

A Tribute to G. W. "Bill" Foster

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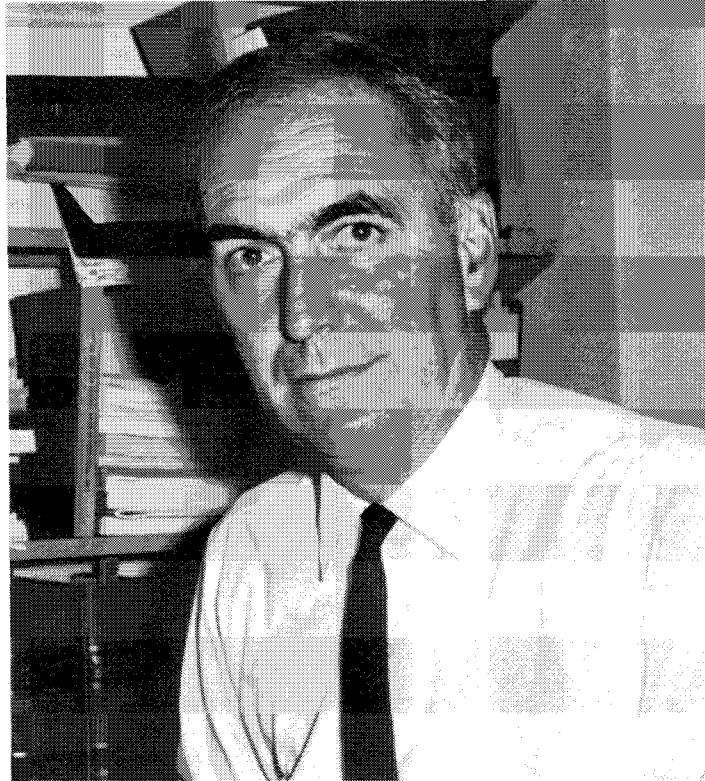
Recently, Professor G. W. "Bill" Foster entered a "phased retirement," a wind-down from his heavy responsibilities within the Law School and the University. One of those Law School duties was a labor of love for Bill, serving as faculty advisor for the Wisconsin Law Review. The following remarks were recently published in the Review, and are reprinted here as an indication of our admiration for Bill Foster.

This is a personal tribute to G. W. "Bill" Foster, Jr.—my teacher, colleague and friend.

I first met Bill Foster in the Fall of 1953. He had finished an LL.M. at Yale in 1952, and was serving his stint as an Assistant Professor of Law, at the University of Wisconsin Law School. I was beginning my tenure as a law student.

In my first frantic semester, Bill Foster taught the first year course in intentional torts. Young Professor Foster stood out in contrast to the formality and aloofness of his contemporaries. Instead of the standard coat and tie, Bill Foster wore penny loafers, shirt sleeves and tie. He would sit perched atop his desk with long legs crossed and in an engaging and friendly fashion directed this gaggle of aspiring lawyers through the confusing maze of a fundamental course of first year law.

Bill was one of the few southerners on the faculty at that time and I was one of the four Blacks in the first year class. Naturally, I had a concern about the possible effect on grades of the black/white issue. In those days, names, not numbers went on exam books and minority participation in higher education at integrated graduate and professional schools was in its infancy. The United States Supreme Court had recently decided *Sweatt v. Painter*, 339 U.S. 629 (1950), and its companion case, *McLaurin v. Oklahoma State Regents for Higher Education*, 339 U.S. 637 (1950). These cases, although not rejecting the separate but equal doctrine, had established standards of equality in professional and graduate schools that, as a practical matter, gutted the concept of separate but equal as applied to graduate education. However, the change of doctrine at the top took much longer to sift down to the reality of the law in action.



Bill was sensitive and aware of the special differences that affect the races and I was angry and quietly aggressive—a borderline insubordinate with a barely concealed disrespect for the "system." There was nothing in the course materials on intentional torts that would have remotely implicated issues of race, but Bill managed to communicate his recognition of my "uniqueness" while at the same time inspiring confidence that it was irrelevant to the academic dialogue or the evaluation of the quality of my contribution. This was managed without ever directly addressing the race issue. Bill, without being offensive, overcame my standoffish attitude and made it impossible for me to be unfriendly. I ended up taking several more courses from him, the most significant being a summer course, in Constitutional Law.

As fate would have it, he taught Constitutional Law the summer of 1954. The Supreme Court of the United States had just decided *Brown v. The Board of Edu-*

cation and Bolling v. Sharpe on May 17, 1954. Some students from southern law schools came to beautiful Madison, Wisconsin for a summer of fun in the sun and a little bit of law on the side. Poor Bill had Jim Jones and a contingent from Florida. It was a course which I shall never forget and I know that Bill Foster never forgot it.

Bill was pure law teacher, prepared to teach the entire curriculum. I believe during his tenure he has accomplished almost that, at least the core curriculum absent the so called "specialties." Bill, as a fine practitioner of the art of teaching, managed to stimulate my curiosity and he managed it while at the same time communicating firmness, fairness and friendship. Although I came to law school, and to the Wisconsin Law School in particular, because of its reputation at that time in labor law, I left in the summer of 1956 taking along with me generous and lasting portions of the influence of Bill Foster—teacher.

After graduation I was buried in the bowels of the U.S. Department of Labor, Office of the Solicitor, to which I had reluctantly gone when no other employer seemed interested in a young black with my credentials. Little did I know that in the late 1950's and early 1960's Bill was engaged in herculean efforts to make the mandate of *Brown v. The Board of Education* a living reality. Typical Bill Foster, it has taken the work of others to reveal his contributions to such progress toward school integration as was made between 1955 and 1965.

During this period, Bill was in and out of Washington frequently but our paths never actually crossed. I recall only once in what was a chance encounter at an alumni function in Washington, D.C. with Bill Foster and John Conway, a conversation about my potential interest in teaching. The discussion was so casual that I did not consider it serious. Time and careers marched on for all of us.

In 1969, I was invited to come to Madison as a "visiting fireman" to give several talks on the U.S. Labor Department's program in Equal Employment and Affirmative Action. The invitation was jointly tendered from the late Professor Gerald R. Summers, Director of the Industrial Relations Research Institute, and Bill Foster of the Law School. Little did I know of the conspiracy which was afoot. It turns out that Bill was Chairman of the Law School Recruitment Committee, and he and Gerry had cooked up this proposal. After my lectures, they installed me in a lovely office at the top of the Social Sciences building overlooking Lake Mendota and proposed that I consider taking a leave of absence from my harried job in Washington and visit Wisconsin to teach. I found the invitation both gratifying and amusing and I departed Madison with promises to consider the possibility at a more propitious time. Shortly thereafter I was invited to several other schools for "visitations." Those invitations had been preceded by substantially more probing into my background than I had experienced preceding the Wisconsin visit. I attribute Wisconsin's more oblique approach to the fertile mind of Bill Foster. The reason there had not been the kind of inquiry prior to my Wisconsin "visitation" is that he had independently done the homework and gathered sufficient material on my back-



ground to present it to his faculty colleagues without input from me. And it was Bill Foster's persuasiveness that induced me to accept a nontenured offer and join the University of Wisconsin as a "Visiting Professor."

George William Foster, Jr., as colleague blurs with the image of Bill Foster as friend. He has dragged me to dinner at his place, foisted me off on his friends and associates in social circles, bolstered my flagging confidence on many occasions, and dismissed my unjustified complaints with an occasional swift kick in the pants when appropriate. He has been the only colleague I have felt comfortable turning to when personal problems made it desirable to have someone to lean on.

Although Bill had been very helpful in my early career in cautioning me against excessive public service that, though

sorely needed, may not contribute to tenure and continued advancement, he has been a poor example in the way he utilized his own time and substance. In addition to having taught virtually the entire curriculum, he has served as Associate Dean, rescued the Gargoyle, and been a man-for-all-seasons for the Law School and the University.

If I were in charge of the world, there would be chairs for Distinguished University Service. The first would have been occupied by Bill. It is too late for that now, but, instead there could be the position of George William Foster Professor of Distinguished Service in the Law School.

In the meantime . . . to G. W. "Bill" Foster, Jr.—my tribute: distinguished teacher, treasured colleague and dear friend.