The special committee of the General Faculty to prepare a memorial resolution for E. Ernest Goldstein, professor, law, has filed with the secretary of the General Faculty the following report.

Sue Alexander Greninger, Secretary
The General Faculty

IN MEMORIAM
E. ERNEST GOLDSTEIN

Ernest Goldstein, who died on May 25, 2008, spent some of his long and eventful 89-year life as an important member of the faculty of The University of Texas Law School, which he joined in 1955. A native of Pittsburgh, he had graduated from Amherst College in 1939 and began studying law at the University of Chicago. As was true for many, of course, the exigencies of World War II intervened; he left law school to become an Army Security Agency cryptanalyst at Arlington Hall, where he helped to break coded German naval communications (for which he received the Legion of Merit). Returning to the United States, he received his law degree from Georgetown in 1947; he subsequently received a J.S.D. from the University of Wisconsin in 1956.

Following his Georgetown graduation, he practiced law with the Washington firm of Pike and Fisher before joining the Justice Department, and he then worked as counsel both to House and Senate committees investigating, respectively, baseball’s reserve clause and organized crime. From Capitol Hill, he went to Paris first as a restrictive-trade practices specialist to the U.S. mission there and then as the U.S. representative to the Productivity and Applied Research Committee of the Organization for European Economic Cooperation. He therefore had a comprehensive view of how the American government operated both nationally and internationally.

In 1955, Goldstein moved to Austin in order to teach international law, trademark and copyright law, and government regulation of competition. Probably the most enduring legacy in the law school itself is the Texas International Law Journal, which began in 1965 under his encouragement and advisement an offshoot of the Texas International Law Society and subsequently became one the nation’s major law journals in the field. He left the faculty the following year, when he returned to Paris as counsel with Coudert Freres. He was called back to Washington in September 1967, where he served as a special assistant to President Lyndon B. Johnson, concentrating on domestic affairs, cabinet meetings, and fiscal and economic matters. With the end of the administration, he returned to Paris to rejoin Coudert Freres as a partner. He practiced in Paris and Switzerland before retiring and returning to Austin in 1992, where he taught several courses in the law school as a welcome adjunct professor.

In some ways, though, he probably made his most indelible mark on The University of Texas in his capacity, manifested throughout his life, as an involved public citizen. Most notable was his activism in 1961, when the UT Board of Regents, all appointed, as the obituary in the Washington Post put it, by “two segregationist governors” indicated it had no interest in accepting an overwhelming 1961 vote by the University’s student assembly to integrate UT’s athletic teams and its men’s dormitory. When some of the 200 black students, who were attending UT, engaged in a sit-in at the segregated dorm, they were placed on disciplinary probation by the University. Professor Goldstein prepared and circulated a resolution denouncing University regulations that “degrade the dignity of the individual, subvert the academic community and interfere with the educational process.” The faculty assembly voted 308-34 to adopt his resolution, though the regents continued to describe its supporters as merely a “vocal minority.”

An inveterate reader and commentator on current events, Ernest Goldstein frequently picked up his pen to write letters-to-the-editor. He had written, for example, to the Washington Post in 1948 denouncing segregationist practices as the National Theatre and Lisner Auditorium and proposing that a committee of District residents
should “underwrite four or eight weeks of full, non-segregated houses at the National. ... Should we not demonstrate the willingness of the majority to attend a non-segregated theater?” Later letters would draw on his own experiences in government. Thus in 1995, the New York Times published a letter berating President Clinton for his sloppiness in handling an appointment to the executive branch and suggesting that LBJ would have done it better. In the letter he stated the following, “Johnson advised nominees for top jobs that they must avoid any publicity until the FBI check was completed. It was then that the president made a public announcement. He explained to the nominee that if he was identified as the next holder of an office, and if someone else was given the post, the individual, not the president, would be embarrassed.” Another letter that year, no doubt drawing on his experience many years before working on the House investigation of baseball, commented on the possibility that the Senate might consider ending the exemption from antitrust laws uniquely enjoyed by baseball and thus ending as well “a 73-year masquerade in which organized baseball pretended it was not in interstate commerce.” His apparent last letter in the Times, in 1997, returned to his passion for equal rights, criticizing Orthodox Jews in Israel for “trying to create a new ghetto covering the entire territory of Israel” and, therefore, limiting “the civil and religious rights of the majority of Israeli Jews.”

He was married to Peggy Goldstein, an accomplished artist whose works graced their homes in Austin. She died in 2003. He left behind two children, Susan Lipsitch of Atlanta and Daniel Goldstein of Baltimore (a graduate of The University of Texas Law School), plus four grandchildren and four great-grandchildren.

This memorial resolution was prepared by a special committee consisting of Professors Sanford Levinson (chair), Alan Scott Rau, and Jay Lawrence Westbrook.

Distributed to the dean of the School of Law, the executive vice president and provost, and the president on July 2, 2009. This resolution is posted under "Memorials" at: http://www.utexas.edu/faculty/council/.