

Ted Stein: Poet and Truth-Seeker

The Honorable Irving L. Goldberg*

Though Ted Stein was my law clerk, ours was not merely a nine-to-five relationship. I shall always remember him as a great companion in the labor of the law. He was an imaginative writer with an unflagging sense of compassion, but above all, he was a faithful friend, a loving husband, and a devoted father. You really had to have lived with Ted for a year, day-in, day-out, and to have experienced the many nights in which we worked together, sweated together, argued with each other, consoled each other in our opinions, and celebrated our victories, to have understood and loved the man.

Ted was the paradigmatic scholar. He possessed profound, creative, and at all times ingenious powers of analysis. He was not an opinionated individual or writer. He was a seeker after the truth who never allowed any handicaps or barricades to prevent his arrival at the right solution.

His brilliance extended beyond philosophy, beyond the many other intellectual disciplines at which he excelled, to cover the mechanical, mundane problems that a legal analyst faces. His writings were quietly persuasive yet forceful, vigorous, and brimming with integrity.

I can remember one day when I talked with him about a very difficult case on which we had worked for weeks and which had far-reaching and important significance. While we were having coffee early one morning, I asked Ted whether we could write an opinion in the case that would reach a conclusion opposite to the one that we had already reached. His response was immediate. Looking me straight in the eye and displaying all the integrity that I had come to expect of him, he said, "It would be impossible." Ted never wavered in his quest for the right and just solution.

I wish to attest to something that not everyone will know. There was a great poet within Ted. With his mind he wielded a fertile pen. I cannot remember reading anything from Ted's hands that I did not think was worth its weight, not in gold or silver, but in the beauty of the language, the spirit that animated it, the logic that informed it, and the scholarship that buttressed it. Those of us who worked with him and who have benefited from his scholarship have had our vision made more acute, our moral positions elevated, and our logic hewed to the line. By both word and deed, Ted gave a helping hand to the disenfranchised, the disadvantaged, the minorities clamoring for equality, love, hope, and aspiration.

*Senior Circuit Judge, United States Court of Appeals for the Fifth Circuit.

Dedication to Stein

More years of Ted would not only have made a better world for all of us but also would have made our jurisprudence more responsive to the needs of our society. His continued interest and scholarship in international law would have had a beneficial impact upon the way people deal or should deal with each other, and would have encouraged nations to embrace, rather than battle, each other.

Ted was a loving man devoted to his wife and his children who were the pride of his very being. I know that Vicky and the children will always remember the many hours of companionship that they enjoyed with him. They can also be secure in the knowledge that there are others in the world, who, while they were not as intimate with him and did not see him as often as his family, felt a warmth, a friendship, and an affectionate association that they shall never forget.

Ted was a great law clerk and could have been a great judge if he had been called to that. He was patient even in the face of my impatience and he was always conscious of my point of view without compromising his own. He was one of the few who knew the definition of friendship and, more importantly, he lived friendship every day of his life. My one wish at this hour is that Ted learned as much from me as I learned from him during our year of intimate association. It is a year that I shall never forget and shall always treasure.

I could write a much longer piece about my departed friend, but I will close with the saying that to have known him is to have loved him. I trust that his wife and his children will abide in the knowledge that her husband and their father was truly one of the great among the greatest. It has been said that anyone can be replaced, but Ted Stein made an indelible imprint upon all who had any contact with him, upon anyone who has been the beneficiary of his wisdom, his knowledge, his deeds, and his acts. Ted Stein will be hard to spare—the world does not have enough of his kind.