

## **In Memoriam**

### **ALAN R. VOGELER**

**March 15, 2004**

**F. J. McGavran**

Alan Vogeler, Jr. introduced me to his father at a fraternity party at Kenyon College shortly before our graduation in 1965. Mr. Vogeler asked what I was going to do next. When I said I thought I would join the Navy, he reacted with the grimace anyone who knew him would recognize. I did join the Navy, then went to law school. Seven years after that introduction, I arrived in Cincinnati as the newest associate of Kyte, Conlan, Wulsin & Vogeler.

Alan Vogeler was a fourth generation Cincinnati. His great grandfather and grandfather had founded the Vogeler Drug Company, one of the largest wholesale drug companies in the country until it was sold to McKesson & Robbins in the spring of 1929. Alan attended Culver Military Academy, Walnut Hills High School and Withrow High School. From 1933 to 1935 he attended the University of Cincinnati, then transferred to the University of Kentucky where he graduated in 1938. Two years later he received his LLB from the University of Kentucky Law School. He was a member of Omicron Delta Kappa, a senior men's honorary and the Order of the Coif. He was Editor-in-Chief of the Kentucky Law Journal and graduated first in his class. He received a Cook Fellowship from the University of Michigan Law School, where he received a LLM. In 1941, Bob Hilton mentioned just last year that Vogeler was a great ballroom dancer. Probably more important to him than any recitation of academic and professional honors was his marriage to Sara Robertson Biggs, his college girl friend, in 1940. As a husband and father, he raised and educated four successful children, themselves all happily married, an accomplishment in any generation and particularly in ours. Alan, Jr. went on to Columbia Law School, Edwin to Ohio State, Douglas graduated from Kenyon and Cornell Medical School and earned a Masters of Public Health from the University of Utah, and daughter Sara attended Trinity College before graduating from NYU.

After practicing law in Detroit for a year, Alan joined the United States Army, serving in Ordnance and Military Intelligence from 1942 until 1946. He was part of the team that located and brought Wernher Von Braun and other German rocket scientists to the United States to keep them out of the hands of the Soviets. He was discharged as a Captain in 1946.

Concentrating his practice in taxation, Alan was an associate with Taft, Stettinius and Hollister from 1946 until 1952 and a partner in Vogeler, Barnes & Alsfelder from 1953 until 1955. He became a partner of Kyte, Conlan, Wulsin & Vogeler in 1955. He was instrumental in the merger of that firm with Frost & Jacobs in April 1978. Perhaps the high point of his career was arguing a retaliatory tax case before the Supreme Court of the United States against California Attorney General and later Governor Dukmejian. Alan, Jr. sat with his father at the counsel table during the argument.

Frank Andress remembers Alan analyzing a complex financial transaction for Frank and fellow Literarian Morley Thompson so clearly that Frank still recalls the meeting. Vogeler's tax advice was vindicated when the IRS audited the matter.

Alan was president of the University Club in 1976 and 1977, and was a longtime member of the Cincinnati Country Club. Frank Davis remembers him as "A.R.V.", the same as he was known in the office. A.R.V. demanded that the rules be followed as exactly on the golf course as in his law practice. On the twelfth hole of the Cincinnati Country Club in the right rough at about the driving area is a patch of gravel. Because the gravel did not constitute "ground under repair", A.R.V. required anyone who played with him to playoff it. The place is still known as "Vogeler's rocks".

Alan was president of the Cincinnati Bar Association in 1982 and 1983 and president of the Cincinnati Bar Foundation from 1974 until 1978. In his acceptance speech as Bar Association President, he noted the lack of African American lawyers in the Bar Association and in the major Cincinnati firms and demanded that the Bar do something about it. Prolonged and determined efforts to address that problem began that night.

Alan joined the Literary Club in 1971, presenting papers as varied as "Jose Sings Hosanna; Others Make Bread" in 1973 and "My Old Kentucky Home" in 1997. Fascinated by the life of Judge Jim Stewart, he presented "When Smith Was Young" in 1977 and "My Name is Jim" in 1979. Vogeler invited Frank Andress to the Club in April 1992 to hear his paper "A Hoosier Lawyer" about an associate at a prominent Cincinnati law firm, who committed suicide. Alan was shocked when Frank told him afterwards that he had gone to Walnut Hills High School with the subject of the paper. After Frank became a member, he presented a sequel to Alan's paper entitled "Suicide Revisited". I remember that Alan introduced his paper on Lyndon B. Johnson, entitled "Deep in the Heart of Texas", by singing a few bars to warm up the audience. You wouldn't know it from his poise here, but for days before he gave a paper, he was as nervous in his office as before a major trial or transaction. I went to Alan Vogeler when I wanted to join the Club.

A few words about Alan's last years. Our definitions of athletic ability and courage are too limited. We applaud an actor who does his own stunts, a football player who charges down the field in padded spandex, a man in his twenties who can stand up to enemy fire. I don't know what Alan Vogeler's illnesses were; he never discussed them, even though he usually had dinner at the University Club with several other regulars before our meetings here. Yet he showed as much courage, concentration and athletic ability as any mountain climber when he struggled up and down the steps of the University Club, navigated Fourth Street with a walker, then pulled himself up the last steps to the Club every Monday night. A.R.V. reached for life as long as he could.

Alan R. Vogeler died on December 16, 2003. His wife Sara, sons Alan R. Vogeler, Jr. and wife Lucy, Edwin B. Vogeler and wife Mary Jo and Douglas M. Vogeler and wife Susan, and daughter Sara Vogeler Bey and husband Norman plus five grandchildren survive him. He was a husband, father, soldier, scholar, lawyer's lawyer, mentor, leader, patriot and friend. A.R.V. is sorely missed.

