

Louisiana Law Review

Volume 52
Number 6 *July 1992*

Article 7

7-1-1992

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Janice Ginsberg Rubin, *The Non-Legal Alvin Rubin*, 52 La. L. Rev. (1992)

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The Non-Legal Alvin Rubin

*Janice Ginsberg Rubin**

In 26 years on the bench, the activity that Alvin most enjoyed was conducting naturalization ceremonies in open court. It wasn't the jurist, however, who spoke from the bench to those new citizens. It was the son of immigrants from Eastern Europe, a son who spoke movingly of his parents, their courage, and their determination to give their children the education and opportunities they had never had. Alvin always emphasized that those citizens, new though they were, had equal rights. They could vote. They could develop their own talents and those of their children. They were entitled to occupy as well as to stand before the bench of justice.

Alvin never failed to step down from the bench at the end of the ceremony to shake the hand of each one individually. Doing so, he conveyed his conviction that this nation would be the stronger for the contributions of those who pledged their fealty that day.

Born in this country, Alvin spent his boyhood in Alexandria, Louisiana, the older of the two sons in his immediate family. He was surrounded by a clan of uncles, aunts, and cousins, as well as in-the-back-door neighbors, a close-knit congregation, couples who gathered for years at each other's homes, and by his father's friends who were Masons or regular card-players at the Elks' Lodge. (Kids knew that the Elks were "Number One" on the pre-dial phone system: you just picked up the receiver and asked the operator for "Number One" to check on whether Dad was ready to be picked up for Sunday dinner.) Some of the players at the club were Alvin's uncles. Depending on the color of their hair, three of the brothers were known as the Black Rubin, the Red Rubin, and the White Rubin (Alvin's father); the fourth, the late-comer to America, was, of course, the Green Rubin.

An early indication of Alvin's decided artistic bent occurred at the age of seven when, arriving home after school one afternoon, he found on the dining room table a resplendent coconut cake, laden with his mother's famous and most feathery icing. Alvin decided the judicious way to taste this temptation was to pinch just a snippet from the top edge. That done, he judged it would be less obvious if he pinched off—artistically—the top edge all around. What his mother discovered soon

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* Wife of Alvin B. Rubin.

after was a completely plucked cake. History does not record his punishment, but this episode may have set his course abidingly toward the law.

Relatively blameless thereafter (except for regular report-card comments: "talks too much"), Alvin spent his seven grammar-school years about three blocks from his home, and four high school years about fifteen minutes farther away. From each he took away lifetime friendships, memories of sandlot baseball, echoes of band concerts under "the Professor," and gratitude for a truly remarkable group of teachers.

One of these teachers in particular proved a major influence on both our lives and remained a close and beloved friend as well as a regular correspondent. This was a high school teacher of history and civics, Ellen Perry Pride. She was in advanced studies at LSU when we returned to Baton Rouge as newlyweds in 1946. Housing was tight; no apartments were available. It was Ellen who offered us space in her duplex apartment on East State Street. She already had several graduate students, all female, who also shared the rent. The newly-wed couple was welcomed and given the master bedroom that Ellen vacated, squeezing in to the rest of the small apartment with her other lodgers and friends. This manse became known ever after as Alvin's Harem.

Ellen later went on to Radcliffe, but I doubt that she ever encountered another student for whom she launched as unexpected a bit of coaching as when she had persuaded a twelve-year-old Alvin to "go out for rally" in History I. The two of them slaved together for months, but he missed the district title by just one question out of the hundred given.

Ellen was crestfallen: "Alvin, how could you say Jesus was born in Jerusalem? Don't you know 'O Little Town of . . .'? Hmmm—maybe you don't!" And young Rubin got a quick course in New Testament before competing (more successfully) in the state finals in Baton Rouge.

I suspect that, consciously or otherwise, it was having Ellen as mentor and scholar-model that led Alvin into the field he finally chose (though he did wander a bit in the meadows of literature, engineering and commerce). As he browsed through undergraduate studies and on to law, he was nourished in those mid-depression years not only by his courses but also by the good luck of being able to subscribe to the Boarding Club: LSU made it possible for a student to eat for thirty-five cents a day, if one were willing to take only a single helping of meat and vegetables, but then fill in the gaps with all the milk, bread and gravy one could tuck away. The jobs Alvin held on and off campus helped, too; he worked as investigator for a downtown lawyer and as monitor in the law dormitory, with summers in an oil field hefting pipe. (His boss there complained bitterly that he'd go broke now that the government was forcing him to raise "clunks like you" to 35 cents an hour.)

Leisure time at LSU was rationed, but Alvin managed to get to most of the dances, go home occasionally, and take me on ferryboat rides when I could get up from New Orleans. (Pay once, and we could ride back and forth indefinitely; the night he bought me a double coke I knew he was serious.) During his first couple of years at LSU, a good part of his leisure was spent, except for one fatal afternoon, playing clarinet in the LSU band. That day, his instrument was in the repair shop and the director had assigned him, "because the drummer has no sense of rhythm," to carry the metronome in a full-dress, sun-glittered display on the parade ground. Classmates never let him forget having been the cynosure of all those coed eyes as the band swung around each corner, revealing an all-too-towering ABR bearing aloft that accursed metronome. He never learned of anyone, in all the history of marching bands, who achieved the same distinction.

Among those classmates with long memories was a group that constituted itself into the "I.I.I.K.S.C." "Constituted" is literal: the by-laws are still extant. Comprehensive, droll, and prescient, they prescribe for the future the same measures those members have followed ever since to ensure that the friendships so intense then could continue to flourish. The initials stand for the International, Inter-religious, Inter-racial, Kosher Salami Cooperative; it included in its ranks a Chinese and a Panamanian, together with an assortment of other friends with whom he remained in contact all his life. All pledged to maintain the original links. (That, too, is literal, since there were indeed links in the care-package of sausage that Alvin's mother supplied so regularly.)

Alvin graduated from both college and law school after six years of a condensed commerce-law curriculum that widened his campus friendships: professors and staff members of the various departments and colleges, and students who shared his activities, including the Law Review and varsity debating, at a time when Oxford debaters included LSU on their schedule. Hubert Humphrey, then a graduate student in government with classes in the Law School basement, was part of the coffee-hour crowd and the debate squad.

One of Alvin's close friends, George Carroll, was prominent both on the campus and in national student organizations. He was even more poverty-stricken than the others, but was constantly on call for major university functions. The six-footers in the group regularly lent outfits to him; he was so embarrassed not to be able to return them properly cleaned that he would lock his borrowed finery in his closet. Every week or so the crowd would break into his closet, rescue clothes, send them to the cleaner, then let the process start all over again. George was still at LSU when he married; for a wedding present, his haberdashers pooled their resources to provide him with a pair of proper shoes. Years later, George became an expert on international affairs and a key member of Hubert Humphrey's vice-presidential staff, serving

as his "secretary of state." By then, presumably, he bought his own spats. Through the decades, Alvin kept in frequent contact with him, thanks not only to Alvin's frequent visits to Washington, but also to the U.S. Post Office, including his birthdays (which Alvin marked—as for all his friends—with amusing, apt, and always-prompt missives.)

The I.I.I.K.S.C. and all his other circles were scattered around the globe by the four years of World War II. Alvin's university education proved an interesting complement to some of his wartime adventures: for instance, reading books by flashlight while leading a convoy through countryside with all road signs removed; driving a jeep when the steering wheel suddenly came off in his hands; acting as Mess Officer, e.g., teaching the cooks to transform the detested dehydrated potatoes into tempting potato pancakes (after swapping extra oil and shortening to farmers for onions and fresh eggs); helping to ready landing craft for invasion; clutching the map as his convoy delivered gas and supplies to General Patton's frontline troops; on a continuous 24-hour schedule of round-trips, swapping sergeants and truck drivers for each run and sleeping between indicated intersections, waking only to instruct on the correct turn after, say, a 2.4-mile stretch.

Throughout army service he was assigned to Quartermaster Corps, once the army decided typing ability could rescue a bayou private from Colorado's mountain ski-troop training. He spent his overseas years in England, France, Belgium, and Germany, at one point improving collegiate sang froid by hanging those APO-delivered salamis from a window of the castle that served as barracks during one winter interval. His law degree did prove handy when he acted as prosecutor in courts martial, although he was never transferred officially to the Judge Advocate's staff.

His most unexpected army experience followed a call he received toward the end of the war, requiring Captain Rubin to report immediately to general headquarters quite some miles away. What in the world had he done? He was relieved to discover merely that he had been requested as defense counsel on an appeal by a prisoner he'd prosecuted some years before.

"You don't remember me, do you, Captain?"

"No, I'm sorry. How did you remember my name?"

"Oh, I didn't. I just told them I wanted that (deleted) who put me here!"

Not only did Alvin get the sentence reversed on the grounds that the original sentence had been unresponsive to the charge, the soldier (with dishonorable discharge) arrived back in the U.S. before the Captain did! To Alvin's knowledge, this double-duty lawyering remained unique in military annals.

Both civilian (no pun intended) lawyering and LSU professing followed immediately upon Alvin's return to Louisiana. He'd always

thought he might teach, but no faculty opening was available or in prospect, so he went into private practice in Baton Rouge, our first preference, at the firm of Sanders & Miller. (Alvin applied but never interviewed for a job offer in San Francisco. We had been married in California after the war at an Army post for which my father was Judge Advocate; through a delay in the mails, Alvin did not receive the invitation until we had come back to Louisiana. We did not have the funds to trek back cross-continent, and in those days even Standard Oil of California didn't underwrite a fledgling lawyer's interview expenses.)

Soon after he started practice, a faculty member's emergency appendectomy propelled Alvin back (over a weekend) into the classroom on the other side of the lectern, and his long dual career began. Alvin was always a hard worker, and he put in long hours to maintain a full-time law practice while at the same time preparing for class and writing detailed notes for class discussions. It didn't take long for J. Y. Sanders, the senior partner, to show fatherly concern: he called Alvin in and asked, "Son, could you clear your schedule to fit in the weekly meeting of a regional investment committee for Manufacturers' Hanover Trust?" "I'm sure I could, sir." "Good. Bring me your datebook." In it, J.Y. wrote a bold "M.H.Trust" across all Thursday afternoons; from then on, Alvin took time off as he'd long been promising to do. The budget for golf balls took a noticeable jump, and clients in the know who called and found him out on Thursdays after 2:00 p.m. would agree, "Oh, yes; Manufacturers' Hanover Trust!"

Logical as lawyers always are, shortly after we had moved only four blocks from City Park Golf Course, Alvin turned to tennis, a game in which no seer could have predicted that the short, chunky kid swinging a racquet at Mockingbird Park (across from his family home in Alexandria) could transform himself into a quite respectable player. As he'd been determined to do, Alvin became an even better player in his sixties than in his forties or fifties. (State-bar-tournament success depended to a large degree on whether an obliging former and formidable tennis-playing law clerk was his partner.)

Eventually, a tongue-in-cheek but legitimate round-robin was organized by his weekly tennis partners and named in Alvin's honor. He cherished the verses and mementoes he received at the annual feasting and kidding that followed, including a gavel constructed with a tennis ball on each side for kinder and gentler callings-to-order.

Alvin loved tennis, though he missed, after knee problems dictated caution, the morning jogs through dawn mists that he had joined for over twenty years. He also loved watching tennis live or on TV, and never moreso than the time a friend, then president of the United States Lawn Tennis Association, invited him to the national finals. A limousine picked him up at the hotel. "I hope you don't mind sharing it," his

friend had apologized. The "sharer" proved to be Isaac Stern, an equally avid fan. "What did you talk about?" I asked. "Music or law?" Alvin grinned. "Neither, just tennis."

Incidentally, grandchildren and their friends have always called him Big Al, a tennis nickname he acquired when playing mixed doubles in New Orleans with a diminutive partner named Alberta—obviously, Little Al.

His libraries at home or in chambers gave proof of more sedentary pursuits. Well-thumbed volumes of poetry, often tabbed for favorites, spanned from Homer to Marianne Moore. Shelves were crowded with novels, philosophy, essays, history, art, drama, and mathematics. Probability theory was definitely in his category of leisure relaxation, and music ran from the classics through the New Leviathan Oriental Fox Trot Band. Older law clerks passed on to each new crop the fact that he enjoyed loans (or, for holiday exchanges, gifts) of tapes or CD's. He often read and frequently quoted the Bible—once Alvin recognized that a visiting lecturer had buttressed a major argument with a passage from Isaiah but had carefully excised the final portion that so emphatically demonstrated the error of the point being espoused.

Alvin's sense of humor, always truly funny, never hurtful, lightened his libraries as it did every aspect of his life: court, class, conversation, and correspondence. He had a nationwide network of friends who swapped the newest and best jokes. He had a gift for doggerel, parodies and spoonerisms, and liked writing Gilbert-and-Sullivanish take-offs on admiralty and other abstruse matters.

He was known as a reader and writer, of course, but also as a man for all arts both as audience and as participator: drawing, painting, sculpture, architecture. Dance concerts? Ballet, modern, "folkloric," tap. And Alvin could lead a partner in a sizzling rumba as well as a sweeping waltz or tango.

His incredible memory for melody and his flair for show business wowed me in grammar school when he was Master of Ceremonies and soloist for what I considered an all-time smash. The eleven-year-old tenor debuted with a song he could produce ever after at the drop of a piano note.¹ From that point on, he was putting into his mental filing cabinet every popular song of the twenties and thirties, plus those prior and after: hayride favorites, folk songs, and national anthems we had learned from fourth grade on. Later, he would add Heifetz and Eubie Blake, Bach and Mozart, Gilbert and Sullivan, Cole Porter and Scott Joplin; all came to sit in close harmony around Alvin's musical table.

1. "With booze and women down below, Mr. Devil and me are going to put on a show."

Wherever he travelled, he missed no museum; Alvin once made a special trip to New York, after a meeting in Washington, in order to see the Picasso exhibit. His chambers in Baton Rouge and New Orleans, as well as the rooms occupied by secretaries and law clerks, glowed with prints, paintings, drawings, photographs, and posters. When the Baton Rouge Bar Association asked him what he would like them to choose for him as he left practice to go on the bench, he selected a painting by a superb local artist. We jointly chose the paintings and sculpture brought home from trips here and abroad; he himself often selected gifts for children, grandchildren, and friends. His choices were imaginative, tailored to the individual, treasured. Not only was his taste superb, but he drew designs for rings, brooches and earrings for jewelers in this country or in Mexico City to execute for me, each one in its turn a contemporary heirloom.

Even his lifetime habit of doodling could become art: Gathered in an album for the family are the almost 200 3x5 cards that he turned into stained glass miniatures. We do not have the childhood Blue Horse and Big Indian tablets he embellished like medieval texts, or the college class notes that were framed and interlarded with calligraphy, cartoons and enscribed comments; the only paper he left pristine was that in exam booklets.

Focusing on the individual was the key to the quality of Alvin's every relationship, particularly within the family. He was the best of company at home and the most interesting of travelling companions. With our sons, he formed the closest of bonds, based from the very beginning on appreciation of each as unique in his own right; he welcomed their wives as true and beloved daughters, and although he had never known a grandparent, he was a matchless grandfather: loving and valuing each child; sharing sports, hobbies, special interests; attending programs and games at school. Perhaps his secret was that he was, always, totally present. And great fun.

Alvin's friends spanned continents and age barriers. When we still lived in New Orleans during the late 1970s after our sons were grown, the FBI was conducting its investigation in advance of his appointment to the Fifth Circuit Court of Appeals. Alvin called the New Orleans head of the FBI and asked "I wonder if you could do me a favor."

He heard, after a pause, in a distinctly dubious tone: "Just what did you have in mind, Judge?"

"Would you consider interviewing my neighbors, two young boys who are my gardening and fishing buddies? I think they'd get a kick out of it."

There was a relieved chuckle, and two agents were duly dispatched.²

2. The agents found that the two young gentlemen were not at home, and so an

Alvin was the jurist he was because he was the man the boy became, a man who remembered Biblical injunctions about relationships and courage, about discipline and standards, about justice and mercy and integrity; a man whose goal on the bench was the oath taken by judges on the Isle of Man:

You shall do justice between cause and cause as equally as the backbone of the herring doth lie midmost of the fish.

FBI card was passed over the threshold. The response was a dismayed "Oh dear, what did those two boys do now?" (P.S. They really were exemplary then, and by now are equally so as doctor and lawyer.).