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# CORNELL LAW QUARTERLY

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## CHARLES KELLOGG BURDICK

February 7, 1883—June 22, 1940

Charles Burdick's connection with Cornell went back more than fifty years. It began in 1887 when his father, Francis M. Burdick, a professor in the original Faculty of the Law School, came to live on the Cornell Campus. In 1891 the family moved to New York City, and Francis Burdick began his long career at the Columbia Law School. Charles Burdick in 1900 entered Princeton, where he studied Jurisprudence with Woodrow Wilson, edited *The Daily Princetonian*, and was graduated in 1904. At the Columbia Law School his first year standing won him, at the beginning of his second year, election to editorship of the *Columbia Law Review*. He received the LL.B. degree in 1908, having spent a year in the North Woods recovering from an illness. He then began practice in New York City with the firm of the present Mr. Justice Stone of the United States Supreme Court. Thence he went into law teaching. Tulane University at New Orleans and the University of Missouri knew him briefly, and he came to Cornell in 1914. He was 31—a good-looking young man with a neat and compact, if slight, figure, with a well-cut face which bore a few freckles, and with red hair. His success as a teacher and as a man and a brother among students and colleagues was immediate. He became one of the standbys of the School and so continued. In 1926 he succeeded George G. Bogert as Dean. Burdick resigned the Deanship in 1936, but retained his professorship to the end.

Burdick's manifold activities lay chiefly in four fields: as a teacher, as a writer, as an administrator, and as a participant in extracurricular activities. His classroom presence was courteous, his method urbane. His tolerance occasionally led him to suffer fools, but his general culture and his wide knowledge of the law made his instruction outstanding. To his teaching as to his writing Burdick brought an illuminated and well stored mind, and a knack of clear thinking. Out of these qualities came lucid exposition of material, set forth in English that no hearer or reader had to labor to comprehend. In his teaching and in his writing he ranged widely. He edited new editions of his father's books on subjects which Charles himself did not teach. He prepared works of his own on Public Service Companies and on Constitutional Law, and his volume on the latter topic has been a classic. West Point absorbed some hundreds of copies per year. At his death he was doing a new edition.

He taught through the Law School curriculum, but in the end he centered upon American Public Law and International Law. In connection with the latter he was asked to serve as Special Counsel to President Roosevelt in a

South American boundary dispute, if it were, as it was not, referred to the President. Burdick was, till his death, a consultant on the restatement of international law undertaken by the body called Harvard Research in International Law. While the late George W. Wickersham was its chairman, Burdick was Reporter for the subject of Extradition and his work has since been used by several countries in disputes involving that topic. Burdick wrote and worked ardently in behalf of international peace. He was a profound believer in the League of Nations, and the state of the world just before his death rearoused his compassion for humanity, for his outlook on life was founded on his sympathy for the underdog. This conditioned his legal thinking on domestic constitutional questions as well as on international problems. He was a humanitarian.

When he became Dean of the Law School, he found the legal world in a ferment over standards of preliminary education for admission to law schools and for admission to the bar. The content of the law curriculum was also under discussion. Burdick's qualities soon disclosed themselves. He marshalled arguments which convinced all doubters that the Cornell Law School should be put on a level with the then half dozen or so in the country which required a college degree for entrance. He enriched the curriculum. His Faculty rose from 7 to 12 men. In his regime also came Myron Taylor's gift for a law school building, and Burdick turned from law books to blue prints and became an amateur architect. The great sunlit Reading Room and the acoustic perfection of the Moot Court Room are his monuments. To his deanship Burdick brought his urbane good sense, his unstampedable manner. As a faculty chief he tolerated every viewpoint of every colleague. His was no one-man show. Harmonious teamwork among an independent-thinking faculty continued year in and year out. Incidentally, these same qualities which so endeared him to his immediate colleagues operated to the same result in the wider fields of University administration to which he was called from time to time. Sane and steady, tenacious but open-minded, he never slighted a problem, and the results of his thinking had a compelling reasonableness. In his relations with the students Dean Burdick occupied himself with their personal troubles as well as their scholastic difficulties. With love affairs that went awry, family matters at home, and police entanglements in Ithaca, in physical and psychic ill-health, the students came to Burdick and he helped with his time, his advice, and often with his money. Frequently he sensed their unhappiness and gave unsought assistance.

Burdick's life, however, was far from being enclosed by the walls of our University. He taught, in their Summer Sessions, at other institutions—at Chicago, Columbia, Stanford. He travelled abroad, and in other lands met

the men of his profession, particularly the international lawyers. He knew Geneva well and the League of Nations asked him to direct the Greek evacuation of Asia Minor, a task that he was unable to undertake. All Souls' College at Oxford made him an associate member, a rare honor for an American, and gave him a seat at the High Table. During the World War he was a director of one of the American Red Cross services. In the American Bar Association, he made efforts to guide modern legislation into more effective form. His interest in social economics brought him in 1931 from the hand of Governor Roosevelt an appointment to the New York State Commission to Investigate the Administration of Justice. Governor Lehman in 1934 made him a member of the State Judicial Council assigned to streamline legal procedure. Later in the year the same executive made Burdick chairman of the New York State Law Revision Commission whose task has been the elimination of outworn or outmoded state law. Burdick was still chairman at his death. He was a member of the American Bar Association's committee seeking the same ends in the national field and among the states. In 1936 he acted as Special Counsel to Governor Lehman in an investigation of the charges against District Attorney Geoghan of Kings County which were brought by those who demanded Geoghan's removal. Burdick's public service in this last matter was arduous.

Charles Burdick thus had a full and well-rounded life. Everywhere his intellectual gifts won him respect and his inner man won him affection. Besides distinction of mind he had rare distinction of personality and of bearing. No shouter from the house-tops, he was gentle in manner and quiet in voice; but his outward aspect housed a firm will and a spirit which had tenacity. He was never over-bearing to others, but others in their turn were not allowed to overbear him. He could not be made to abate from his ideals, and in any matter of principle he revealed the adamant core that lay in him. Those who knew him realize that a great light has gone out and agree that his most fitting epitaph is the phrase: "He was a scholar and a gentleman."

#### THE CORNELL LAW SCHOOL

Two new names appear on the faculty roster this year: Theodore S. Hope, Jr. and Daniel G. Yorkey, both appointed with the rank of Assistant Professor.

Mr. Hope received his A.B. from Harvard in 1925 and his LL.B. from Columbia in 1928. At Columbia he held a Kent Scholarship and was Note Editor of the *Review*. Upon graduation, he held the position of Research Associate at the Columbia Law School for one year, and then at the Johns

Hopkins Institute of Law for three years. In 1934, after a year of practice in New York City, he became associated with the office of Donovan, Leisure, Newton & Lumbard, with which he was continuously connected until last September. During the first term, he is giving the course in Negotiable Instruments and the upperclass course in Constitutional Law. This year for the first time, Constitutional Law is being introduced as a part of the First Year curriculum, and Professor Hope will give that course to First Year students in the second term when he will also be collaborating with Professor Washington in the Third Year problem course in Business Regulation.

Mr. Yorkey was graduated from the College of Arts and Sciences in 1935 with honors in General Studies. In 1937 he was graduated from the Law School with distinction. Not only was he ranking student in his class, but he had the highest scholastic record of any student graduating from the Law School in the preceding fifteen years. He was awarded the Boardman Scholarship in his second year, and was editor-in-chief of the CORNELL LAW QUARTERLY in his third year. From the time of his graduation until last September, he was associated with the office of Kenefick, Cooke, Mitchell, Bass & Letchworth in Buffalo. One of the new courses added this year, a case book course in Taxation, is being given by Professor Yorkey during the present term. He is also available for the assistance of Professor Montgomery who is conducting the course in Labor Law offered for the first time this year. In the second term, Professor Yorkey will give a course in Property to the First year students and will cooperate with Dean Stevens in Problems in Taxation.

The Boardman Scholarship, which is annually awarded to the student who has done the best work during his first two years, was won by Robert D. Fernbach, '40 L. The first and second Fraser Scholarships were awarded respectively to John M. Keane, '40 L, and Richard J. Bookhout, '40 L, upon the recommendation of the third year class by vote, from a list of members submitted by the Faculty as eligible by reason of superior scholarship.

The first Smoker of the year conducted by the Student Law Association, was addressed by Mr. Harold R. Medina, Professor of Law at Columbia Law School and member of the firm of Medina and Sherpick, on the subject "All the Law Is Not in the Books."

For the second successive year, on August 16, 17, 18, a Practicing Lawyers' Institute was held in Myron Taylor Hall under the joint sponsorship of the Law School and the Federation of the Bar Associations of the Sixth Judicial District. Graduates of the Law School practicing in various parts of the state and lawyers practicing in central New York were in attendance.

On November 15, Dean James M. Landis of the Harvard Law School delivered the annual Frank Irvine Lecture. His address will be printed in the February issue of the QUARTERLY.

## THE CORNELL LAW ASSOCIATION

At the annual meeting of the Cornell Law Association held on October twenty-sixth, 1940, at Myron Taylor Hall, Honorable Harley N. Crosby '97 was elected President of the Association. The following were elected Vice-Presidents:

Messrs. Edward Harris, Rochester, N. Y. '00  
James P. Harrold, Chicago, Ill. '93  
Thomas B. Rudd, Utica, N. Y. '21  
James B. Kinne, Seattle, Wash. '02  
Frank B. Ingersoll, Pittsburgh, Pa. '17  
W. D. P. Carey, Hutchinson, Kan. '26  
William L. Ransom, New York City '05  
Paul Overton, Los Angeles, Calif. '00  
O. D. Roats, Springfield, Mass. '06  
C. W. Wilson, Brooklyn, N. Y. '06  
E. H. Woodruff, Ithaca, N. Y. '88  
William B. White, Birmingham, Ala. '09  
Elbert P. Tuttle, Atlanta, Ga. '23  
Percy W. Phillips, Washington, D. C. '15

Messrs. George R. Van Namee, '02, William L. Bleakley, '04, and Ralph S. Kent, '02, were elected members of the Executive Committee for terms expiring in 1943.

Professor John W. MacDonald '26, was re-elected Secretary-Treasurer of the Association and its representative on the Board of Directors of the Cornell Alumni Corporation.