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Bunton's humor in the courtroom

A West Texas giant has passed from our midst. An original.

In "The Path to Power," Robert Caro evokes the environment into which Lyndon Baines Johnson was born by describing how treacherously hard life was for men, women and children in the Texas



Hill Country in the 19th and early 20th centuries. Conditions resembled those in the agricultural backwaters of ancient Greece where Hesiod sang the first "Okie's lament"

in the history of western civilization, railing against the conditions that threatened his very existence and crying out for cosmic and human justice to side once, just once, with the common man. Such conditions can break men and women, make them hard and bitter, or focus their thoughts exclusively on the hereafter. People in such conditions can also develop a straightforward humor that stares down the goings-on around them and uses storytelling for solace and instruction. The voice recordings in the LBJ Library of our 36th president's humorous stories stem from this tradition.

In "The Path to Power," an elderly aunt gazes down at baby LBJ's distinctive protruding ears and remarks, "He's got the Bunton strain." We saw what this meant in the photograph that accompanied Ralph Haurwitz's article Jan. 18 on the death of Judge Lucius D. Bunton III. Bunton was a Depression child, a World War II vet, a true son of West Texas, who got his education among the tea-sippers of

the Forty Acres, but never severed his roots. He was "fearless in ruling against powerful interests in politically charged disputes." He is justly famous for populist decisions that worked against discriminatory hiring practices in the FBI and safeguarded the precious natural resources of the Edwards Aquifer. Hesiod would have rejoiced at seeing justice truly served for once.

When I saw that picture of Judge Bunton, I went right back to his courtroom where I sat through a trial in the mid-'80s. It involved Bunton's alma mater and perhaps the tea-sippingest of its great departments, Classics, home of Greek and Latin. Bunton's wit was so remarkable I soon found myself no longer following the course of the trial, but scribbling like a desperate Boswell trying to capture some of it. His humor was not showmanship. He used wit as a tool to deflate the pompous, chastise the remiss, redirect the wayward, comfort the nervous and, when necessary, mock the knavish. I also think it relieved his boredom at having to deal with the petty, the incompetent, the venal and the downright stupid. Here is an excerpt from the fuller transcript I titled "The Best of Bunton."

Atty. Plaintiff: Your honor, I'd like to make an opening statement. Judge Bunton: You just have, counselor, proceed.

Witness A is called. Judge Bunton: Now tell us what your associations have been with the University of Texas. Witness A: Absolutely none. In my entire professional career, I have never been west of Washington, D.C. Judge Bunton: I feel sorry for you.

Judge Bunton: Now when you write one of these scholarly evaluations, do you sometimes put in negative things about

the books you are reviewing. Witness A: Well, that's not the way I like to do things. I don't like to say anything bad. I always try to be positive. Judge Bunton: You know if I did the same thing, we would have five million lawsuits piled up in this courtroom.

Witness A: Can I use the term "good faith review," your honor? Judge Bunton: Why sure! In fact, you're a Latinist. It comes from the old Latin "bona fide." We like Latin in this courtroom. Sometimes we say "mala fide." But "mala" mainly comes up in criminal proceedings, so you don't want to use "mala" here.

Witness B: I'm afraid I'm a bit nervous, your honor. Judge Bunton: Now why are you nervous? This is a nice courtroom. We have lights and windows and benches. Don't be nervous in a courtroom unless you are a defendant in a criminal complaint. Then you can be nervous.

Judge Bunton: And where do you live now? Witness C: In California. Judge Bunton: And your husband lives where? Witness C: In Austin. Judge Bunton: That's a long commute. Have you ever thought of meeting half-way in Odessa. No, I don't suppose you have.

To Witness D, getting up quickly to leave the stand, Judge Bunton: Don't get up yet. This lawyer over here has some questions. You get them going, and you can't shut them up.

Judge Bunton could, and he used the Bunton strain of humor to do it. Requiesscat jocans. May he rest in good humor.

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