Letter of Appreciation: Peter Murphy Retires after a Lifetime of Dedication as Counsel to the Commandant of the Marine Corps

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LETTER OF APPRECIATION

Peter Murphy Retires After a Lifetime of Dedication as Counsel to the Commandant of the Marine Corps

Hon. James E. Baker

“What do we mean by patriotism in the context of our times?” Adlai Stevenson wrote, “I venture to suggest that what we mean is a sense of national responsibility ... a patriotism which is not short, frenzied outbursts of emotion, but the tranquil and steady dedication of a lifetime.” Stevenson must have had someone like Peter Murphy in mind when he said that.

Peter Murphy retired as counsel to the commandant of the Marine Corps in November 2004, after serving as counsel for more than 20 years, an uncommon stretch of continuity and commitment in such a senior and exacting position. Murphy performed his duties with the steady dedication of a lifetime, serving on the watch of six Marine Corps commandants, four Presidents, and eight secretaries of the Navy. Gen. P.X. Kelley, Gen. Al Gray, and Gen. Carl Mundy were on hand on Nov. 19, 2004, when the current Marine Corps commandant, Gen. Michael Hagee, designated Murphy an “Honorary Marine,” the first person Gen. Hagee has honored in this way during his two years as commandant. Those who know the Marines will know that the Eagle, Globe, and Anchor is not issued; it is earned. Gen. Hagee also presented Murphy with the Marine Corps flag that had been hanging in the counsel’s office, but more on that later.

The counsel to the commandant, a career civil servant, is the senior attorney responsible for advising the commandant and the Marine Corps on matters of labor law, the environment, procurement, legislation, and all things Washington. In other words, the counsel is indeed a counselor and not just a lawyer. (It is the staff judge advocate to the commandant, not the counsel, who is responsible for most matters involving military justice and operational law.) The counsel reports to the commandant and to the general counsel of the Department of the Navy and is a member of the commandant’s senior leadership team. As the only civilian with such status, the counsel bears distinct responsibility in a system of government founded on the rule of law, including the principle of civilian control of the military instrument. Immersed in a distinguished and demonstrative military culture, Murphy never lost his civilian identity or wavered in his

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1 Judge James E. Baker sits on the U.S. Court of Appeals for the Armed Forces. He previously served as special assistant to the President and legal adviser to the National Security Council (1997-2000) and as deputy legal adviser to the NSC (1994-1997). Judge Baker has also served as a Marine Corps infantry officer and as a career attorney in the office of the legal adviser at the U.S. Department of State. He is a graduate of Yale College and Yale Law School.
belief that “semper fidelis” means always faithful to our Constitution and way of life and not just to the Marine Corps and its leaders. Through his example, his exhortation, and his legal leadership Murphy has played an important role in ensuring that the Marine Corps continues to represent America's best values. In the words of the assistant commandant of the Marine Corps, Gen. “Spider” Nyland, “Peter epitomized our Corps' core values of honor, courage, and commitment.”

During his 20 years of service, Murphy saw the counsel's office grow from four lawyers in 1982 to a team of 60 military and civilian attorneys located around the globe in 2004. According to Gen. Hagee, Peter's office became the office in which to serve if you were a Marine judge advocate. Along the way, Murphy was recognized for his service with numerous awards and promotions. At the time of his retirement, for example, he was the senior civil servant in the Department of the Navy, and he had just received his fourth Presidential Rank Award, the highest award for civil service. Such awards are tangible evidence of a career well led, but they are merely reflections of the professional characteristics that marked Murphy's career as an exemplar of public service. Three of Murphy's attributes stand out: moral courage, perspective, and institutional commitment.

In a service marked by a tradition of physical valor in combat, Murphy made his mark in Washington with his moral courage, common sense, and unflinching dignity. Whenever there was a crisis, Murphy was always at the commandant's side, ready to help the Corps do the right thing. And there were challenges and crises. Following the destruction of the Marine barracks in Beirut by a terrorist truck bomb in October 1983, the counsel was at the commandant's side, addressing issues of response, recovery, and accountability. In 1986, with the implementation of the Goldwater-Nichols legislation involving reorganization of the defense establishment, the Marine Corps faced the challenge of maintaining its distinct institutional identity, which is the core of the Corps, while embracing the principles of unity of command and efficiencies embodied in the legislation. That same year brought the Iran-Contra affair and the emergence of Marine Lt. Col. Oliver North in the middle of that maelstrom. In the 1990s, the Marine Corps was faced with the Tailhook scandal, hazing, and the Aviano tragedy. Such events are not the fabric of tradition, but they can bleed a service of its collective sense of honor if they are not addressed squarely and fairly. Murphy was the person commandants wanted on their left and on their right (and at the rear) when facing such challenges.

Murphy, however, was not just a special teams player. He played both sides of the line. Thus, as with many others who work behind the flame of public attention, Murphy contributed to
the public good each day with replies to 100 e-mails and 50 telephone calls and provided a daily
dose of moral courage to accomplish the mission while remaining true to the rule of law. A wise
man said that “self-respect comes to us when we are alone, in quiet moments, in quiet places,
when we suddenly realize that knowing the good, we have done it, knowing the truth we have
spoken it.” In public service, doing what is right and good remains a private matter of internal
reflection and duty. Murphy deserves our appreciation not because he was a meteor, but because
for so many years he was a consistent North Star -- dignified, decent, and fair. Gen Nyland
captured the sentiment well when he said: “It was always an honor and a privilege for me to
serve alongside him and to call him my friend. I shall miss him greatly.”

Murphy did not lose sight of the field in the Washington whirlwind. If you ask him what
he accomplished as counsel over his 20 years of service, he will tell you that his office helped to
expedite emergency procurements during Operation Desert Storm, the current war in Iraq, and
the military operation in Afghanistan. Sometime in between, he worked on everything else.
Murphy has known most of the generals in the Marine Corps since they were captains and
majors, but if you ask him who he has met in the course of his career, he will tell you about the
Marines he visits at Bethesda Naval Hospital where they are recovering from battle wounds and
injuries.

Murphy's respect and loyalty have always run both up and down the chain of command. I
know this from firsthand experience. I first met Peter Murphy as a lieutenant, when as an aide-
de-camp, I was responsible for serving him dinner on the inland waterway while he and the
commanding general of Camp Lejeune considered ways to expand training opportunities, as
Marines crossed the waterline and confronted a recreational beach parking lot and other military
obstacles. I remember that Murphy treated the young enlisted Marines with the same dignity and
respect as he treated me and as he treated Gen. Buehl. Just as important, Murphy has not treated
me one bit differently as our paths have intersected as friends and professionals in Washington.
As Kipling might have observed, Murphy is able to walk with kings but has not lost his common
touch as a platoon leader from Yonkers, N.Y.

This sense of perspective was also reflected in the substance of Peter's work. He is
recognized as the father of environmental stewardship in the Marine Corps. He opened regional
offices at the Marine Corps' major training bases on the East Coast and West Coast and assigned
both civilian and military lawyers to those offices, giving them specific responsibility for
upholding the nation's environmental laws. At the same time, Murphy was lauded for overseeing
the expansion of training grounds in North Carolina and California and for balancing the legal mandate to protect the environment with our national interest in preserving military readiness. Bureaucracies have a way of identifying their essential members -- the men and women who are not just bureaucrats, but who serve the public good and not just the interests of their own office, agency, or service. Within this group there is a handful of “go to” people -- the professionals to whom leaders turn for essential advice and for the tough assignment, regardless of portfolio. These are the persons to call when you don't know what to do or where to go. You make your problem their problem. This was one of Murphy's roles for the Marine Corps. It remains an important role for the lawyer as counsel and not just as a yes-and-no machine. For example, when a tragic air accident in Italy became a matter of international concern for heads of state -- and not just a matter of military justice -- Murphy helped to ensure that the President could address the concerns of his counterpart in Italy in light of proscriptions regarding unlawful command influence on military justice. Other lawyers might have advised that the President simply could not comment on a matter of national and international importance, an untenable diplomatic position amidst a NATO crisis in the Balkans. In other words, Murphy appreciated how the substance and process of law inform and guide decisions.

Although Murphy was an infantry officer in the Army during the Vietnam War, he served in Germany. He has not known combat. But he has known terror. If Murphy's service is marked by steadfast commitment and continuity over the years, it was also marked by a single event -- September 11.

The counsel's office is six windows long and is located on the Pentagon's E ring -- the outer wall -- three stories above the helo pad. On Sept. 11, American Airlines Flight 77 struck just to the right of and below the counsel's office. Through smoke and flame, 20-year-old Marine Cpl. Garofola led Murphy and his team from the counsel's office on their knees down a fire-filled corridor to safety. They were guided by a person, known only by his voice and white socks seen under the smoke, who beckoned them to turn blindly away from the point of impact and in the direction of refuge. Minutes later, the counsel's office collapsed into the abyss. Remarkably, the Marine Corps colors behind Murphy's desk remained intact. The flag defiantly grasped the edge of the structural chasm. This was the flag that had been rescued from the Pentagon and proudly carried through parking lots, flown above the Pentagon, and transported to Afghanistan and into space -- a symbol of redemption and of American will marked, but not marred, by the sorrow of our loss. And, it was this flag that Commandant Hagee awarded to Peter Murphy on Nov. 19. On a more mundane level, Murphy's files were destroyed along with his office. Although shaken by the events, Murphy and his colleagues set up shop the next morning in a single room with a
single telephone, and they immediately began to field the many questions of law in response to Sept. 11 -- continuity, commitment, and, again, steady dedication. In time, and rapidly so, the office was repaired and the counsel's team members returned to their original office space. There are places to which we may never return, however. Our sense of collective danger is certainly different than it was before that September day. We each harbor our own recollections and varying degrees of wounds. But I do not pretend to know the sense of loss of those who did not come out of the flames and of their families. As President Bush said, each one of those persons was the most important person in the world to someone else. For his part, Peter Murphy is older and sadder than he was before Sept. 11. But he was able to come home. I see in him the same perspective on law and national security and, as always, the abiding commitment to the great institutions of his life and of our lives: the rule of law, the military, and the Marine Corps. Peter Murphy's gift of laughter has returned. As he addressed the Marines of 8th and I barracks, he recalled his first day on the job. He said that he had been confident, believing that he was the man for the job after having served 10 years as a Navy Department lawyer, He was so confident that when the commandant, Gen. Kelley, welcomed him, he looked the general in the eye and said, “Thank you, Admiral, I won't let you down.” And Murphy kept his promise.

Peter Murphy did not retire alone. His wife Kathy and their daughter Michaela, a freshman at the school of Visual Arts in New York, retired as well. No birthday went by in the counsel's family without a cake baked by Kathy; no deployment took place without a call of support to family. As he recounted at his retirement party, Michaela was the only student in her high school class who knew all three verses of the Marine Corps hymn. More important, Kathy and Michaela persevered, because they also believed in the mission -- law and national security. They accepted the interrupted dinners, the late-night pages, and the “off-sites” because they too love the Marine Corps. But they love Peter more. It was Kathy and Michaela who waited at home on Sept. 11, receiving condolence calls and visits from persons who, knowing that the counsel's office had been struck, assumed the worst for Peter.

If Hollywood were to tell Peter Murphy's story, he would be played by someone like Jimmy Stewart, who is known for portraying quiet, self-effacing, tall, dignified, and honest characters. But public servants like Peter are not the stuff of Hollywood; the daily grind of process and substance that make for successful constitutional government is not a box-office draw. An actor like Jimmy Stewart would play a good Peter Murphy, but it would be a terrible movie. Crises would be averted, scandals would go wanting, and there would be excruciatingly long scenes involving legal research followed by the breathless typing of e-mail messages. Young lawyers would come and go, proud of where they had served and better citizens and
lawyers for having served with Peter Murphy. A long line of generals, sergeants, and defense officials would be seen coming to Murphy's door, calling him, or sending him an e-mail, but we wouldn't learn what was communicated, and only occasionally would a major or a colonel sally forth to take a bow. I am not holding my breath that Steven Spielberg will knock on this door.

Peter Murphy will have to make do with the thanks of the commandants, this letter of appreciation, and the knowledge that the Marine Corps and the United States are far better for his years of service. Murphy's grace and integrity have reached thousands and left a legacy not in their remembrances, but in their repetition by these same men and women whom he has led, taught, befriended, advised, and helped. I am confident that Murphy's example will continue to serve the Marine Corps, as will his sustained commitment to the rule of law and national security, embedded now in 20 years of Marine Corps practices and policy. Thank you, Peter. And thank you, Kathy and Michaela.