took care of his chicken flock. I cleaned the poop out of the chicken house and so forth. And indeed sometimes he would take a nap in the afternoon and leave the station for me to run, and I'm just 13 or 14 years of age. I said I'm demonstrating what talent you are losing because of segregation.

When I told them I was going to college to become a lawyer, their comment was Negroes don't have money to pay a lawyer and white folks,

they're not going to patronize you when they can get a white lawyer, so why do you want to be a lawyer? Why don't you just stay here and keep doing what you're doing now?

MR. MARMON: What was your answer to that?

JUDGE BURNETT: My answer was now is not the time for me not to do something. We have to change the attitude of people where people are recognized for their talent and ability and what they can do and achieve. That's why I'm working as I'm working now. As a matter of fact, when I got to be a senior in high school, the local newspaper, *The Freelance Star*, did an interview of me and published a story about a young colored boy admitted to go to college saves \$1,000 for college. That was front-page news, that I saved \$1,000 cash in 1950s money of my own, just through my personal hustling. Like I said, I raised chickens. I even sold chickens, and sometimes took them to the butcher shop.

MR. MARMON: So you made the best of it.

JUDGE BURNETT: There was a time in the evening when it was getting near dark and I was mowing people's lawns, a police car driving through the area pulled up and said, "Boy, what are you doing out there?" I said I'm working mowing this woman's lawn. They didn't believe it. They went up and knocked on the door to make sure that I wasn't casing their place for robbery or burglary or something. So I even had police officers questioning my being a workaholic, you might say.

MR. MARMON: You finished Howard in three years.

JUDGE BURNETT: To back up, actually, in the summers of 1956 and 1957, I came back to Howard to finish up a complete four-year program. I declined to take a combination degree based on satisfactory completion of my first year of law school. I came back to Howard and got my degree from Howard in October of 1957, summa cum laude, with a 3.93 GPA, just shy of a 4.0 for four years of work. The following June, I received my law degree from NYU. I finished number 24 in a class of nearly 300 students. So actually I did seven years of academic work in six calendar years. So I had the distinction at this point, at least in my fraternity of being the highest-ranked Omega Phi Psi graduate from Howard University.

MR. MARMON: You went immediately into the military?

JUDGE BURNETT: No. Let me back up. While at NYU, I had entered law school with the idea of applying for a JAG commission, Judge Advocate General, as a lawyer in the Air Force because I had also in college been in the Air Force ROTC program for the first two years of college, and I was the number one ROTC person at that point as well. But when I began my third year, at the Bolling Air Force Base for physical examination, my eyes disqualified me for pilot training. So I decided then to withdraw from the ROTC program because I could no longer apply to fly planes. So I entered law school with the idea of applying for a JAG commission in the Air Force. In my third year in Law School I applied to the U.S. Department of Justice and I was selected for the honors program but still subject to being drafted. So I applied immediately when I finished law school for a JAG

commission in the Air Force. In the meantime, the local draft board had not held up drafting me even though the Air Force advised them that I was in the top list of candidates they were considering. So after about four months with the Justice Department, I went on active duty in November of 1958, as a private E1, like I had only a high school education. The second day I was on duty, they made me an acting sergeant in charge of a platoon. I did that for eight weeks, and then lo and behold, the second eight weeks in advance administrative training they made me the professor, and the teacher in the second eight-week course. I thought they would assign me to at least to a law office. I had been admitted to the bar and was a licensed lawyer. Then after the eight-weeks as part of cadre, even though I was a draftee, I was shipped to Ft. Ord, California, again to an Army Personnel Operation as a Chief Personnel Specialist to the Sergeant Major and to a Colonel who was a commanding officer of a brigade of five battle groups of twenty-five companies. The commanding general and the deputy commanding general at Ft. Ord were killed in an airplane crash. Colonel Warren, who was the brigade commander, became acting post commander. He was a full colonel. I ended up becoming an acting like a colonel, in the sense that I did his work, and then every day at 3:00 p.m. he would come inside and sign papers. But I oversaw the operation of a full brigade of five battle groups, twenty-five companies, and I even ended up getting a special commendation from William Brucker, who had been a member of Congress and Secretary of Army. They wanted me to stay on

active duty. I said I don't want to stay on active duty to spend 18 years getting a rank if I'm doing what I'm doing now. So I applied for a JAG commission in the Army and in September of 1960, they offered me a JAG commission, but they wanted me to stay on active duty another four years. I said I don't want to be on active duty another four years, so give me a commission in any field they thought I was qualified--military police or quartermaster corps. They gave me a second lieutenant commission as a reservist in the Army's Adjutant General Corps, Personnel Administration.

I came back to Washington at the end of November 1960 to return to the Justice Department. John F. Kennedy had just been elected. On January 21, 1961, Bobby Kennedy called for me, and that opened up a door that put me at the heart of the civil rights movement. I ended up being a special assistant to Robert Kennedy to make sure the Communist party would not infiltrate the Martin Luther King movement and to make sure the FBI did not engage in unlawful practices and to make sure black leaders did not commit any crimes. I was represented as Kennedy's aide or his butler, but I was his eyes and ears in the civil rights movement, and I was sworn to the same standards as a CIA agent. And for three-and-a-half years, from January 21, 1961, until April of 1965, I was a confidential inside agent of the administration. Indeed, for three-and-a-half years, I was under surveillance by the FBI.

MR. MARMON: Wow.

JUDGE BURNETT: I'm still not mentioning anything I know that's not already in the public domain. Indeed, when Jack Kennedy was assassinated, Bobby Kennedy recused himself and deputized me to act for him and oversee the Lee Harvey Oswald and Jack Ruby incident and fiasco in Dallas, Texas.

MR. MARMON: Wow. What did the FBI think about that?

JUDGE BURNETT: When I was investigated, before appointment by Ronald Reagan, the FBI agent told me, he said that there are 3 ½ years' worth of tape on me and that I'm cleaner than any FBI agent he could find. This agent was sitting in my living room. My middle daughter let the agent in while I was outside. I came in, and there's a stranger sitting in my living room. I said, "Who are you and why are you here?" He said I'm an FBI agent and I'm investigating you for appointment as a judge by President Reagan, and then he went on and mentioned about the 3 ½ years of FBI tapes.

MR. MARMON: Shall we stop here for today?

JUDGE BURNETT: I think it's a good point.