



Dimensions

❖ JOYCE S. ANDERSON Special to the Jewish Times

William Wayne Justice: The Judge Who Changed Texas

It's not easy to make a lasting impact on a state as large as Texas. Judge William Justice, who was 89 when he died in Austin on October 13, did just that. As a federal district judge, he had presided over significant cases until shortly before his death. The impact of his decisions over more than four decades made him the most admired and the most hated judge in Texas. Here is his story.

Justice was born in 1920 in Athens, Texas. His career was charted when his father, a lawyer with a reputation for taking on unpopular cases, made his son a partner at the age of seven. During his childhood, Justice endured a series of illnesses including chronic whooping cough. He said in later years that experience might have made him more compassionate toward the unfortunate. He also recalled seeing the hungry, jobless men hanging from boxcars during the Great Depression. Justice

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received his undergraduate and law degrees from The University of Texas and served in the United States Army during WWII. In 1946, he returned to Texas and joined his father in practicing law in Athens. He served as City Attorney for eight years before being selected by President John F. Kennedy to serve as the U.S. Attorney for the Eastern District of Texas. In 1968, President Lyndon B. Johnson appointed him to the federal bench in the Eastern District of Texas.

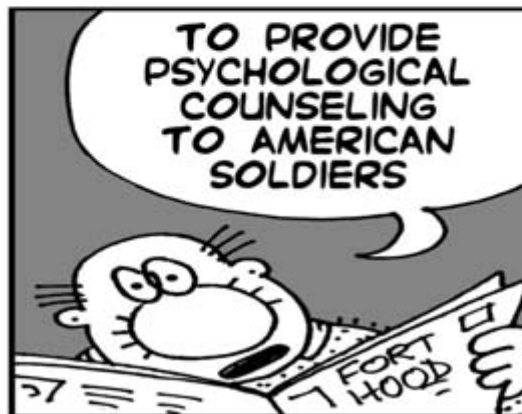
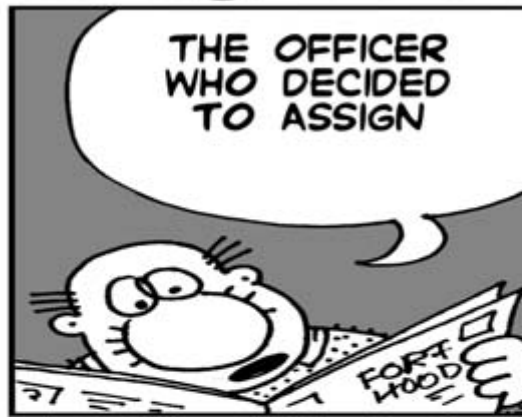
It became clear in the early '70s that Judge Justice would issue controversial decisions that would make vast changes in the state of Texas. In November of 1970, 17 years after the Supreme Court's landmark desegregation case, *Brown v. Board of Education*, Judge Justice ordered the Texas Education Agency to begin desegregating Texas public schools. At that time, many all-black schools in Texas still had outhouses. His order, known as *United States v. Texas*, affected more than 1,000 school districts and two million students. It brought both praise and anger throughout the state. In this decision, as in many others, he would draw on the precedent of the law of the land. When challenged in the courts, his order was upheld by the Fifth Circuit Court of Appeals.

Two years later in 1972, a Texas prison inmate, David Ruiz, filed a fifteen page handwritten letter, alleging that he was confined under unconstitutional conditions, harassed by public officials, given poor medical care and kept in unlawful solitary confinement. Judge Justice took an active role in following through. He consolidated seven other inmates' letters with civil rights complaints with that of Ruiz, appointed a lawyer from the NAACP Legal Defense Fund to handle the case, and asked the federal Justice Department to join with the inmates as a friend of the court. This class action suit, *Ruiz v. Estelle*, became a trial that lasted a year with 349 witnesses testifying. The state's defense was that Texas had the best penal system in the country. However, testimony revealed that there were two doctors for every 17,000 prisoners, 2,000 inmates slept on the floors, and inmate trustees ran the cell blocks through force and intimidation. The trial ended when Judge Justice in a 188 page ruling, ordered a complete overhaul of the Texas prison system. Changing major institutions does not happen quickly, and in 1987, Justice held the state in contempt because there had been very few measurable changes made. It was not until 2002, after the state had spent hundreds of millions of dollars to build and improve prisons, that Judge Justice lifted federal oversight from the Texas penal system.

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Mourning Sarah

Grief is the most powerful and most painful of human emotions. Yet, it is an emotion which few human beings can avoid in their lifetime. We all face loss, and we all grieve.

Interestingly, the first death of which we read in detail in the Bible is a murder. And the reaction of the murderer is one of denial and, ultimately, guilt. I speak, of course, of Cain's slaying of Abel. We do not read of Cain's grief, nor do we know at all of the reaction of Abel's parents, Adam and Eve, to his death.

In this week's Torah portion, for the first time, we learn in detail of the reaction of a surviving relative to the death of a loved one. I speak, of course, of Abraham and his response to the death of his wife, Sarah.

Much has been written about the psychology of the emotion of grief. It is a complex emotion and is a very long, sometimes life-long, process.

It seems that there are at least two components to normal grief. There is an emotional component, consisting of feelings of great sadness and pervasive melancholy. There is also an intellectual component, as the mourner seeks to make some sense of his or her loss and to find purpose and meaning in the death of the loved one, to thus be able to move on in life.

So it is not surprising that when Abraham learned of Sarah's death, and he apparently was not in the vicinity of where she died, he came rushing to make the arrangements for her burial.

We read that he "came to eulogize Sarah and to cry for her." Note the two components of his response. Crying, expressing feelings of loss

through sobs and tears, "bechi," was one component. The other component was much more cerebral and consisted of a well thought-out and carefully composed eulogy.

Abraham honored Sarah with his heart, his feelings, but also with his head, with his mind and intellect.

Both aspects of this dual response are necessary. Over the first, the emotional aspect, we have little control. Feelings burst forth even when we try to suppress them.

But the second aspect, the reasoned and verbally expressed eulogy, is one over which we have great control. We can plan intentionally what we will say and what we won't say in a eulogy, a "hesped."

There is a beautiful eulogy in the homiletic writings of the great 18th century sage, Rabbi Ezekiel Landau, author of the authoritative halachic work, "Nodah B'Yehuda." In that eulogy, Rabbi Landau speaks about his wife, Leeba, and compares her to the matriarch Sarah.

He notes that in our text, Abraham cries "for her," the pronoun "her" being used instead of the proper name. However, he "eulogizes Sarah." No pronoun here, but her personal name – the name by which she was known to him and to all of her acquaintances.

Rabbi Landau insists that Abraham was setting an example for all eulogies to follow, for all time and eternity. A eulogy must be specific and speak in detail about the particular and unique qualities of the deceased. One should not just eulogize "her," one must eulogize "Sarah." Those listening to the

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