

EULOGY FOR ROBERT F. BENSING

*Delivered for the Southern Center for Human Rights by Stephen B. Bright
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Robert Bensing exemplified what it is to be a public interest lawyer.

And the last five days of his life reflected his selfless devotion to those in need. Last week, on Friday, Saturday, Sunday and Monday, Bob visited an inmate who had been beaten at the Fulton County Jail. The inmate still had cuts and bruises and Bob wanted to take a picture of them. The jail refused to allow it.

Bob filed a lawsuit in federal court on Monday, asked for a temporary restraining order to take the pictures, and, by the end of the day, he had taken the pictures. The inmate, who had been in the jail more than an year, told our investigator, Ann Colloton, that for the first time since he had been in jail, he was not afraid.

The next day, Bob, as was his style, traveled to Valdosta to visit two inmates. He thought nothing of driving 10 to 12 hours in a day to see clients. And before the tragedy that ended his life, he brought to final resolution a lawsuit that had already been successful in exposing the beating of inmates at Georgia prisons.

It was the final chapter of an extraordinary life. Bob served as a VISTA volunteer in Montana and as an attorney with Prisoners Legal Services in New York. His idea of a break from representing prisoners was to represent immigrants. He volunteered his services to various organizations, in Miami, Texas, and to Catholic Charities here in Atlanta.

Bob's life was a ministry to those most in need. He traveled down that road seldom taken of trying to bring to life the dream of equal justice for all. He lived out his belief in human rights – that all people are entitled to dignity, even those who have offended us most grievously. He was a great humanitarian. He knew that people were much more than the worst thing they ever did in their lives.

Those of us who gather here today to celebrate the life of this remarkable man, who struggle with our anger and confusion at the senselessness of the tragedy that took him from us; and who grieve over our loss and the loss of so many who could not be here today, the poor and dispossessed that Bob served all his life, will remember not only his service to others, but what he meant to us as co-workers, family or friends.

We will remember his sense of humor, his ready laugh.

We will remember his varied interests and the passion with which he held and expounded upon them.

Bob could hold forth on a wide range of topics ranging from Che Guevara, the subjective tense, why Montreal is the most wonderful city in the world; or why Pennsylvania is the most boring state in the Union.

He loved human rights, but he also loved sports. At Robin's Super Bowl party, Bob impressed everyone with remarkable knowledge of sports trivia and amused everyone with his ratings of the quality of the commercials. And, of course, he cheered for the Packers, the only publicly owned team in the National Football League.

Bob was the very opposite of those things that most people hate most about lawyers.

He cared nothing about money. He worked for years with Prison Legal Services in New York. It is hard to leave legal services and take a pay cut, but Bob managed to do it, coming to the Southern Center for Human Rights.

Bob was not flashy. He wore clothes that looked like they had been bought at K-Mart 10 years ago and slept in the night before. It pained him to wear a tie, and, given the collection of ties he had, it often pained us to see him wearing them.

Not long ago he went to an interview at CNN wearing a shirt with a tear in it. Bob wore a certain type of shirt that I am confident has not been manufactured for at least 10 years. Julia Jackson, our marvelous office manager, upon seeing the shirt on his return, asked him, did your wife see you before you left home this morning? Bob replied, no, why do you ask? totally oblivious to the reason for the question.

His wonderful wife, Mary, once told us that a friend had advised Bob to improve his dress for their courtship. The friend even took Bob to the Gap. And Mary says Bob has always dressed better after that. This is the strongest proof I have ever seen that love is blind.

Bob had no ego involvement in his work; he only cared about his clients and their interests. Bob exhibited not the slightest need to prove anything about himself to anyone. He was at ease with himself and with anyone else, from the high and mighty to the poorest person in the dingiest prison cell.

Neither his dress nor his office were designed to impress one. He would wear shoes to work and then slip into sandals. They are still under his desk. His walls were not adorned with plaques to impress a visitor. Instead, the visitor would see three bottles of hot sauce on the filing cabinet nearest his desk.

An example of his sense of humor was on the bulletin board: a Gary Larson cartoon picturing a small animal and a man in a prison cell. The animal was explaining to the man: "I would have gotten away, if I had just gotten rid of the evidence, but, shoot, I'm a packrat."

Bob cared about substance. A lot of people talk about what is really important in life, tell their children what is really important in life; but Bob had the gift of knowing that it is not the clothes you wear, the size of your office, the plaques on the wall, or the car you drive. It how you live you life. The opening prelude to this service, *'Tis A Gift to Be Simple*, could not have been more appropriate.

When ACLU gave Bob its civil libertarian award for his law suits exposing the abuse of inmates in Georgia's prisons, Bob, after mentioning the other people at the Center who had been involved, launched into a touching tribute to a particular guard who had the courage to come forward and tell the truth. He described the economic consequences for the guard if fired; the treatment the guard could expect to receive from colleagues; and the pain of seeing friends who would no longer be friends. Bob took not one bit of credit. It sounded as if he had just happened along upon this courageous guard and everything fell into place.

Of course, it took much more: trips to prisons all over the state; 150 depositions; trips to court, countless hours of hard work. A conversation with Bob about the case was always about how people were being treated. And his conversations about the beating cases always involved discussions of how to prevent retaliation against the guards and against the inmates who testified regarding the abuse.

Bob proved that you did not have to be obnoxious to be a highly effective lawyer. Instead, he was persistent. He doggedly pursued the facts. We received a beautiful letter from Bruce Edenfield, who represented Commissioner Garner in the inmate abuse case. He wrote:

He was engaging, yet not overbearing; he was courteous in a most professional manner but all the while vigorously advanced the interests of his clients, . . . he hailed from "up north" but yet to me he seemed more courteous than most of my southern friends and colleagues; his dress was plain at times even seemed disheveled and incongruous, yet when you met him you felt an ease of presence without distraction. He truly had a unique blend of talents and used them well for the advancement of his clients' interests.

That's what Bob's opponents thought of him. Bruce Edenfield and Commissioner Garner honor Bob with their presence here today.

Bob's contributions to the Southern Center for Human Rights went far beyond the many cases he handled and the many people he helped. He shared with our

young lawyers, who were right out of school, our investigators, our law students and volunteer interns, his years of experience and uncommon sense about litigation.

But he gave much more. He taught them how to survive a practice of always representing the underdog, the despised; of dealing every day with human tragedy, pain, suffering and degradation, both that done by our clients and visited upon our clients; of working against overwhelming odds with limited resources; of seeing outrageous injustice and finding everyone else indifferent to them because the person was a prisoner; and of suffering heartbreaking losses, despite your best efforts for clients you have come to know and love. For the very intense, committed young people who work at the Center, this can be very disheartening and frustrating. It can break your spirit.

Bob demonstrated by his example – particularly for those on the second floor, which Chris Johnson dubbed “the law offices of Bob Bensing” – that to survive in this work you can’t take yourself too seriously, you have to see the absurdity of situations, and you have to take a break once in a while for some lightheartedness.

Bob had a marvelous sense of humor. A sly smile and a raised eyebrow alerted you to the irony or humor in a situation. His laugh could be heard all over the second floor. He never told a joke at anyone’s expense – except his own and perhaps the pompous and powerful. His humor delighted in human foibles in a way as to endear the subject to the listener.

One example was a story he told of a overzealous prosecutor who, in contesting that Bob’s client was not mentally ill, cross-examined the client so aggressively that the client’s mental illness became more and more obvious and the prosecutor looked more and more ridiculous.

Bob never got mad about what people said about him. He usually found it funny. Bob loved to tell a story about the time his track coach dramatically announced what race everyone would run and ended with, “Bensing, you’re not running; you have an attitude.” The idea that Bob, who gave new dimension to the notion of being laid back, would have an attitude always seemed hilarious to Bob and to us.

The Department of Corrections once put out a press release saying that one of Bob’s lawsuits was “brought by murderers, child molesters and their advocates,” as if Bob, the most gentle man I have ever known, was an advocate of murder and child molestation, or in league with them. Bob gleefully tacked it to the bulletin board. The juxtaposition between the white hot rhetoric and Bob, the non-violent, vegetarian, who sat in his office in front of a huge picture of Ghandi, was hilarious.

From time to time he helped everyone take a break from the tension and stress of our work. Bob always kept a supply of oreo cookies – whether at the office or out taking depositions. Despite blustering about never wanting to share his snacks, he

would regularly declare loudly that he was in a “rare sharing mood” and would offer them all around.

All this and many other examples – plates of whipped cream piled high, cartoons and news articles tacked on the bulletin board – did more than make the Center a pleasant place to work. It calmed young attorneys under the immense pressure of handling some of the most difficult and complex cases in the legal system. It helped ease the tensions. It taught them how to carry on.

And that may be the most important lesson that Bob left us. It is a lesson all of us will use for the rest of our lives in carrying on the work that was so important to Bob.

One cannot talk about Bob without mentioning his love of Montreal. The first time I met Bob he told me that the best thing about working in Plattsburg, New York at the Prisoner Legal Services Program, is that he could get Montreal radio stations and visit Montreal easily. A post-card of Montreal was on this wall. His descriptions of it were so vivid, we all want to go there. He rooted for the Montreal Expos.

From time to time we would get calls from the Canadian Broadcasting Company to comment on a legal matter in the U.S., as the Canadians tried to understand our obsession with the death penalty and with locking up such a large part of our population.

When someone from Montreal called, I would refer them to Bob so that he could speak to them in French. Bob loved to use his French and talk to Montreal radio. He would hold forth on any topic related to criminal justice – even some where his familiarity was a bit strained. Once he was called to comment on a verdict in a case, and he had to put the caller on hold, check with someone in the office to find out what the verdict had been, and then proceeded to expound upon it.

French was only one of five languages that Bob spoke. When human rights activists from other countries would visit our office, Bob always enjoyed conversing with them in their native language.

Recently, a top prison official from Venezuela met with Bob and two other lawyers at our office. Bob began speaking in Spanish and, before long, he and the visitor were speaking in Spanish and the State Department translator translated what both Bob and the visitor were saying for the other two lawyers.

Our next visitor was from Indonesia. Robin circulated a memo saying that since Bob had not yet learned Indonesian, the meeting would probably be conducted in English.

There are so many memories of Bob that we will recall with a smile and a tear.

Those of us who worked with him will carry on his work. We have already established a fellowship in his name so that all who later come to the Center will know who Bob was and the tremendous contribution he made, but, most importantly, so someone can carry on the work that remains unfinished. We will carry on down that road less traveled, inspired and comforted by the example of this sweet, gentle man, who lived his life with a steady and quiet grace, in service to others.

Mary Schlegel, Bob's wife, has provided the most eloquent summary of his life:

Dearest Bob,

These are among the saddest days of my life. I think a part of each of us died with you on Interstate 75 on Tuesday.

I want you to know what a joy it has been to be your friend for the past four years, and to be your wife for the past 15 months. Our arguments were few, my memories are rich in love.

Thank you for teaching me that you can find friends in a shack in Nicaragua, in a pub in Ireland, or in a prison in northern Vermont. You have taught me the joys of listening – you didn't have to shout to be heard. We will all miss your patience, gentleness and humility.

You have taught me that so many of the trappings of our daily life just do not matter. Please let us keep that flame burning in our hearts.

Let us read every night before bed. Let us eat some junk food. Let us root for the Montreal Expos.

Vaya con Dios,

My friend and my love.