REMEMBERING LEE BIRD, 1918-2013

Born February 20, 1918 in Bala-Cynwyd, a Philadelphia suburb, Benjamin Lee Bird died April 16, 2013 at home in Washington, Virginia, in his 96th year. Throughout his long life he excelled as a lawyer, judge, husband, parent, friend and volunteer.

He was the second of the five children born to his parents, Anne Warren Jackson and Benjamin N. Bird. His mother was a graduate of Bryn Mawr College, his father, a University of Pennsylvania graduate, an Episcopal clergyman and Rector of St Asaph’s, the patron Saint of Wales, in Bala-Cynwyd, Pennsylvania. They molded his character well in the intangibles of discipline, duty and devotion, and provided him with the opportunities for a first-class education at The Episcopal Academy for 12 years, then Harvard College A.B. (mcl), 1940, and later Harvard Law School, LL.B, 1948. In college he concentrated on the study of Greek and Roman literature and history, so nurturing and deepening his mind in the fundamental values of educated men and women.

The war disrupted this. Enlisting in the Army Air Corps before Pearl Harbor he was soon sent to Australia and assigned to military intelligence to support the use of air power in the defense of Australia and then in offensive operations against the Japanese first in New Guinea and ending four years later in Okinawa. He became a commissioned officer in Australia and was promoted to captain. Living in the tropical locations of New Guinea and other islands brought severe physical hardships to many Americans who were ill equipped to resist and overcome them. As it was, Lee suffered from a malady that resulted in an alarming loss of weight and the recovery from which took many months after returning home.

After law school he sought employment as a government lawyer serving the public interest, preferring that to private law practice. In 1948 he joined the Office of the General Counsel of the Navy in Washington and was assigned to the office of the Navy Comptroller which was responsible for the Navy’s annual budget and getting it through Congress. In the course of this work over several years Lee Bird became expert in the intricacies of appropriation law, resulting in his writing a seminal and highly acclaimed chapter on that subject for the 1959 edition of Navy Contract Law. He continued in the Navy OGC in increasingly important work until 1966 when an assistant secretary of the Navy appointed him to be a judge of the Armed Services Board of Contract Appeals (ASBCA) where he served with distinction for the next eleven years in deciding litigated government contract disputes.

What particularly characterized Lee Bird’s performance as a judge at the ASBCA was his disinterestedness and fairness combined with mastery of the evidence and the unusual capacity to listen attentively to the testimony. These qualities he combined with the command of graceful, clear, concise, compelling opinions improved by Greek and Latin and issued with due dispatch that usually left the losing party persuaded that its case had been fairly heard and fully understood. Few judges combine these qualities of decision and opinion writing as well as he did. The reasoning and craftsmanship of his opinions are enduring monuments in the realm of government contract law.
Throughout his life Mr. Bird performed volunteer legal and other services to his communities in addition to his fulltime employment. These included serving in Washington, DC, as treasurer of Friendship House, on the boards of United Way and the Rockport Fund, and co-founding the Black Student Fund, an organization for racially integrating private schools. After he retired from the ASBCA he and his family moved to Washington, Virginia in Rappahannock County. There over the years he was chairman of the boards of the Board of Zoning Appeals, the Hospice of the Rapidan, the Piedmont Environmental Council, and the Virginia Association of Biological Farmers; he was also a president of the Rappahannock Democratic Committee. He volunteered at the local public schools and library and tutored for an adult literary program.

Mr. Bird was blessed by a strong and fulfilling marriage of 55 years to Diana Washbon whom he met while at law school and married in 1948. They raised two wonderful, achieving children, Christopher and Stephanie, each now long well married and providing them with three grandchildren. Mrs. Bird died in 2004. Chris and his wife Mary Jane living near them contributed greatly to assuage Lee Bird’s aloneness.

Mr. Bird read widely in several fields of knowledge and amassed a formidable library. He and his wife hosted monthly poetry readings with friends; he particularly admired the poetry of T.S. Eliot. They loved classical music. Politically liberal, he condemned corporate greed and excess. In matters of faith he evolved to secular humanism.

In sum, Lee Bird in his long and achieving life surpassed his many callings and benefitted each society in which he dwelt.

George M. Coburn ’49
April 22, 2013