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REMEMBERING JUDGE BAREFOOT SANDERS

Ann Beeson

JUDGE Barefoot Sanders, who served as a federal judge in Dallas, Texas for twenty-seven years, passed away on September 21, 2008. Others celebrated his public service and his unique role in history—he was U.S. Attorney in Dallas when Kennedy was shot, Legislative Counsel to LBJ in the White House, and long-time enforcer of desegregation in the Dallas schools.¹ I'd like to share a little wisdom he passed on to me as his law clerk in the early 1990s, wisdom that continues to influence my own attempts at leadership.

The Judge was a mentor to me, though he might have found that term a little too new-age-y. He just led by example. He dealt his praise and his criticism in equal doses, conservative in frequency and delivery. His critiques were straightforward and his corrections on point. “You misread the case,” he would say in his gruff Texas drawl. His praise was equally plain spoken, never flowery or excessive—“That was a tough issue but you teased out the right answer.”

He had lunch every day with his clerks, not with other judges or dignitaries. He never tired of talking politics, whether it was the latest local scandal or a new bill in Congress. We absorbed his active mind at work as he munched on his turkey sandwich and Fritos.

Judge Sanders also had a soft side, exposed rarely but predictably. He presided over many naturalization proceedings, the courtroom filled to the brim with new citizens and their families, faces scrubbed and clothes pressed. To add some flair to these solemn celebrations, he would invite a clerk or courthouse colleague to lead the courtroom in singing the National Anthem. He choked up every time.

After my clerkship ended, I would often come back to annual reunions of the Sanders' clerks. Though his wife Jan would dig up the scrapbooks from the Johnson years when we begged, the Judge was always more interested in hearing about our latest career moves than in sharing his own news or history. He didn't communicate frequently by mail, but he would send a note to acknowledge a significant victory or achievement as my legal career progressed. The letters were brief. “We are always proud to read about your activities as an advocate of civil liberties,” he'd attach to

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a press clipping he'd read. "I hear your Supreme Court argument went very well. Congratulations." Whenever I opened one of these notes, I could picture him—unlit cigar in hand or stuck in a corner of his mouth—pacing the chambers as he dictated the note to his devoted secretary Phyllis Macon, his formidable ally in keeping the clerks in line and the opinions flowing.

Judge Sanders embodied a work ethic that focused on what needed to be done, rather than on excessive intellectualism. When I clerked for the Judge, I had just finished law school and a stint as editor-in-chief of the law review. Like many an over-confident law graduate, I fancied myself the next Oliver Wendell Holmes or Thurgood Marshall. I would spend hours on the language in each opinion I drafted. On more than one occasion he would amble into my office, his large frame filling the doorway, "Ann, the parties don't need the Gettysburg Address, they need a decision." This was his way of reminding me that I was working for the benefit of the public, not for self-aggrandizement. The law was a tool we were privileged to deploy to help solve people's problems or society's ills as efficiently as possible. The Judge taught me that humility, even-handed pragmatism, and hard work could accomplish a lot in this world.

Though Judge Sanders retired to "inactive status" (a term he despised) two years ago at eighty-one, he continued to go to the courthouse twice weekly to close up a few cases. When I attended his memorial service in Dallas, I arranged to meet with some of the organizations that I am honored to support through my work at the Open Society Institute. We put our heads together to help reform the Texas criminal justice system, promote transparency, and protect civil rights. Judge Sanders would have been pleased. There is much work to be done.