OUTWORDS recently had the honor of interviewing William Waybourn, who was an indispensable gay activist and organizer in Dallas during the 1980s, particularly as the gay community confronted the AIDS epidemic. He later helped found The Victory Fund, which over the past 30 years has helped hundreds of LGBTQ candidates to get elected to public office.

During the course of his interview, William told the story of the 1988 lawsuit that he, as President of the Dallas Gay Alliance, helped launch against Parkland Memorial Hospital. Parkland Memorial was the only hospital in Dallas County that was serving people with AIDS, and the hospital had exactly one doctor assigned to this rapidly expanding group of mostly indigent men who desperately needed medical care.

The lawsuit was heard by Judge John Marshall, who was known as a conservative judge (and who happened to be the great grandson of former US Supreme Court Chief Justice John Marshall). In his interview, William shared that Judge Marshall heard the case of the plaintiffs — two volunteer lawyers, and five men with AIDS. Instead of setting a formal hearing for some later date, Judge Marshall called a recess; and when he returned, he read his decision. He said that the Court was “the conscience of the community” and that its voice “must be raised in favor of life”. He then ordered the Hospital to eliminate the waiting list for medications, end restrictions on beds, provide more doctors to treat people with AIDS, and begin offering experimental treatments to indigent patients.

This was the one point in William’s interview when he couldn’t hold back his tears.

When William’s interview was over, I reflected out loud to him, “I wonder if Judge Marshall is still alive.” William took things from there. Discovering via the internet that Judge Marshall is in fact still alive, William found his address and wrote him a letter, in which he recalled the details of the case, and stated, “Your ruling gave tremendous hope, aid, and comfort to a large and suffering population that had also been denied employment, evicted from their homes, cast out by their families, and left to die alone in many cases…It was a bright beacon of hope in dark times.”

A few weeks later, William received Judge Marshall’s handwritten reply. “I consider this case probably the most important decision I rendered in 45 years of judicial service,” Judge Marshall
wrote. “It was also possibly the most controversial. My own father did not speak to me for three months afterwards [emphasis added]. That said, I have never apologized for the decision, because…it gave the court the opportunity to do justice and to be seen doing justice.”

I share this story in memory of the countless souls, in Dallas and far beyond, who suffered and died needlessly due to institutional negligence, cowardice, and cruelty during the worst days of the AIDS epidemic. I hope to pay tribute to honest, hardworking, compassionate individuals like William Waybourn, the two volunteer lawyers and five suffering plaintiffs who bravely brought their case that day, and Judge John Marshall — all of whom understood that justice must always be about life. Any other so-called standard of justice is, simply put, a sham.