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Significant African American Public Figures of Texas

POLITICS OF AFRICAN AMERICANS

Interviewee: SAM LINDSAY, U.S. District Court Judge
Northern District, Dallas

Interviewers: Dana Ortega, Kelly Willis, Kearstin Thomas
Bruke Abebe, Amy Mayes

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Dana Ortega: Good morning U.S. District Judge Lindsey. On behalf of our African American Politics 4318 at the University of Texas at Arlington, I Dana Ortega would like to welcome you and thank you for taking time out of your busy schedule to come to our classroom.

Sam Lindsey: Good morning. Thank you.

Dana: I would like to introduce my fellow colleagues. We have Kearstin Thomas, Bruke Abbee, Kelly Willis and Amy Mayes. Your honor I will begin this interview by asking you a first set of questions having to deal with your biography, your early childhood. The second set of questions will be conducted by Bruke on your political career and the last set of questions, which is your views and opinions, will be conducted by Kelly. After that we're going to open the floor to various questions throughout the audience. Where were you born?

Sam Lindsey: San Antonio, Texas.

Dana: Have you always resided in Texas?

Sam Lindsey: Yes I have.

Dana: And can you state your date of birth for the record?

Sam Lindsey: 10-16-51.

Dana: And could you speak a little bit about your parents, their names? Where they're from originally?

Sam Lindsey: My father's name was Joseph B. Lindsey, he is deceased. He past away in May of 1987. My mother's name is Ruth Lindsey. She's

still living. She is living outside of Beeville, Texas which is in Beeville County that is located in South Texas. Both of my parents are from Texas. They stayed around that community most of their life. Except with time in which they lived in San Antonio.

Dana: Have they ever been affiliated in a political system?

Sam Lindsey: Have they what?

Dana: Have they ever been in any political organizations in their past?

Sam Lindsey: The NAACP of course they were, you know, Democrats. Active Democrats.

Dana: Are you currently married?

Sam Lindsey: Yes I am.

Dana: And could you state your wife's name?

Sam Lindsey: My wife's name is Kathleen, we call here Kathy. I have three daughters. The oldest daughter, her name is Constance, my middle daughter, her name is Rachel and my youngest daughter's names is Heather.

Dana: And where did you receive your education?

Sam Lindsey: I received an Associated degree from San Antonio College at San Antonio, Texas. I received a Bachelors degree from Saint Mary's University in San Antonio, Texas. I received my law degree from The University of Texas at Austin. I did go for a half a year between sophomore and junior year at The University of Puerto Rico at Rio Viernes.

Dana: Really. How was that?

Sam Lindsey: It was great. I took two classes in English and two in Spanish.

Dana: Is it safe to say that you are fluent in Spanish?

Sam Lindsey: At that time I was.

Dana: If you don't use it you lose it.

Sam Lindsey: I still know quite a bit. But I don't get a chance to practice as much as I would like to.

Dana: Are you a registered voter?

Sam Lindsey: Yes.

Dana: What is your religion?

Sam Lindsey: Baptist.

Dana: Did that influence you to become a member of the political party you are currently?

Sam Lindsey: No to be honest with you, probably like most people. And that is, most people follow the party of their parents. And that's the way it is with religion, I think with politics and a lot of other matters. Now sometimes, children the offspring will change and do something else because the, what should I say, the political socialization. However, most people and what they are are because of their parents. You ask most people are they Republicans they say their parents are Republicans or their parents are Democrats, or their parents are Baptist, or their parents are Catholic or Methodist.

Dana: Now we are going to turn it over to Bruke to go to your career.

Sam Lindsey: Alright.

Bruke Abbee: You are the first African American United States District Judge in the Northern District of Texas is that correct?

Sam Lindsey: That's correct.

Bruke Abbee: And how did you become the judge?

Sam Lindsey: One, I was appointed by the President. Originally nominated back in November of '97 then I had my Senate Judiciary hearing in February and confirmed in March of 1998. But backing up a bit, I was first approached back in June of '97. At that time I was city attorney for the city of Dallas. Initially I told them no I was not interested for several reasons. One of the was all the publicity and the fact that three people before me had not approved. That is three African Americans, three blacks had not been approved and I figured whoever they selected would undergo strict, strict scrutiny. Much more than those who had already gone. I was not interest in doing that. And also, it was cut in pay and I had one daughter at that time who was a sophomore, in a couple years she would be a senior then going to college and I wanted to make certain that I'll be able to provide for them. And then about a month later, after they reproached me and there was talks with Congresswoman Johnson, Mayor Ron Kirk and several others, saying they really need

somebody and I want you to reconsider, so I reconsidered. At the end of June or early July of '97 I decided to submit my name to President. And that's when they began investigation. It's a very extensive investigation. The Justice Department investigates you, the FBI investigates you, the American Bar investigates you, the Senate investigates you, and everybody investigates you. They want to know everything about you. They go back to your college days, where did you go to school, how long did you stay in this town, where did you work, what your supervisor know about you.

Bruke:

So what or who influenced you to enter politics?

Sam Lindsey:

When you enter politics, I've always been interested in politics. In fact my major was history and government. Now most times people say history and they say politics or political science but I've always had an interest in politics. For example, when there primaries and general elections I'm glued to the TV watching the results and I really want to see the results. And what does irritate me at times are all these folks who are so called experts and give you analysis of the elections and really a lot of times common sense had you been reading the media events you pretty much know how the

elections are going to turn out. I really say I interested myself in politics because I've always had liked that area.

Bruke: And why did you choose to enter the legal profession?

Sam Lindsey: Well, when I was a junior at Saint Mary's my goal was to get a PhD in history and government. And surprisingly my history professor and government professor both told me you are limiting your options. That's what they told me, you are limiting your options. I really had envisioned teaching a college setting and they say why don't you get something that's a little more flexible, why don't you consider law. So I started looking at law. And then over the next year, six months I said well, I think that's the way I want to go. So I decided to make preparations and I applied to several law schools, which that's an interesting story too because Saint Mary's, where I went to undergrad school, for whatever reason they rejected me. And The University of Texas accepted me, The University of Michigan accepted me and I got on the waiting list to another school and Harvard told me I applied too late but I just thought it was amusing or interesting that Saint Mary's, where I graduated Magna Cum Laude and familiar there, they told me I was not, I guess, competent to go to law

school there. But a couple other institutions who had better representations nationally accepted me. Initially when I got the rejection letter I was very upset but two days later The University of Texas acceptance letter came through and the one from The University of Michigan so therefore I was still a bit puzzled but I didn't have any hang-ups I initially had.

Bruke:

And you served as the city attorney for Dallas and before you became federal judge. Did this experience cross over?

Sam Lindsey:

It certainly helped because what I've always told a number people, I would not have been a federal judge had I not been city attorney first. I think what being city attorney did was put me in a public spotlight and it allowed me a number of opportunities because when you're city attorney you deal with a whole range of legal issues. We had about 75 attorneys and we handled everything from a traffic ticket to constitutional cases. And all of our work was done in-house, that means we didn't have to form it out to an outside attorney unless there're was a conflict of interest or it was a client called a political hot potato but a counsel is closely divided on an issue it does not do in-house counsel any good to have an issue because it will always blame counsel wherever the result is.

Bruke: And what is the job of a United States District Judge?

Sam Lindsey: To hear cases involving federal law, federal statute, such as discrimination on the basis of race, gender, national origin, religion, disability, disputes between citizens of different states and really any other federal law that is passed by Congress. Any claim involving the Constitution that's brought in federal court. You know, you can have a constitutional claim but you can choose to litigate it instead of court. Those kinds of things.

Bruke: And did you always want to be a U.S. District Judge?

Sam Lindsey: No that's really something that came about later. When I first heard the term United States District judge I think I was in the 7th grade, and our teacher, our civic teacher, happen to mention Reynaldo Garza who was down in the valley, and we start asking questions about him. You know, in the 7th grade you start getting a little excited and say okay, does this person know the President, does he get to meet the President, she'll tell us I'm sure he did. She was telling us he was, I think she used the term, first Mexican American Federal District Judge, in fact the whole class known him. His name always stuck with me and then later on I got to meet him and then sort of

followed his career as a District Judge and President Carter appointed him to the Court of Appeals, 5th Circuit. And after I became city attorney I started thinking what would I do after city attorney because city attorney, you stay there five to seven years and it time to move on. And one of the things that was attractive to me was the Federal District Judge that I did not know that the timing was right. When I was first approached, as I was referring to earlier during the course of this interview, that when they first approached me I told them no. But as my career start to wind down as city attorney it was time for me to move on. Was I gonna be a judge, and if so what level. I had no desire to be a state district judge because frankly speaking I didn't feel like running for office every four years. Was I going to go to be a partner in a major law firm or was I going to be general counsel for some large corporation or was I going to start on my own. I was really sort of at a crossroad. So when this opportunity came along and like I said, first I rejected it, then I started reconsidering it, thinking about the benefits and I said well that's something I would like to do. I've always liked to be in public service and this would be a way for me to further extend my public services.

Bruke: And what do you see in your future. Do you think you want to continue to be a U.S. District Judge?

Sam Lindsey: Well the good part about that is it's for life. So, it's something you have the option of continuing if you want to and to be quite honest, in addition to being able to serve the public and being exposed to a number of crucial issues facing society, there is job security. And probably what really attracted me to this, made me say yes, is what's at the end of it. When I become 65 I have several choices, I can retire and I'll get full salary for the rest of my life, whatever I was making at that time, or I can take senior status and have a reduce caseload, and do about 25% of what I'm doing now and get full paid and all the increases that full time judges get, or if I want to I continue to carry a full caseload. So really, the good part about this is, or perhaps the best part is, you have a built in retirement system, you don't have to worry about retirement. Your income and retirement will be just as large as it was when you were working full time, perhaps more because if you have other income, like IRA's, if you start cashing on them. So really there is no drop in income.

Bruke: And what is your income?

Sam Lindsey: Right now the have us at \$150,000 dollars a year.

Bruke: And-

Jose Gutierrez: That's less than Congress.

Sam Lindsey: Well yes because they just voted to include a raise but they didn't include the judges, they're supposed to correct that. That's an interesting point. What they've done, Professor mentioned a very good point, what Congress have done, they have tied their salaries to ours so, you know, Congress voting themselves a raise has always been popular. Especially in election years. What they did, they went and tied it in with the federal judges, and so federal judges cannot get a raise if Congress cannot get a raise. But this year there is a mistake and the Senate, I guess just an oversight, did not include the federal judges, they're scrambling around to correct that. But historically our pay, at least in the last ten years, has been tied to that of the Congress. We made the same thing. But I don't have to run every six years like a senator or every two years like a U.S. Congressman.

Bruke: And did you have any help getting nominated?

Sam Lindsey: Well yes. I guess the next question is who helped you? So one thing about a lawyer your professor will tell you that you answer the question that is ask and you wait for the other. We always tell witnesses; when I was prepping witnesses for trial, never volunteer

information. You answer the question that is asked and you wait for the next question. But who helped, there was a number of people and you asked an interesting question because during my vested years, everybody was saying they helped me I was saying to myself, well goodness what did I do to get this job. Congresswoman Johnson was at the forefront, Mayor Ron Kirk, Demitrius Sampson. Those were all people immediately involved. And Congressman Gonzales, Henry B. Gonzales was very influential, in fact he was the one who wrote the letter to President Clinton, I guess exposing my virtues or qualifications and telling President Clinton I would make an excellent candidate to be a federal judge. So those were some of the people at the forefront. And then of course Senator Graham and Senator Hutchinson spoke at my judicial committee hearing. She introduced me and Hilda Togley, who was a classmate of mine at law school, she introduced me to the rest of the committee and spoke on my behalf. So without a number of people this would not have been possible.

Bruke:

And what organizations are you a member of?

Sam Lindsey:

Well let's see, I was member of the NAACP; I need to renew the membership

on that. In fact, my wife got me in an organization called Jack and Jill, which, that's really an organization whereby it allows black youths to develop themselves, learn more about government and civic, society, interact with others. Then I'm a member of several legal organization like the Dallas inner court, the J.L. Turner Legal Association, of course the State Bar of Texas, which that's really mandatory, all the lawyers have to be a member of that unless they decide to exempt themselves. Any others you had in mine?

Bruke:

Well can you tell us a little bit about your affiliation with the J.L. Turner association?

Sam Lindsey:

Yes that was an association that was found in, I guess about fifty years ago. In fact, we just celebrated fifty years. It was an association founded back in 1952 I believe by the four or five black lawyers who were practicing in Dallas County or the city of Dallas. And they felt it was necessary to form an association to I guess give each other support and to commiserate concerning the experiences that they were having and the struggles they were having as black lawyers in a profession that was virtually dominated by whites.

Bruke:

Are you involved in any mentoring?

Sam Lindsey:

To answer your question, yes I am but it's more informal. And what I would do a lot

of times, you know when somebody will ask me or some school, I'll go there and speak to the children there and talk to them about success and how important an education is and how to be successful and what they need to do. Yes I do that, I speak at schools, church functions, I definitely emphasize in that because like I tell the kids all the time, really what means a lot to me is to see them do well. And I think that's where I can really have a big impact. That's why whenever there's an opportunity for me to speak at a school, even at this level, I will do so because I think that minorities, Hispanics and Blacks and others need to see positive role models. I grew up in South Texas and frankly speaking I was exposed to discrimination and racism and all of that. But what I want to show them is that in spite of that you can still be successful. That's not to say that that is gone, I get cases involving discrimination all the time. I know for a fact that that still exists in our society. Although a lot of people are complacent and reluctant to recognize that but it's clearly still a problem, a major problem in the United States. I think the other reason it's not resolved because people are not willing to address it at all.

Bruke:

And now we will be heading to your views and opinions.

Sam Lindsey: This is probably the most controversial part of the interview.

Kelly Willis: My name is Kelly Willis and I will be talking, asking questions about your views and opinions. Your Honor, what is leadership?

Sam Lindsey: What is leadership? It's the process or ability to be at the front of an issue or crisis and motivate other individuals to resolve that conflict or crisis. It encompasses a number of things that, you have to be able to motivate people. You have to be willing to work hard, you got to be focused, you can't be lazy. You got to be out in the front. A lot of people say they stay behind the scenes and that's okay but you have to let whatever group you're leading know that you are at the front.

Kelly: Do you earn leadership or is it appointed? What kind of leadership makes up a real leader?

Sam Lindsey: You asked an interesting question, you said do you earn it or appoint it. I mean I've seen where people have been appointed to leadership position and they have not done well. I've seen some who have been appointed and done quite well, but I still think you have to have those qualities that I mentioned earlier. You have to be able to motivate people; you have to be able influence people. Really leadership is

getting people, or motivating people to do what you believe is necessary, whether it is in the political arena, religious sector, the college or university sector, or whatever. It is getting people to be motivated and follow what you would like for them to do, accomplish whatever objective you want to accomplish.

Kelly: Who is the most effective African American politician today?

Sam Lindsey: Are you talking about nationwide or what?

Kelly: On a national level and a local level.

Sam Lindsey: Well let's start with the local level. Probably locally, the individual who can motivate most individuals, I would say probably would be Ron Kirk. You just seen him in the Senatorial election, I think you saw the impact of his ability to get votes out in Dallas county because there were several judicial elections that were extremely close, a couple of percentage points, like 51 for the Republican candidate and 49% for the Democratic candidate. Ron Kirk won Dallas County; I think that is a direct result of folks getting on his coat tails. In fact, one judge won, but she been a former Republican, Sally Montgomery, she won as a Democrat, she was defeated in some primary awhile back as a Republican, she came back and asked a Democrat she'd be a

candidate there, she ran as Democrat and she won.

Kelly:

At the national level?

Sam Lindsey:

At the local level. At the national level that's a bit difficult. You said who was the most effective. I mean the local level I would say probably Ron Kirk still have that edge. Before I leave the local level, others who would fit in there I think would be, Eddie Bernice Johnson, Royce West. National level, probably the one most recognized is Jesse Jackson. Now frankly speaking, I do not know whether he would be the most effective.

Kelly:

And why is that?

Sam Lindsey:

Well I think he started out that way, particularly in '90, excuse me 1984 and 1988 when he ran for President. But I think that for a number of reasons. Number one there's been certain other prominent blacks who feel the same. You have a black Congressman. And also, maybe it's not so much that he is the issue, maybe it's that there is a certain apathy or lack of concern. Maybe people have grown complacent and what has motivated them in the past no longer motivates them. I mean, for example, what motivates me or what motivated me does not motivate my children. The problem is not facing them as directly as it was facing me and that could be dangerous

because as I stated earlier, a lot of the younger generation, the African Americans, Hispanics, Latinos, women and whatever think that discrimination is not that big of an issue but it is an issue and you get like that because you see progress in certain areas and you tend to become complacent with that. And that's how you can get into trouble. But there are some personal issues too perhaps with Jesse Jackson that has caused people to not rely on him as much. But to be honest with you as to who is a national black leader, to speak on behalf of a majority of blacks, I do not know if that really exists right now.

Kelly:

Colin Powel is not effective?

Sam Lindsey:

He would be. No question, he's well respected but Colin Powell is a Republican and most African Americans are Democrats. And what's strange about that, back in history at one time the vast majority of African Americans were Republicans and all that changed in about 1932 with Franklin Roosevelt. You know most African Americans were loyal to Republicans until that time because Abraham Lincoln was the one, I will not say he freed the slaves, but happened as a result of the Civil War because Abraham Lincoln's goal was to preserve the Union, not to free the slave. That was one of the results of the Civil War.

But nevertheless, Republicans got a lot of credit and also Republicans, you know, stood up for whatever reasons, for Blacks in the south. And Blacks were pretty much Republicans until about 1932 and they switched over to Democrats and now most of them vote for Democrats. So Colin Powell doesn't have the pull I think that he would have because he is a Republican.

Kelly: Okay. Which is the most effective African American political organization today?

Sam Lindsey: I would say it would still be the NAACP.

Kelly: What is the most pressing issue facing African Americans today, you think?

Sam Lindsey: What is the most pressing issue facing African Americans.

Kelly: Yes.

Sam Lindsey: That's a difficult question because it's sort of like a chicken and egg, which comes first. You can say education, crime and discrimination and all of those interrelate. But I would say those are three key issues. I mean education, I would say crime is an issue and of course I would say discrimination. And you will see a lot of overlap in all three areas.

Kelly: What are the underpinnings of tension between African Americans and Hispanics today?

Sam Lindsey: What are the underpinnings? I think at times, you said with respect of the tension between African Americans and..?

Kelly: Hispanics.

Sam Lindsey: Hispanics.

Kelly: Yes.

Sam Lindsey: I would say there is sometimes distrust between the two groups. And which group lines itself with the majority. A lot of times, you know, it's a good question because really this state and a lot of other states, are becoming more colored each day. So what happens is the rights of the whites shrink and it's going to be time in this state and other states where you cannot rely strictly on majority white votes who copy certain agendas or certain political program. And then what's going to happen is they're going to have to do some alignment. I think the question sometimes is who am I to side with that white plurality. And whoever aligns themselves with white plurality seems to be the one in power. And there has been accusations between Hispanics and African Americans, you're doing it, no, you're doing it and that causes tension because, like I said, whosoever aligned with that group is the one who's in power and the other group is pretty much shut out.

Kelly: The next question we will ask you is regarding your interpretation of the law or

what your opinion about the interpretation of the law. Do judges carry out their personal agendas and if they do, do you think that's good thing or a bad thing? Should they interpret the law like that?

Sam Lindsey:

I'm sure that some of them probably do that but to answer your question no I do not think they should do that. I think that's a grave disservice to the litigants. One thing that the litigants, apart of the litigation expected, is that the judge follow the law. If you come to me arguing a case and the law is clear or fairly clear, you expect me to follow the law, you rely on that. If I do not follow the law, what happens is, you will end up appealing my decision, it goes to the appellate court, I'm going to be reversed because I didn't follow the law. Even though the other side won momentarily that's a temporary victory. The case reversed, all that times been wasted, judgments been denied, I don't know where anything has been accomplished. Now, if the law is not clear, the law is not clear, there is no precedent, then a judge has every right to use his best judgment or her best judgment to make a decision. But be sure to know judge has to do that, that's his or her obligation. But if the law is clear then I don't think any judge should be active. This goes both ways. You know Republican

accuse Democrats of being activist,
Democrats will accuse Republican of being
activist. Just because you quote unquote
write a law that's not the only way to be
activist.

Kelly: For the Judicial process?

Sam Lindsey: Right. You can deny something and you
can effectively legislate it. Maybe it should
happen and you say no it's not going to
come to pass; I'm going to issue a ruling,
which denies the person this relief. Well,
you know, you have gone beyond what the
law has said or you have taken extremely,
extremely narrow view of the law and
you've denied somebody something he or
she is entitled to, well you've been judicially
active, just being judicially active from a
conservative standpoint. So really, when
you say judicial activist it can go both ways.
You can take a liberal approach or you can
take a conservative approach. Also
example, you can exercise, what I call your
negative discretion; you decide to do
nothing about something. Now here's what
strange, take the election 2000 over in
Florida. Somebody talk about that. The
Supreme Court, as it presently sits, has
always said we want to advance states'
rights. Federal government needs to stay out
of states' activities. And the race with Gore
and Bush, the Federal District Court in my

record, stayed out of it. The 11th Circuit, to which the judgment was appealed, stayed out of it, with no jurisdiction. The Supreme Court of the United States decides to take its case. And this is a court which has always said let's stay out of issues concerning state, let them decide. They got into it, 5-4 decision. Now, you can cut it up and divide it any way you want, I won't get in trouble, in fact I'm just cutting it on down the middle. I did not think anybody in his or her good conscious can say that was not a political decision. And I've heard people on both sides of the fence say that was a political decision. If you really wanted the people to be heard, do the recount that's necessary in Florida, vote it up or vote it down. If Bush wins, he wins, if Gore would have won, he would have won. I think that decision by the Supreme Court disenfranchised a number of people. That was a classic case of a conservative court being judicially active.

Kelly:

For my next question I'll like to ask you, within the Federal Court system, is there any discrimination towards minorities? For example, sentencing black males to death, is that number more than white males? That's just an example. Is there any discrimination within the Federal Court system?

Sam Lindsey:

You're asking an opening question like that, let me just say this. Whatever entity or unit there is there is going to be some degree of discrimination until we make some fundamental changes. Now to answer your question, it is as much in the State system the answer is no. One thing the Federal sentencing has that the State Courts do not have is, what we call, sentencing deadlines. Now there are some controversies about that because you can have 1 ounce of crack cocaine and you can have 100 ounces of powder cocaine and for purposes of sentencing there the same. Although they got a 100 times more powder, that's an inequity. But finally Congress is willing to re-look, to revisit and a sentencing commission is also looking at that, that's an inherited inequity. Because the theory was well, most of the crack cocaine is used in the black communities and the powder cocaine in the white community, hey, I can have 100 ounces of powder cocaine and just 1 ounce of crack cocaine and I'm subject to the same punishment. That's unfair; it's something apparently unfair about that. Finally, I'm glad they decided to take a look at that. But in theory, and I think it does a decent job of working; the sentencing guideline was designed to take out a lot of those inequities. And I remember when I was, I guess my

first year at the law school, or I was in my senior year, I'll never forget, there was a Hispanic American Houston police beat up and threw in the Bayou. And the Federal Judge gave some extremely, extremely lenient sentence, and at that time we didn't have the sentencing guidelines. The sentence was so grossly unfair, I mean the officers got like, most they got was a year, a year and a day or something like that. And they had killed, they had beaten up this Hispanic young man, I think his name was Jose Campos Torres, threw him in the Bayou. And this Federal Judge, more or less, slapped the police officer across the wrist, that was their punishment. The guidelines, I think would have eliminated that gross inequity.

Bruke: Have there been any trials that have impacted your life?

Sam Lindsey: You mean, since I was a judge?

Bruke: As a U.S. District Judge.

Sam Lindsey: One of the remarkable one I had was one recently, well I tried it back in 2000, but there were four defendants. They were all from the Middle East, one was from Egypt, one was from Jordan, one was from Saudi Arabia, I forget where the other was from, I think from Egypt also, maybe Jordan. The bottom line is they were charged with 99 counts. I had my concerns about the case.

They were charged with mislabeling baby formula and conspiracy and money laundering and all of that. I had concerns about it. So anyway we went ahead and had the trial and the defendants filed a Motion to Sequester. So I told the government, I said look, my job is not to make your job easier. Now, we are not on the same side. Federal judge and the government are not on the same side. My job is to see justice is done. But something bothered me about that case and we did some more research. So bottom line is I ended up throwing out 98 of those 99 counts. There were five different charges, I know two of the charges, I said look this doesn't even constitute a crime, so I threw those out. Two more charges, I said there was insufficient evidence so I threw those out. So that ended up being 98 charges being thrown out. The last charge, conspiracy, I ordered a new trial. Of course the government was upset, but that's really not my concerned. They appealed and the 5th Circuit, they agreed with me on everything. And then just recently the government decided to drop the remaining counts and the case is over. But I just got to thinking; this makes you appreciate how important the job is. You have four individuals who facing collectively I guess, oh 75 to 100 years in prison. And the

government was perfectly content with the jury verdict. I questioned jury verdict to begin with because there were 99 counts. My instructions to the jury, my jury charge, were like 50 pages. In two hours and forty-five minutes they had read through all 99 counts, so they said and my 51- page jury charge and 35-page indictment and answered all those questions. Now I didn't say anything to the jury but I knew they could not have done that in two hours and forty-five minutes. Okay so once a Motion broke for acquittal or to, you know, disregard the jury verdict filed, and I took a look at it, as I said before I had my concerns about some of those charges anyway. But those kinds of things, you know make you realize the importance of your job. A lot of times the judge is the only person standing between the person's life or freedom. I think the other thing you have to realize as suppose to the federal judiciary concerned, I guess not a pat on the back for me, but I think it's realistic. I think the federal judiciary is the only thing that stands between democracy and dictatorship. Now Richard Nixon decided to go to far, it was Federal Court that ran it in. So the Federal Court, they voted 8-0 that he had to release those tapes. So, when we've heard about checks and balance, you know at times it

really works, probably times it doesn't. But I think the Federal Judiciary is what allowed this country to stay in democracy. I think also, for example, Supreme Court spoke on the election for Bush and Gore. I was talking to friends in foreign countries, they said what's going to happen, I mean are tanks going to run in front of the White House. I said no, that's not going to happen here, that's not going to happen here. That's what they experienced in their country because of all the political upheaval when there is change in government or somebody thinks the election did not go like it should have. I said, no that's not going to happen here.

Bruke: Earlier you said that, as a Federal Judge, you will receive cases, such as discrimination and since you've been a judge, have you seen an increase or decrease in such trials?

Sam Lindsey: I would say there's a slight increase in certain kinds of discrimination cases. There seems to be an increase in sexual harassment cases. There seems to be an increase in disability discrimination cases. Another law that is fairly new is the Family Medical and Leave Act. I've seen an increase in that. But probably just, what I call your typical race or sex based cases, I do not really see that much of an increase.

Bruke: And do you think African Americans should be involved in both a Democratic and Republican Party in order to further their agenda?

Sam Lindsey: Yes.

Bruke: Here in the state of Texas, the death penalty case-

Sam Lindsey: Now I will say that, you know, I say that because frankly speaking I think any major ethnic groups need individuals on both sides of the fence. That being said, with the understanding that once you get on either side of the fence you do not forget your people. Because to me, whether I'm Republican or Democrat, I should always be concerned about my people where I came. And now, historically, I'll say since the '60s, it was Republican who were opposed, and some conservative Democrats, who were oppose to most of your civil rights litigation. Now strange how view change, views change all the time but like I said back in '32 that was major shift. Blacks went from Republican Party to Democratic Party and they've been predominantly there every since. I mean most your Democratic president get around 88, or with Clinton, I think 94% of the black votes. And if the Republicans want to change that they are going to have to make their ploy more accessible to minorities.

Bruke: Back to the next question, in the state of Texas, the death penalty cases jurors are usually given two choices, life with parole or the death penalty. Do you think there should be a third option, which is life without parole?

Sam Lindsey: I think that would be a good option and I think that that would, frankly speaking, take care a lot of individuals concern. I've heard a lot of people say, it doesn't have to be the death penalty if I were assured that this person would not get out on parole. I've heard that when I was a judge, I've heard that when I was city attorney, I've heard that from time I've been in college and even in high school. So that's a dominant theme.

Bruke: And what are you doing to help alleviate the issues that are affecting the African American community?

Sam Lindsey: That's a really broad question but I think the one thing is back to what I said earlier, I think any prominent African American, Hispanic, Asian, first of all, there needs to be a positive role model. Make sure what your doing is something to which other minorities can aspire. That's the first thing. In my case, the other thing is, to make certain that you treat everybody fairly. Now sometimes, this makes it controversial but I think it's necessary to say, not sometimes but a lot of times for minorities in powerful

positions, people in communities expect them to quote, reverse the trend. And that's a misconception, that's leaves some of our activist to say that those folks are not doing enough. I think for minorities in power, is what they're suppose to do is to make certain that other minorities are treated fairly. I think that they should do everything they can to encourage and bring other minorities along. When I'm speaking to students I always tell folks that once you make it don't forget about the community, bring somebody along with you. So to answer your question, you can be a powerful role model and to see that, you know minorities, your suppose to see that everybody's treated fairly and I don't want that to be mistaken. But a lot of time minorities, people of color, have not been treated fairly in the judicial system. A lot of people won't recognize that but that's a fact. When you say thirty years ago, that's not long. I recall one time somebody was telling me about ten years ago that's really atrocious what's happening in South Africa, and I said look, just thirty years ago that was happening here in the United States, so we're not that far removed.

Dana:

At this time we're going to open up the floor to any questions in audience, they will state their names and then their question.

Sam Lindsey: All right, very well.

Camile White: Hi, my name is Camile White and I wanted to know your opinion on the new passage of the Homeland Security Bill?

Sam Lindsey: What's my opinion of it? Well frankly speaking I don't know that's its thought out like it should be and I do have some concerns. I think perhaps, if you depart from what they say, do they say 70,000 employees or, how many employees, 22,000. I do not know if it's been thought out, I think you're going to have problems with other agencies, meaning that, agencies like the FBI, there're very protective of their jurisdiction. You know, there's a lot of thought, and some of it's well documented or supported, that perhaps 9/11 could have been averted had some of these law enforcement agencies cooperated with each other. My biggest concern would be that, I do not know how effective it's going to be because I do not know that they have even closely ironed out all the wrinkles. I know they haven't ironed out all the wrinkles but the questions come, would it be effective, can one agency really coordinate all the activities necessary to accomplish the objective they want to accomplish.

Patricia Jones: Hi, my name is Patricia Jones and you said that the NAACP is one of the most effective organizations, they were in the '60's and

'80's but how do you feel about them as of today? As of now?

Sam Lindsey:

Well he asked the question which one do you think and I said and I would still have to go with the NAACP. Even though it's not as strong as was before I guess the question you would have to ask is a rhetorical question. What other national organization has as much clout? I'm not saying that it was or pinnacle, but nevertheless if you ask for the national organization that's the one that comes to mind of most African Americans, although like I said, it doesn't have the force like it once had but-

Patricia Jones:

What do you feel that is missing?

Sam Lindsey:

What's that?

Patricia Jones:

Why do you feel that they don't have that?

Sam Lindsey:

Because it's something I addressed before, I think its apathy. I think that what you have seen frankly speaking, you've seen a black middle class emerge and frankly speaking you know, a lot of people are not intellectually honest enough to recognize this but when it really gets down to it everybody wants the same thing for his or her family. I kind of chuckle because a lot of the African Americans who complain about the inner city, where are they moving to, suburbs. Where are the Hispanics moving to? So a lot times I think that can be detrimental because you have, what I call, a

brain drain of minority intellect. There going out to the suburbs and their focus is the suburbs not the inner city. I'm still in Dallas. I've got at some of my friends for doing that. I say you are out there, I mean you need to come back to the city. But, I think to answer your question; I think there's been a certain degree of apathy. There are certain degrees of look, I made this. Things aren't like they use to be, which is true but still there's a long ways to go. I don't think Dr. King would be please of the status of the country if he were alive.

Emmie Williams:

Hi, my name is Emmie Williams and I guess I have a comment and a question. I think that like, the higher and higher you get into positions that really matter, like on a level that, like you said, a lot of people may lose sight or lose focus on where they came from. So I guess my question would be as a future leader, what do you feel like are the tools that are necessary to make sure that, as a future leader that you do remember, you know, where you came from or you know what I'm saying, make sure you remember where you came from and that you are giving back. What do you think is the key, I mean-

Sam Lindsey:

To stay active in the community. If a school calls you to speak at the students, go there and speak to them. Don't; do not say you're

too busy. I'll tell you what right now, if a class calls me and say I need you to come speak to us, I will work it around my schedule because I think it's that important to speak to young minorities. I do not like to see young minorities lose the things that they have. I mean there, I use to talk about ten points about success, about how to be successful and one thing I always tell them, you need to choose a positive role model. There are a number of things that I include, like set your goals, measure your goals, you know, do not make excuses, be prepared. Things of that nature. But what you need to do is, any time there's an opportunity to help the community, you know, support the organization immediately. You know, like J.L. Turner, their yearly banquet, and you know, go to the banquet and buy a table because that table is not just for food but also, like we give a way like eight or ten scholarships also to African Americans and couple Hispanics also who are in law school. But stay involved in the community at least, be available to the community. And one thing I've experienced, I'm a little bit disappointed about it, I'm more than a little bit really. People do not call me as much as they use to. When I was city attorney I was always called to come speak. I don't know whether they say, well he is unavailable;

he's off limits because he's a federal judge.

But I'm the same person.

Anteria Barrett: Hi, my name is Anteria Barrett and I just have a quick question.

Sam Lindsey: Sure.

Anteria Barrett: I wanted to know what are you doing to help black businesses? I seen that you were a advisor to the Dallas Council, I'm looking at right now a minority contract thing from the paper, in 2001 the local percentage of blacks giving up three-tenths percent and I was just wondering what is your view on that? What are you doing to help black businesses in Dallas?

Sam Lindsey: Well, right now, there's not really a whole lot I can do given my position. But when I was city attorney what we did we made certain that we had a minority participation goal and all contracts we awarded and we strove very hard to have blacks, Hispanics and women included in the contracts of award of the public dollar. For example, if there was a ten million dollar project on a minority participation program the goal, we had to strive to have X percentage of that job done by Hispanics, X percentage done by blacks. You know, maybe not that job, but overall program we give away, not give away, we spent say a hundred million dollars in contract. The goal was to have a certain amount of minority participation.

Anteria: Okay, well in 2001 it states that blacks received 5.9% of that contract and-

Sam Lindsey: How much?

Anteria: 5.9% and Hispanics received 1.7% so.

Sam Lindsey: Well, I would say for that, unequivocally that the 5.9 percentage, that seems awfully, awfully low for black participation. From what I know.

Latasha McCrary: My name is Latasha McCrary and my question kind of relates to Emmi. You talked about earlier about complacency, how we become complacent because we see how things have changed a little bit. And my question was what do you suppose that we do or what do we tell our children to make sure that their not becoming complacent?

Sam Lindsey: Well, number one, I mean think being involved in probably political process, stress the importance of voting. Let's see, did everybody in here vote? Professor grade you on that? But you would be surprise how many minorities do not vote. Now that's something. Frankly speaking, this is a problem that I think, I use the word, I think it's really pervasive when it comes to blacks and Hispanics. Their maybe a number of reasons for that but, you know, a few years ago we were trying to change the council to fourteen more and that was like in early '91. There was a vote, the vote lost by more, only by 400 votes. And only if 100 more

people had voted, West Dallas, Oakcliff, Pleasant Grove and East Dallas, it would have passed. And I picked those regions because those are the regions I'm talking about that are predominantly Hispanics and black. Now whether you like it or not, the stats will bear it out. Hispanics and blacks do not vote anywhere close to the same percentage as whites do. Now you go look at some results from the latest election and I think that will be born out in this election. I know it's definitely born out in the past. People have the attitude of my vote do not count. Well, you probably know in history that Andrew Johnson avoided being impeached by one vote. But you need to have your children involved in the political process. And I think also, this doesn't go well with younger people; sometimes they need just a few bumps in the road. Don't make their life too easy. You don't want them to go through perhaps what you went through, or your parents or your grandparents but they need just a few bumps. Everything should not just be given to them. I guarantee they will appreciate it a whole lot better. Maybe not, when you're causing them to go through those bumps but they will down the long road.

Jose Gutierrez: Judge, I have just a couple of clean up questions. Who first approached you to federal nomination?

Sam Lindsey: Actually it was Demetrius Sampson; I think she was coming on behalf of a group that was unidentified. She's a lawyer here in the community.

Gutierrez: And who were the prior three black nominees that you eluded to that did not go through?

Sam Lindsey: Carolyn Wright, who sits on the 5th Judicial Court Appeals here. Eric Moye, who's a lawyer. And also Cheryl Wately.

Gutierrez: Can you talk a little bit about the staffing of your office and the budget for your office and the training that you received as a federal judge?

Sam Lindsey: Well, I'll start with the last one first. The training for federal judge, I suppose, after going on the bench, they sent us to new judging school. I went for a week in Denver and another week in D.C. of January 1999. And really, aside from that, it's based on talking to the other judges, your own legal experience, hitting the books, and going to work.

Gutierrez: Staffing, budget for the office? How many people work for you, and what are they and who are they?

Sam Lindsey: Well, I have about six people, I have two law clerks working for me, I have a

secretary, I have a courtroom deputy or courtroom coordinator, I have a court security officer and I have court reporter.

Gutierrez: You do your own hiring and firing?

Sam Lindsey: Yes.

Gutierrez: On the strong mayor question, where do you fall on, the Dallas having a strong mayor or continuing with a city manger council form of government?

Sam Lindsey: I would probably, in fact I know I would, I would opt for at this stage, a strong, not a strong mayor but continue with the council manager form of government.

Gutierrez: If you're familiar with this, there's a lot of discussion in the media about the U.S. Patriot Act and the Foreign Intolerant Surveillance Act, VISA, and the secrete court, the VISA court that just issued a broad or broader wire tapping power to the police and loosen the restrictions or criteria to get search warrants. Can you talk a little bit about what this court is and why it's a secret and who are they and where are they? If you're familiar with that.

Sam Lindsey: I don't know if we really know too much about it. But, all I can really say on that, when you start talking about wire taps, invading the personal privacy. And I do that now, when I get wiretap. Personally speaking, that's something I check backwards and forwards because I think

that's such an imposition on a person. They justify this in the name of security and it's necessary to particularly catch terrorist. Mine concern is, quite frankly speaking, is that act can be over used or abused by law enforcement and as a judge those kind of case come before me, I can just say that they are going to be closely scrutinized and I'll make certain that there's no infringement on the person's individual liberties. I think the Constitution amends that. I think the public expects it. In fact, on that issue, we saw some strange bad fellows, the ACLU, and some of the folks on the far right would join in our position initially to these broad powers because they thought that it would be an invasion of privacy, the restriction on a number of fundamentally and personal liberties. So all I can say is those kinds of cases will receive close scrutiny by me and I will make certain that a person's rights are not unnecessarily trampled or invaded.

Gutierrez:

I didn't hear much about early childhood, can you tell us a little bit about growing up? Your best teacher, your worst teacher, your best experience, your worst experience, little league, boy scouts?

Sam Lindsey:

Well I was born in San Antonio, stayed there until I was three years old. Moved to Bee county, grew up there and stayed there until I was 18. Graduated from high school,

played all the high school sports, football, didn't like basketball, football, I ran track. Graduated valedictorian of my class. Now I didn't go to school in Beeville, that a 3A school. I went to school in a town called Skidmore, at that time it was a class B school, I think they've done away with that now, I think the lowest category is an A now. So we had 500 students in the entire school. Everybody knew everybody, you go through grades 1-12 and my senior class, I learned something about politics then, I was the only black, there were 22 in the senior class and it was pretty much equally split between Hispanics and whites. So at that time, even at that age, sometime I could be a power broker. But there were 10 of us, 5 boys, 5 girls. I was number 6 in the family. My parents insisted on education, my father did not start to school until he was 10 years old. So he did well but at age 17, he was in 7th grade, you know, all the other kids were like, you know, four or five years younger, he felt out of place so he quit. My grandfather's theory was you go to school three to four months out of the year and that's enough. But my father quit school the 7th grade and my mother finished high school and they were very intent on us getting a quality education. All of us, all the children graduated from a high school and

college. Most have advanced degrees so they really stressed education a lot and I really owe that to them because if they hadn't pushed us, you know, I wouldn't be where I am today.

Dana Ortega: Are any of your other siblings in a political system, career wise?

Sam Lindsey: No. I have several that deal with politics but there not. I have sister who's a professor and was a dean at Penn State and she dealt with a lot of political issues but she was not in government or anything like that.

Gutierrez: You've been a federal judge not too long. Any memorable experiences, good or bad that you want to share with us for being black and on the bench?

Sam Lindsey: Well one was one I told you about the case for, involving those four individuals. I think justice prevailed, you know, justice was able to display itself. You know, frankly speaking, things just happened. I think that's case I was proud because the right result was reached. A lot of times, like I said before, frankly speaking, the government's attorney had this subconscious belief that the federal courts is suppose to kind of rubber stamp everything that they do and that's not our job. One thing that nobody touched on, but I'll go ahead and volunteer, nobody mentioned affirmative action but - What's that?

Dana: I was contemplating that question, on your opinion on affirmative action.

Latasha McCrary: I was going to ask about that when you talked about being admitted into the University of Texas and to the University of Michigan because those were two universities that did have a policy where they adhered special admissions for blacks. And I was wondering maybe the other college that you spoke of, the one that didn't admit you, Saint Mary's-

Sam Lindsey: That's the one I should've been admitted to.

Latasha: Were their policy different?

Sam Lindsey: I really do not know. But once I started to really investigate the ones that other offers came in I said that's really not an issue. But my position on affirmative action is that I think that when you have a history of discrimination there's certainly nothing wrong with using race as a factor. In fact, in the Hopwood decision, which was in 1996, I really think a part of that decision is contrary to early Supreme Court precedent. The Supreme Court itself has said, you can use affirmative action or race based remedies when you are trying to eliminate the present effects of past discrimination. Well when you've had discrimination brought up on 100 of years you can't wipe it out just because a court signs an order. You have to take aggressive action to eliminate the

lingering present effects of past discrimination. And I do not see anything wrong with that. The Supreme Court has said that. The problem is, it appears that every time there's a situation applies they find some reason to say, but this in not the case. In fact, I was involved in a our affirmative action program with the city, to increase the number of minorities in police and fire departments. And we did that. Finally somebody challenged us on it and we went up to the 5th Circuit and the 5th Circuit said, well, as liable as your objective are, we don't think the record will show that there's been a lingering effect of past discrimination. And then we applied for writ of certiorari to the Supreme Court and four of the justice thought, two of the justices said that the case ought to go up and the others said no. So it sort of died there so we had to stop that program. But I just cannot understand when you are trying to quote unquote level the playing field because of the past effects, or present effects of centuries of past discrimination why that is a bad idea. I just really don't understand that. I see nothing inherently unfair about it. So what do you think of the Supreme Courts decision about the- or what do you predict it to be about the admission-based race of the court at this time?

Latasha:

Sam Lindsey:

If I were to guess, I'd probably say, unless they carved out some exceptions, they will say no. Because you have, for example, Clarence Thomas, which is interesting, he just doesn't flat believe in affirmative action. Now for example take Chief Justice Rehnquist and Justice Scalia, they say they believe in it but they set the standards so high that very few people ever reached the standard. They say it has to be narrowly tailored and it has to be a compelling interest. The compelling interest is okay, you can eliminate the present effects of past discrimination, if that's your objective that's fine, but it has to be quote, narrowly tailored, very narrowly drawn to accomplish that objective. If it go too far then their going to say it's unconstitutional. See Rehnquist and Scalia smart in that they recognize that, well; we're not going to prohibit it outright, we will just raise the bar so that very few folks ever reach that level. Whereas Clarence Thomas, he just says flat out no, even though he was allowed, he was a product of affirmative action in some of his education. Why the inconsistency and hypocrisy I do not know.

Emmie:

This is a comment. I just wanted to say that maybe with affirmative action of our people feel like, you know, that you qualify all of our people but they don't understand that, in

order to use affirmative action, you have to be qualified. Not just some person that they get off the street.

Sam Lindsey:

Right. You see that's a common misconception. You're not asking for a free ride. See once again, a lot of times, qualifications are set too high. I mean even cut off scores on exams. There's nothing magical or sacrosanct about some of these cut off scores. That's just where a group of intellectuals or so-called experts have decided to set the cut offs. And if you re-probe them and ask them they cannot give you a definitive answer. This is the way it's always been. For example, I grew up 70 was a passing score. Why was 70 the passing score? And now, you know, a lot of places they do not have 70 necessarily as a passing score, which is based on a more accepted method. Then a lot of people do not just use written exams they also use, what they call assessment centers. How a person truly performs in the job because you're not writing all the time on any job, you have to interact with people. There are other skills other than your written skills, or you know, to be successful on job. Job is not about test taking, it's about being able to motivate people, leadership a lot of time.

Sam Lindsey:

Yes ma'am.

Camile: This is real quick. I want you to, you really didn't talk much about you're wife Kathryn, you mentioned her name, but you didn't say where you met her, I would like for you to speak a little bit about your wife and tell us what you do to relax.

Sam Lindsey: Okay, well I met her when I was in law school and she was an undergrad student at the University of Texas. And so what I do to relax, believe it or not, old movies are good, but really spending time with my family and doing things like that. Well, in South Texas, a lot of times, I use to hunt some but I haven't done that in a long time. But really watching good movies, spending time with my family and my youngest is 13, my middle child is 17 and my oldest is 21, they keep me busy.

Dana: Well this concludes the interview process, we would like to thank, on behalf of African American Political Group at UT Arlington, that you're free to come here and contribute to our efforts. And we appreciate you taking the time to come here today.

Sam Lindsey: Thank you very much.