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IN MEMORIAM

Albert Tate, Jr.

Judge of the Fifth Circuit Court of Appeals, 1979-1986
Associate Justice, Supreme Court of Louisiana, 1970-1979

This edition of the Law Review honors the memory of a beloved scholar and judge whose impact on the law and the courts of Louisiana is unparalleled.

We honor the memory of a good husband, a good father, a good friend, a great man, and also a magnificent servant of the people, a dedicated servant of the law and the courts.

A great man's life, like a great painting, is made up of so many colors and hues and brushstrokes that to single out bits and pieces for examination destroys the whole. To look at a single thread of a person's life is to see falsely. It is impossible to do justice to the nature, to the intellect, to the purposes, to the desires, to the achievements, to the full life of a man who has meant so much to so many who were close to him, and yet meant so much to so many, many more whose lives he barely touched. Justice Tate loved his roots. He loved his family. He loved his wife. He loved his children. His pride and love of family were expressed repeatedly in conversation. Of all the judges I have known, Al also had the largest heart for mankind as well as for each and every human being. He really cared.

Just as the Constitution and the statutory law are reflected through his opinions, his love for man and mankind underpins all of them. Of all the men of achievement I have known, it is Al of whom I would think first as being a good man. He meant good, he did good, he was good. Chief Justice Dixon said, "I will always be grateful for having served on the same court with Al Tate. He kindled fires in his colleagues that made it possible for them to work hard together in an effort to do justice. Al Tate's kindness and willingness to help other people is seldom matched. His sympathetic nature was consistent with his energy and busy mind. He had great talent, a big heart and will be sorely missed."

As valuable as was his time, as taxed as he was to produce the magnitude of works he published, he always had time to listen, to speak with, to encourage and to make better the day of everyone. No man of the court and no man of the law in this State has ever been known so well and been loved so well by so many of those who work with the law as Justice Tate.

The near incongruities of Al's life which cannot exist in many lives were the great intensity of the judge, writer, student of the law, public servant, and the wit, affability, life-loving, fun-loving, relaxed character, of the husband, father, and friend of all of us. For all of the friendliness and affability of the man, Justice Tate was not a man to stand by the side, to stand out of the way of the winds of discord, controversy and criticism. He never sought a haven of quiet, peace and tranquility. He was above all a mover, a goalsetter, one who reached out for new and better things. One of his peers, Holmes, said it for Al, "I find the great thing in this world is not so much where we stand, as in what direction we are moving: to reach the port of Heaven we must sail sometimes with the wind and sometimes against it—but we must sail, and not drift, nor lie at anchor."

Justice Tate moved and in moving made progress with the law more than any other member of the bench in the history of this State. His underlying philosophy in the law was that you rest your decision "upon a legislative or Constitutional text or upon an idea-structure that underlies and is necessarily implied by it." But he was the first to articulate, to publicly state that there were occasions when the law had not provided for the case before the court, where there were gaps in the law. And in these unprovided-for instances, he was the first to try to explain how the court had to fashion a rule of law in order that justice could be done, in order that all men might be equal before the law. He was careful in stating the purpose and the value choice which he had made.

His dear friend and colleague Judge Alvin Rubin said, "He was a true friend and an admirable judge, felicitous in manner and style, amenable to reason, but unswerving and courageous in defense of the Constitution, justice and the rights of victims."

Not many people search for greatness and only a few achieve greatness. When one does, it should be recognized. Justice Tate was such a great man of the law that his contributions to the law will live for years beyond our lives. He was as truly great persons should be, knowledgeable of his qualities and sure in his abilities. His ego was seldom displayed. He wore the face of humility. He cared not for collecting material wealth but he cared much in giving of the best of himself to his work and to the people around him. Justice Tate was a whole man—a dedicated professional, an able politician and great humanitarian. He devoted his genius to securing what he believed was justice for the people.

That such a man lived among us and meant so much to us, it is good and right that with the parting comes the grief. It is part of the human experience. In the continual memory of the man in our individual minds, he will live as long as do we. Thoreau said, "Even the death of friends will inspire us as much as their lives. Their memories will be encrusted over with sublime and pleasing thoughts, as monuments

of other men are overgrown with moss; for our friends have no place in the graveyard.”

If I should try to describe Justice Tate as I believe he saw himself, again, I would turn to Holmes, “To see so far as one may and to feel the great forces that are behind every detail, to hammer out as compact and solid a piece of work as one can, to try to make it first rate and to leave it unadvertised.”

Al Tate’s life was what it had to be for him—for his family, for his friends and mankind, and for God. This is why we have and will retain rich, pleasant memories of him.

Mack E. Barham

