

WILLIAMWAYBURN

March 15, 2021

The Hon. John Marshall
3418 Daniel Avenue
University Park, Texas 75205

Dear Judge Marshall,

We have never met, but I sat in your courtroom in 1988 as the president of the Dallas Gay Alliance, the organization behind the plaintiffs who sued Parkland Hospital. Your ruling that day ended the use of waitlists for AIDS patients, providing them with vital medicines, beds, and appointments with doctors.

You wrote, in part, "This Court is not a physician, nor is it a hospital administrator, but it must be to some extent a voice of the conscience of the community. That voice, even when confronted with the moral background of the AIDS phenomenon, must be, and is, raised in favor of life."

I am not sure you ever knew the consequences of your ruling. It 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. Inside your courtroom, the four or five Parkland/UT Southwestern and state attorneys were stunned into silence, but our two pro bono attorneys, plaintiffs and supporters erupted with cheers and tears. Outside your courtroom, the news media waited, as the news coverage of that day was overwhelming.

While Parkland complied immediately with your ruling, the hospital unleashed a public relations blitzkrieg against us. It also pressured others within the AIDS and gay community to lobby us to drop the lawsuit and some provided depositions against us, testifying that we were irresponsible, out for money, didn't care about our clients, and were compromising the benevolence of Parkland. One foundation program officer who had helped fund our food bank called to say she didn't like it when her funded partners sued each other. The phone calls, death threats, and unprintable items sent through the mail were endless.

Of course, after Parkland and Southwestern petitioned to move the case to Federal court, the case was eventually ruled moot. Within that same year, our plaintiffs had either died or had received an excellent standard of care. In retaliation, Parkland and Southwestern filed a Rule 11 motion, asking the court to sanction us and award

them hundreds of thousands of dollars in penalties and attorney's fees. Of course, Judge Barefoot Sanders denied their request.

While our legal case may have ended there, we never forgot your ruling. It was a bright beacon of hope in dark times. I have carried your words with me for 33 years, and today your decree and news clips occupy an important place within the University of North Texas LGBTQ archives, along with my other papers.

Another irony is that some 33 years later, I live near Oak Hill, the late Chief Justice John Marshall's early home. It sits off the highway between Marshall and Linden VA. I pass by often. Finally, one of the plaintiffs in your courtroom that day was Ron Woodruff, our volunteer, who later was made famous by actor Matthew McConaughey's portrayal of him in the movie "The Dallas Buyers Club." McConaughey received the Academy Award for his performance.

You may recall that prior to your ruling, Parkland allowed but one doctor to see AIDS patients. Today, Parkland and Southwestern physicians serve as volunteers at the clinic I helped start and named for my former business partners, the (Bill) Nelson – (Terry) Tebedo Community Clinic.

I have never adequately acknowledged our gratitude for your ruling. While I can't speak for the thousands who ultimately died of AIDS, or the millions still struggling with the disease, your heart was in the right place, and our appreciation remains as strong today as it was in 1988.

**I hope this letter finds you well.
Sincerely,**

A handwritten signature in black ink, appearing to read 'William Waybourn', with a large, stylized flourish at the end.

William Waybourn

**Telephone: 202.215.2611
Email: ww@williamwaybourn.com
Residence: 268 May Apple Way, Linden VA 22642**