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# Sunday Comment

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## Meet Gerry Goldstein, a lawyer who cares

IT WAS March 4, 1970, when U.S. District Judge Adrian Spears leaned forward and spoke into the microphone, "Mr. Maverick, you may now introduce the applicant to practice law before this court."

"Your honor, it is my pleasure to present Mr. Gerald Goldstein, and to recommend him to you."

I had a tiger by the tail that day in court. Let me tell you about this young man who has been rated by High Times magazine as one of the best criminal defense lawyers in the country. In more sedate circles he has won the respect of the most prestigious bar associations by being invited to lecture from the East Coast to the West Coast. He's smart in the head like a Harvard law professor, and smart in the gut like a back alley crap shooter.

Not suffering from a crippling sense of modesty, the kid is a hot dog, driving around town in a 20-year-old Rolls Royce, wearing a \$10 dollar pair of faded blue jeans and a \$500 sports coat. In his heart of hearts, Sol Casseb would like to be as elegant. But there is more to Gerry than being a clothes horse. He also happens to be a high minded, ethical, especially hard working — and playing — lawyer who cares about the Bill of Rights.

AND HE CARES about art and music. Art was his major at Tulane University. Make him show you his pen and ink drawings: they're the only things he is shy about. Talk music with him from classical to jazz. He could be the best heterosexual interior decorator in Texas.

His wife, Christine, an English-American girl, is so strikingly beautiful she doesn't have to have any brains, but does. Capable of preparing a meal worthy of at least a three

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star restaurant in Paris, she adds to her glamor by talking in an educated kind of British gargon. Being married to Gerry is like being married to a sailor. In one week's time he may make court appearances in New York City, Miami and Los Angeles.

Without meaning this as a reflection on any particular individual, I asked Goldstein to assume he was the district attorney of some large county in Texas. "What would you do, Gerry, if it were your job to prosecute criminals? How would you give the suffering taxpayer his money's worth?" His answer follows.

"THERE'S A LOT of talk that swift sure punishment is the answer to our understandable and legitimate concern about rising crime in this country. But obtaining convictions alone is not an answer to our accelerating crime rate.

"The role of the prosecutor is set out in the Canons of Ethics. The duty of the prosecutor is to seek justice, not merely to convict. Conviction rates are red herrings anyway. Most metropolitan district attorney's offices, obtain convictions in better than 90 percent of the cases filed.

"Other less fortunate countries we would be loath to imitate demonstrate that the speed with which one is tried and the cer-

tainity of his punishment do not themselves insure a system that spawns anything other than the seeds of revolution.

"Simplistic solutions to complicated social ills make about as much sense today as the protestations of Lewis Carroll's Queen of Hearts, 'No, No!' said the Queen. 'Sentence first — verdict afterwards.'

"Don't get me wrong, being a defense lawyer is the easy side of criminal practice. A defense lawyer has one client whose rights he must protect and defend. The prosecutor has a far more difficult role to play. He is not merely an advocate. He must protect the rights of all the people, including the accused.

"MANDATORY PUNISHMENTS offer no greater refuge. They ignore any hope or incentive for rehabilitation, turn our correctional facilities into warehouses fixing to explode, and pressure prosecutors into plea bargaining away the very cases society wants tried in order to avoid such anomalous results as San Antonio's own Scottie Rummel who received a mandatory life sentence for three minor property crimes totaling less than \$400. There are a lot of productive citizens out there who have benefited from well-supervised probation programs.

"I'd have to say that whom the D.A. prosecutes and for what the defendant is prosecuted is the real test of a prosecutor's mettle. Poverty may not be the only reason for criminal conduct, but it sure beats a lot of the other justifications.

"Prosecutors ought to have as much compassion for the man who steals bread because he is hungry as most seem to display for the 'social swell' whose 'economic crime' is motivated by sophisticated greed and avarice. The FBI tells us that businessmen swindle more money from financial institutions with pens than hoodlums do with guns.

"While no crime may really be 'victimless,' statistics indicate misdemeanor marijuana

and prostitution prosecutions cost the taxpayer an average of \$1,500 per case, thus squandering resources that would be more appreciated in giving protection from those who would rob us on our streets or swindle us in our banks.

"In a time when violent crime appears to be on the upswing, it is sheer folly to continue the emphasis on controlling conduct that no matter how offensive to some, is simply too expensive and debilitating to waste the precious resources of our police, prosecutors, and courts. The point is that the district attorney is in a position to direct such a change in emphasis. His constituency cannot afford not to insist that he do so." Well, so spoke my friend Goldstein.

THE GREAT MISTAKE the law schools of America are committing, with the exception of a few places like Yale or Antioch, is the turning out of technocrats to the exclusion of much else. Woodrow Wilson in his teaching days claimed that, "The worst enemy of the law is the man who knows only the technical details."

Gerry knows the technical details, but he knows more than that. He understands what the soul of the law is about; he knows what old Hugo Black meant when the judge said mankind has "had to fight its way past the cross, the stake, the rack, and the hangman's noose."

How did he get that way? Who knows? Maybe his great grandfather, Rabbi Solomon Solomon, talks to him from the grave.

Yeah, yeah, yeah — I know the little peck-erwood can be a pain in the you know what at times, but, brothers and sisters, I have told you about a Renaissance man. On second thought let me modify that a bit — one-third hot dog, two-thirds Renaissance man. ■

Maury Maverick is a member of the ACLU, a former university instructor in political science, and a former Texas legislator.



Photo by Luvy Bianco/Sunday Express News

Gerald Goldstein