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Three Stories for Alan

AL KATZ†

I had three stories I wanted to tell Alan. I thought about waiting until I saw him again, but chances of getting side tracked into some cosmic version of a deed restricted community are so great that I thought it best if I told you now and so increased the chances of them getting through.

Not long ago, I had occasion to spend some time in one of the poorer islands in the Bahamas chain. My presence there was, no doubt, part of the unfolding of a kind of quirky program in downward mobility, the case for which, by the way, has been greatly exaggerated. On the island there is a Lucayn hotel, a couple of Lucayn streets, and a number of hotels boosting authentic Lucayn food. There are, however, no Lucayns. They were the original inhabitants of the island. When the Europeans appeared, they were all packed off to the mines, where they all died. All of them. It made me wonder whether, had the Nazis been just a little more efficient in Poland, there would be a Hebrew hotel and a couple of Jew streets and some enterprising individual born in 1975 hocking authentic cheese knishes on the streets of Krakow. It surely can't be that every designation counts as a memory.

When I came to Buffalo in 1969, I inherited an employee. We were together 15 years and the relationship became something we never managed to theorize in our most dramatic flights of creativity. Mrs. Smith was saved in the religious sense in her mid-years, saved from a certain kind of decay, though not saved from poverty. When Alan took sick in '81 or '82, I asked her one morning when she was at my house if she would pray for him. So she plunked her elbows down on the butcher block table and looked out the window and talked, as to a friend. This wasn't quite what I had in mind. I meant, "When you're in church the next time, you know, put in a word for Alan" or maybe, "Next time you are at prayer . . ." Mrs. Smith was no fool and she quickly guessed that I was trying to piggy back on her faith. A little later that morning, she poked her head in to my alcove and said, "You know, it don't work if you don't believe."

The two best parts about the LLM Program and Berkeley when I was there were that the faculty left you alone but gave you access to their library. That combination was good because

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the books were more likely to be on the shelves in that library and you could have chance encounters with these mythical creatures that we call teachers. On one such occasion, I ran into Frederick Kessler. It wasn't a unique occasion, but not a frequent one either. Kessler was always very nice to me, though I never took it personally. I think it was his way of sticking it to the faculty that had been so mean to us during the picketing days in 1964. Whenever we had these meetings, I would ask about Corbin, knowing they were good friends. I just liked the whole idea of asking about Corbin as a living person rather than a book. He replied, "Well, he's 90 now and deaf and blind." "How do you communicate?" said I. (Notice the incisive questioning indicating a promising, though short career.) He said, "Well, very well. He talks to me."

In the year that the faculty here, in its wisdom, decided to offer constitutional law in the first-year, Alan became very ill. I know you don't think they're connected but . . . Alan was determined not to let his illness get in the way of the grand new experiment, so he decided to make audio tapes of his lectures. It was my job to carry them into his classroom, put them in the machine—Buffalo, ever the cutting edge for technology in legal education—and turn on the machine. Out came most of Alan. I would stand there, wait until some brave soul stuck up their claw, pop off the machine with just a tad more pleasure than I think was seemly under the circumstances and try to answer the question. The tapes were made in Alan's den, not a very big den. He would sit in a robe at one end. I would sit at the other, mostly, believe it or not, silent, so silent that after a while, I said "Look, I'm enjoying this tremendously but, do you really need me here?" "Oh," he said, "That's out of the question. Me in a room talking with a machine. No way. No way!" So going home that day, for the first time in years, I remembered my conversation with Kessler.

Not long ago, working in my yard—I can't call it a garden—in the shade of a Brazilian pepper tree, I had a conversation with the tree. We communicated very well. The tree talked to me. "Your morning paper is frequently delivered at my feet. So I could not help but notice there are white people from a place called Europe who believe that the Brazilian pepper tree is non-native and invasive. You seem to be a decent fellow. Perhaps you could teach me the secret of the chain saw."