

Bertram Francis Willcox

July 11, 1895 — April 30, 1987

Bertram F. Willcox was born in Cascadilla Hall on the Cornell campus, July 11, 1895. He died in Ithaca at his home at 111 Kelvin Place, April 30, 1987, shortly before his ninety-second birthday.

Bert was the son of Professor Walter F. Willcox, a distinguished long-time member of Cornell's Department of Economics, and Alice E. Work Willcox. Following secondary schooling in Ithaca and at the Hill School, Pottstown, Pennsylvania, he entered Cornell in the fall of 1913. His college activities and honors included serving as editor-in-chief of the *Cornell Era*, and membership in Psi Upsilon Fraternity, Sphinx Head and Phi Beta Kappa. His A.B. degree was awarded *in absentia* in 1917, following his assignment to France for war service.

Bert had promptly responded to the American Declaration of War on Germany in early 1917 by volunteering for military service, only to find that his eyesight did not measure up to minimum American military requirements. He was, however, accepted by the American Field Service and joined the ambulance corps. In mid-April he sailed for France on a submarine-infested transatlantic crossing that involved, as he wrote to his father, "just enough risk to add zest". His initial assignment was for six months in the Ardennes Forest Sector near Verdun as an ambulance driver and "sou-chef" for his unit. This was followed by an additional six months of service as a Red Cross Captain, headquartered in Paris.

In the late spring of 1918 after French manpower needs led to a reduction in the physical standards for enlistment, he was accepted by the French army through the French Foreign Legion, and assigned to an artillery officers candidate school for three months of training. He was then posted to the 13th Regiment of the French Light Artillery as a junior officer ("Aspirant") and had several months of combat service that ended with the Armistice. Following his French Army discharge, he joined the Paris staff of the American Secretariat to Negotiate The Peace.

Upon his return to the United States, Bert decided to pursue a legal career. From 1919 to 1922 he attended the Harvard Law School, graduating *cum laude* and serving as president of the *Harvard Law Review*. There followed twenty years of law practice in New York City. From 1923 to 1928, he was an associate with the law firm of Hughes, Rounds, Schurman & Dwight, and its successors. He then organized his own Wall Street firm, Schurman, Wiley & Willcox, with two of his law school classmates and fellow associates in the Hughes firm. They were Jacob Gould Schurman, Jr., son of Cornell's third president, and Alexander Wiley, who was to become his brother-in-law. In 1943 Bert transferred from private practice to government service, becoming a public member of the Appeals

Committee for the National War Labor Board. His Labor Board assignment involved arbitrating appeals from regional boards throughout the country, many of which concerned wartime wage controls.

In the spring of 1946, Bert happily and enthusiastically accepted an invitation to return to Ithaca as a member of the Cornell Law School faculty, teaching primarily in the fields of labor law and commercial transactions. He also served concurrently as a faculty member of Cornell's New York State School of Industrial and Labor Relations. He won rapid promotion to the rank of professor of law in 1948. He was the author of two editions of the widely used *Cases and Materials on Commercial Transactions*, published in 1951 in collaboration with Professor Robert E. Sutherland, and in 1953 with Professor Robert Baucher as an additional collaborator. In 1952 he was at the London School of Economics under a Fulbright grant and conducted research in labor relations in the nationalized gas industry. He was co-editor for two editions of *Labor Relations and the Law*, published in 1953 and 1960. He also actively participated as an arbitrator of labor-management disputes, serving on arbitration panels of federal and state agencies and as a member of the National Academy of Arbitrators.

In 1954, Bert was appointed as the first holder of the newly established William G. McRoberts Research Professorship in the Administration of the Law. As McRoberts Professor, he made a number of notable contributions toward improving the administration of justice. His study of problems besetting indigents accused of crime resulted in two important articles, each written in collaboration with Edward J. Bloustein (now President of Rutgers University): *The Griffin Case – Poverty and the Fourteenth Amendment*, and *A Field Study in a Rural Area of the Representation of Indigents Accused of Crime*. In 1960, he became staff director of a pioneer interdisciplinary study of the law applicable to the admission and discharge of patients in New York State mental institutions. This study, sponsored by the Association of the Bar of the City of New York in cooperation with the Cornell Law School, culminated in 1962 in a volume entitled *Mental Illness and Due Process*. Many of the recommendations proposed in this report were incorporated in a subsequent legislative revision of the New York laws governing the hospitalization of the mentally ill. For this important contribution, the Association for Improvement of Mental Health awarded Bert its Adolf Meyer award for distinguished service in behalf of improved care and treatment of the mentally ill.

Bert retired from active teaching at Cornell in 1963, becoming McRoberts Professor Emeritus. He spent the next four years in India on a challenging project sponsored by the Ford Foundation that permitted him to continue teaching and research in the areas of labor law and labor relations. From 1963 to 1967, he served as visiting professor of law at the Indian Law Institute in New Delhi, and concurrently in 1966 and 1967 as a member of the law faculty at Banaras Hindu University at Varanasi. At the Indian Law Institute he worked in collaboration with a

group of Indian legal scholars in preparing a pioneer Indian Case Book entitled *Labour Law and Labour Relations*, published in 1968.

Bert was an unusually conscientious faculty colleague, cheerfully undertaking more than his share of time-consuming committee and administrative assignments. His balanced good judgment and manifested institutional loyalty contributed greatly to his effectiveness in faculty deliberations, as did his patience and skill in bringing together individuals with diverse interests and views. He was always gentle, amiable and urbane, winning the respect, affection and esteem of colleagues, students and all who knew him.

Bert's interests and contributions spanned a broad spectrum, covering both private and public law. In dedicating the 1963 fall issue of *Law in Transition* to Bert, the editors wrote: "To each of these segments of the law he has brought incisive analysis and high-minded principle. Achievement of sound public policy in defense of the weak or the humble is as much a part of his work on commercial transactions as on problems of public law." Bert's final Cornell sabbatic was spent in Europe studying the problems of world federalism and the legal and practical problems involved in attaining international peace. He was also a dedicated civil libertarian, courageously maintaining his membership in the National Lawyers Guild during the difficult years when that organization was the object of bitter McCarthyist attack. He was, however, never doctrinaire. In expressing his opinions on difficult and controversial issues, he would do so in a way that showed respect for the sincerely held views of others, even when he was unable to accept their conclusions.

Having lived as a boy and young man on the campus, in the days when there were faculty homes on areas now occupied by the College of Engineering, Statler Hall, and other university buildings, Bert had a great store of personal memories of Cornell as it was in the first decades of the century. He related anecdotes, however, only when they were relevant to the topic under discussion. He had a keen sense of propriety and could never, even in his last years, be accused of "anecdoteage".

Bert was a devoted family member. He met his wife-to-be, Katherine Webster Leckie of Hamilton, Ontario, on a trip to Bermuda in 1930. Kay and Bert were married in 1934, and were happily destined to share forty-nine years of close married companionship until Kay's death in 1983. They were blessed with three children: David born in 1935, Alice in 1938, and Mary in 1944. Bert and Kay had many interests in common. They both loved hiking, mountain climbing and the out-of-doors, enthusiasms they shared with their children. Furthermore during World War II, Bert and Kay opened their home to two English children who remained here throughout most of the War, safe from the threat of bombing at home.

During Bert's seventeen years of active Cornell teaching, his father Walter F. Willcox was still active as an emeritus professor at Cornell. When Bert joined him in the ranks of the emeriti, a classic picture of the two emeritus professors Willcox appeared in papers throughout the country, with a report stating that this was the only known case of a father and son contemporaneously holding emeritus rank at the same university.

W. David Curtiss, Milton R. Konvitz, Gray Thoron