

Tenacious Spirit: Behind the Bricks and Mortar of Historic Texas Courthouses

by Tiffany Schreiber

“Build, build high this temple of justice, that the virtues of our people may endure forever.”¹

Texas county courthouses and the justice they represent have evoked such awe-inspiring remarks. The golden age of constructing these temples began at the end of the nineteenth century and became identified aesthetically with towers, cupolas, hidden circular stairwells, and doors leading nowhere.² At the same time, the Texas courthouse has stood as a proud symbol of county history.

PHOTO BY CURTIS STANLEY, HARRIS COUNTY PRECINCT 2.



Harris County Courthouse with tower, 1883.

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The march of time, however, has taken a physical toll on courthouses around the state, and prompted questions about the role of history and memory in the implementation of justice. Have these once glorious courthouses outlived their usefulness as functional representations of law? Do the buildings still serve as tangible reminders of communities' pasts? Will their preservation insure the same legacy for future generations?

TIFFANY SCHREIBER IS ASSISTANT ARCHIVIST AT BAYLOR COLLEGE OF MEDICINE ARCHIVES AND MANAGES THE PHOTOGRAPHIC COLLECTION THERE. CURRENTLY PURSUING A MASTER'S DEGREE IN PUBLIC HISTORY AT THE UNIVERSITY OF HOUSTON, SHE IS WORKING ON HER MASTER'S THESIS ABOUT EXPERT WITNESS HISTORIANS IN ENVIRONMENTAL LITIGATION. SHE ALSO IS INVOLVED IN ORAL HISTORY PROJECTS ABOUT TEXAS HISTORIC COURTHOUSES AND THE HOUSTON SYMPHONY ORCHESTRA.

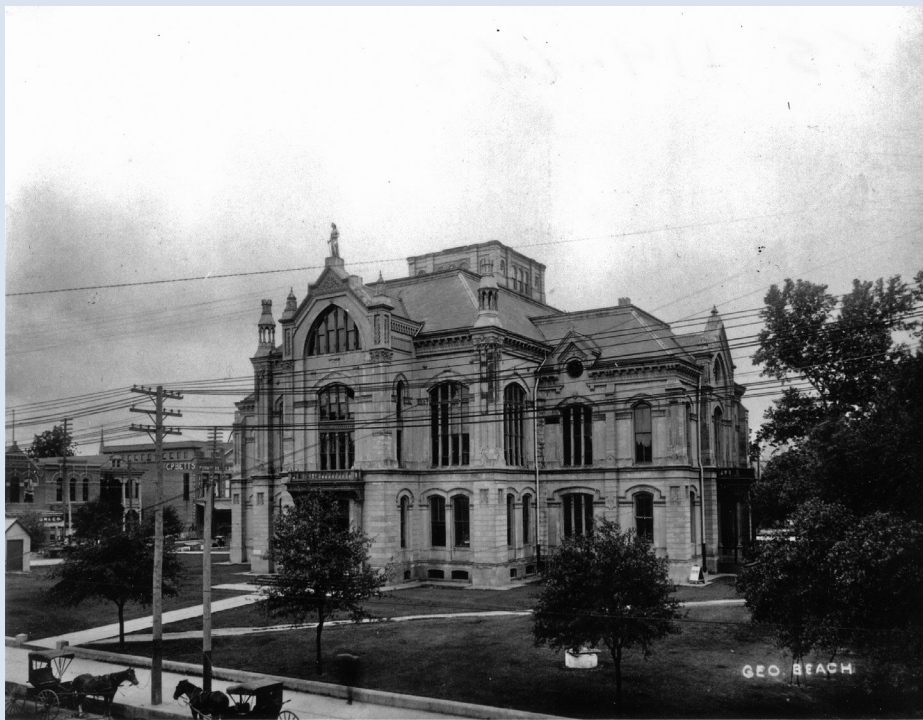
The courthouse originated with the evolution of Texas' counties. Twenty-three municipal districts, established under Spanish or Mexican rule, existed when the Republic of Texas was formed in 1836. Nine years later, following the division of these districts into counties, the Republic's Congress created the court system, authorizing for each county, among other things, a chief justice to be appointed by the president, a place to hold court, and a jail to hold prisoners. Under the new law, counties and their seats were to be located so that every resident could travel to the seat and return home within one day. A thirty-mile area provided a suitable level of accessibility. Choosing the county seat, however, proved a tempestuous process because the presence of the county seat insured a steady flow of business and employment for any community. Towns competed for control. Some seats changed several times, and the shifts often involved "dirty work." Under cover of night, courthouse

records sometimes mysteriously moved from one town to another, while armed guards protected them.³

Once the seat was established, residents wanted the courthouse to aesthetically symbolize their town's elevated status within the county and to compare favorably with other counties' institutions. Achieving that favorable comparison, however, took time to cultivate. A county's first courthouse often was a log cabin, or even a shady tree. A county's second courthouse graduated from log cabin to a sawed plank structure.⁴

Harris County Archivist Sarah Jackson explains:

Well, if you go back even farther to the... even before the period of courthouse building in Texas... they always had courthouses. It may have been a hastily built log cabin, like it was in Sherman, Texas for Grayson County. Pigs ran through it. Or it may have



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Harris County Courthouse before addition of tower.

been a clapboard structure, but there was always a courthouse because you had to be able to record deeds. You have to remember that Texas dealt in land. Land was the only thing we had. We didn't have any money, and so everyone dealt in land. People were land-rich and cash-poor. So, there was an awful lot of speculation in land, dealing in land. Ownership changed. In order to maintain those deed records, it was paramount that the counties had a place for that to happen. If they didn't do that, they wouldn't develop as a county.⁵

The year 1881 commenced the most significant period of courthouse construction in Texas when the state legislature authorized counties to issue bonds to finance courthouses. Consequently, a county was established enough to build a third courthouse that truly would exemplify the glory of the county.⁶ The legislature's drive to promote growth and development in Texas after the Civil War resulted in "a rush to architectural competition around the state as counties vied for

the most imposing symbol of county government."⁷ Displaying a dramatic flair, courthouses in this new era of construction typically included two or three stories, a dome or tower that rose above homes and buildings, a clock, bells, and a statue. Those citizens who opposed funding a courthouse through county bonds frequently charged the county commissioners with "putting on airs" because the proposed structure cost more than its predecessors combined. Then, the turn-of-the-century installment of electricity and indoor plumbing left exposed wires and pipes. This situation often turned communities' thoughts to the next era of courthouses, prompting proponents of new structures to hope for modern and efficient buildings that would accommodate electricity and indoor plumbing without exposed wires and pipes.⁸

When courthouses of the next era did emerge, they were an aesthetic contrast to the courthouse's golden age. An absence of applied decorations and cubical forms eventually marked modern architectural style after World War II. Counties built "numerous monstrosities," as one author terms them, "while old courthouses stripped of their charming, decorative features

resulted from this economic and efficient style."⁹ The unimaginative, businesslike, and commonplace structures did not reflect the cost to build them during this time. These institutional government buildings provided the most space for the money, but lacked cultural value. No longer stately and impressive, they elicited no pride in the government they represented. The courthouse was just a county office building, and a place to hold trials. The only feature that distinguished the courthouse from the home office of an insurance company was its location on the square.¹⁰

Commercial, legal, and social matters at the courthouse shaped the square. The courthouse had served multiple community functions since the days of the earliest log cabins. Commercially, any lots facing the courthouse monument would bring higher prices than other lots. Legal clout infused the square, making it less likely that the public square would be abandoned or moved once business buildings had settled around it. People gathered in the square to discuss politics, listen to political speeches, or drink from the public well.¹¹ Dances, poker games, barbeques, picnics, revivals, weddings, funerals, and Christmas celebrations all occurred at or around the courthouse.¹²

By the mid-to-late twentieth century, and as the social significance of the square began to diminish, historic Texas courthouses began showing their collective age. Deterioration and safety problems raised questions about their usefulness and their futures. In the last quarter of the twentieth century, many cities, counties, historical societies, and other organizations began to champion the preservation and restoration of these crumbling edifices. As public buildings, the courthouses enjoy some protection under Texas laws. The 1971 and 1972 Texas Courthouse Acts require county governments to notify the Texas Historical Commission (THC) of plans to demolish historic courthouses or to change their exteriors. In 1989, the state legislature established the Texas Preservation Trust Fund as a pool of

public and private money. The THC has distributed the interest generated from this pool to designate matching grant gifts for preservation of historic buildings, including courthouses.¹³

Nonetheless, the fate of historic courthouses was looking dim by the 1990s. While nearly 200 of the state's historic courthouses were still used for some administration purposes, most had fallen into various stages of disrepair. Improper heating and air conditioning, lack of Americans with Disabilities Act (ADA) compliance, leaking roofs, outdated electrical wiring, and vulnerability to fire left many of the courthouses susceptible to possible demolition. Then, in 1998, a grass-roots organization, Preservation Texas, came to the rescue by nominating 225 historic Texas courthouses for the annual "Top Eleven Endangered Places in America" campaign sponsored by the National Trust for Historic Preservation (NTHP). NTHP responded by placing all 225 courthouses as a group on its list.¹⁴ In 1999, the Texas Legislature and then-Governor George W. Bush created the THC's Texas Historic Courthouse Preservation Program, which offers matching grants to counties to restore their historic courthouses.¹⁵ In his push for preservation, Bush described the courthouses as "valuable centers of Texas commerce, culture, and history."¹⁶

Since its inception, the THC's Courthouse Preservation program has awarded over 100 million dollars in matching grants to almost 100 Texas counties.¹⁷ For THC Chairman John L. Nau, III, the importance of preserving these courthouse jewels has been a foregone conclusion from the Courthouse Program's onset: "Historic courthouses are profound reminders of the spirit and vision of our ancestors.... Today it is our responsibility to use preservation as a way to promote heritage tourism and revitalize local economies."¹⁸

Mark Cowan, Project Reviewer for the THC's Courthouse Preservation Program, describes the program's inspirational value in the following way: "But this program is for the people. It's something they have, this asset, this symbolic thing in the center of their community. I hope it helps the local citizens have a more optimistic view of government, what it could be and the ideas it could stand for. I hope that it gets them involved at that community level in government."¹⁹

Courthouse preservation efforts are a labor of love, to say the least. The efforts often raise related concerns about a county's past and the scope and cost of restoration. Harris County grappled with these issues, balancing functionality and symbolism, as it decided the fate of its historic courthouse. The courthouse question struck at the heart of the community, prompting a contemplation of the history behind the bricks and mortar.

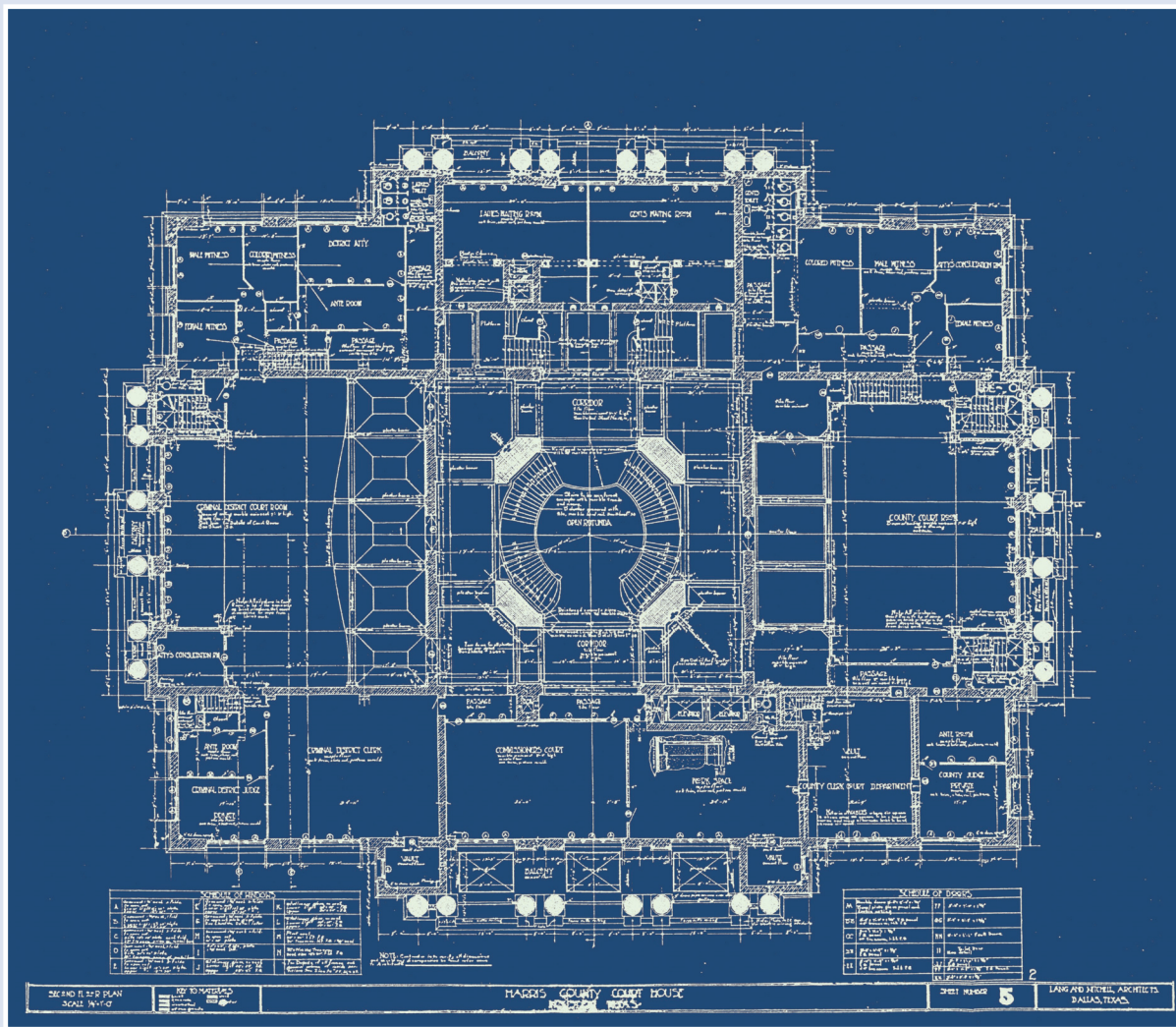
Harris County Courthouse of 1910

Civil court cases with far-reaching effects at the national level have played out within the 1910 Harris County Courthouse. Betty Grissom, widow of astronaut Gus Grissom, prevailed when she brought a wrongful death suit against Apollo I spacecraft manufacturer North American Rockwell in 1972.²⁰ Moreover, North American Rockwell then became one of the first big companies held accountable for a product malfunction involving known major risks. This case arguably heralded the product liability trend that changed corporate and societal attitudes about acting to avoid liability. In 1987, *Pennzoil vs. Texaco* resulted in Pennzoil's receiving ten billion dollars in damages, the largest civil judgment in history at the time. The case involved Texaco's interference with a contractual relationship between Pennzoil and the Getty entities. This case, among other things, elevated



Fannin Street Elevation.

COURTESY TEXAS HISTORICAL COMMISSION.



Second floor plan. An excerpt from the original Lang and Witchell plans, which are in the possession of Harris County.

IMAGE COURTESY OF THE TEXAS HISTORICAL COMMISSION.

the standards for potential damage awards and changed corporate attitudes about due diligence.²¹

These cases are just some of the events to leave an imprint on the historical fiber of the Harris County Courthouse of 1910; it is little wonder that restoration efforts also will leave an imprint on the courthouse's ever-evolving physical structure. Its dome makes the Harris County Courthouse easily recognizable as a downtown Houston landmark. Since its opening in 1910, this courthouse has hosted important judicial and administrative events for the county and state, housed significant civil trials, and witnessed notable political personalities and jurists.²² The present building is the fifth courthouse to occupy its central location on the square marked by the streets of Fannin, Congress, San

Jacinto, and Preston since Houston was named the county seat in 1837.²³

In an undertaking currently in progress, the Classical, domed courthouse will be restored to its original 1910 appearance, and will be the center for downtown preservation.²⁴ A \$500,000 planning grant awarded in 2004 to Harris County through the THC's Courthouse Preservation Program enabled the Harris County Public Infrastructure Department (HCPID) to press forward with the planning stage and the restoration bidding process.²⁵

The original drive to build this temple of justice came in 1905. Dallas and Fort Worth had just erected new courthouses. Houstonians were eager to keep apace.²⁶ The Bar Association of Harris County argued that the existing courthouse lacked

adequate space for the dispatch of orderly business and recommended a building that would befit "... the growth, importance, progress and dignity of the most populous city and the undisputed railroad center and commercial metropolis of Texas."²⁷

Celebrating the seventy-fifth anniversary of Texas Independence Day, the official dedication took place on March 2, 1911, although construction had been completed in 1910. A new train station opened at the same time, so the dedication was a festive occasion. Yet, except for the opening ceremonies, no other significant celebrations occurred at the courthouse. While some Texas county courthouses were the sites of picnics, dances, and other social events, the Harris County Courthouse existed strictly for business. Its sturdy structure

and fireproof features were intended to convey the sturdy nature of the county government and the solid character of Harris County itself. Moreover, the courthouse embodied government in general for local residents. Post offices usually were the only contact citizens had with federal government, and state government in Austin was a three-day journey from Houston. The 1910 courthouse was the only location citizens could go to pay taxes, vote, acquire deeds, or serve on juries.²⁸

As Sarah Jackson explains, "This is not the kind of courthouse that you would see in other communities where it was the center of community life. In Houston, if you were going to have a social affair, it wasn't in the courthouse. It was at the Rice Hotel. If you were going to greet a politician, it wasn't at the courthouse. It was at City Hall. You know, the courthouse was literally to do the business of the county, so the county could function. That's why it did what it did."²⁹

The courthouse initially drew people from miles around who wanted to see its perfectly matched marble, the rotunda, and the cupola, but the architectural style of the day soon changed. Constructed straight up from the curb, buildings no longer included rotundas or cupolas to take up extra space.³⁰ The number of courts quickly outgrew the courthouse. By 1920, the new Jail and Courthouse building accommodated criminal trials.³¹ By 1944, the 1910 courthouse truly was "...an overgrown boy in short pants." Rats chewed through important records stacked wherever there was available space. Witnesses sat in the corridors. Jurors huddled in small, cramped rooms. Administrative offices overflowed.³²

The courthouse of 1910 remained the center of county judicial and administrative activities from its opening until those functions outgrew the building. Nevertheless,

with the final payment on the 1910 Courthouse bonds in 1948, the County Commissioners Court passed various bonds issues to raise money for a new courthouse and jail and to remodel the 1910 courthouse for space accommodations. From 1949 through 1955, renovations to the 1910 courthouse completely changed its interior and the exterior access.

Over the next thirty years, the courthouse underwent renovations and refurbishments to its dome and had a new roof installed. Private fundraising efforts enabled the re-creation of the copper pinnacle to surmount the top of the dome to replace the lost original.³³ Via photographic evidence through 1935, Dan Reissig, Special Projects Manager for HCPID, says of the missing pinnacle, "It looks more like they've got a flagpole or something stuck up there at that point. So it disappeared probably somewhere in the late '20s, early '30s by our best guess."³⁴ The replica pinnacle, however, has been in storage since the mid-1990s.³⁵ An engineering firm's analysis of the courthouse revealed that cracks in the upper colonnade and dome made these areas too weak to hold the replica until restoration is complete.³⁶

Discovering evidence to make the courthouse's features true to its original architecture will be one distinctive challenge of this restoration project. Architectural firm Lang and Witchell originally designed the Harris County Courthouse of 1910, as well as two other Texas courthouses. The striking similarities between the three structures feature skylights, a signature element of open-air design. Any skylight that may have existed in the original Harris County Courthouse of 1910 was removed in its early days; no photographs prior to the 1954 restoration show a skylight or any feature similar to it. Moreover, a plaster ceiling now covers the dome area, adding to the challenge of assessing the exact features that may have existed in this area. HCPID has made educated guesses about possible features based on the glasswork designs in the other two

Lang and Witchell courthouses.³⁷ The planned removal of the plaster ceiling after the courts and administrative offices vacated the building in 2006 is providing more details.³⁸

The restoration will once again capitalize on Lang and Witchell's original open-air designs. Alterations to the building in 1953 closed off the floors to the courthouse's open atrium, obscuring the view up through the building. Restoration will re-open the view.³⁹ Removal of floors will make visible from the lower floors the rotunda that caps the building.⁴⁰ As Reissig observes, "I guess our biggest challenge is trying to get back and make it look as original as we can and still keep the building functional."⁴¹ He further explains, "We're trying to go back to the 1910 look of the whole building and make it as original as we can. And to do that, we're stripping off layers of old walls and floors and ceilings and things that were put in in the hopes that when we peel up the vinyl floor tile that's put on some of these floors that we're going to find the original floor underneath it."⁴²

The discovery of an old bench during the selective demolition and assessment phases of the restoration has proved to be an interesting find. Reissig describes how the bench was found in a hallway during a floor-by-floor survey of every room in the courthouse. He and others in HCPID wondered whether the bench could be original to the building. They photographed the bench, and found that once they enlarged an earlier photograph, they could see that it was the exact shape as the arm on the 1910 bench in the photograph.⁴³ Harris County Archivist Sarah Jackson explains, "The 1952 renovation really did a number on the building and on the things in it. We may have some other pieces of furniture in some other county offices that we're keeping an eye on and we're looking for, but actually in the courthouse at that time there was a bench."⁴⁴

Also original to the courthouse, the two main courtrooms on the third



A close-up view of the exterior of the Harris County Courthouse.

PHOTO BY CURTIS STANLEY, HARRIS COUNTY PRECINCT 2.

and fourth floors were assessed in the planning phase of the restoration. While many smaller courtrooms later filled the upper floors, the two original ones are the grandest, largest, and most historic in the building. HCPID was considering which courts would be a good fit to inhabit the building -- particularly these two large courtrooms -- after restoration.⁴⁵

Accordingly, the First and Fourteenth Courts of Appeals, both of which have occupied three floors of downtown's South Texas College of Law for many years, eventually will move into these spaces. Reissig recalls how HCPID wanted to restore the two main courtrooms, which are both two-level spaces. In his words, it was "...a perfect fit because we have two courts of appeal, we've got two big courtrooms that we want to restore."⁴⁶

Incidentally, the reasoning behind the two-level or "double-decker" courtroom configuration bears mentioning. Often, people think the courtrooms were constructed in such a manner

for better air circulation. In reality, married women and minorities were required to sit on the second level to watch a case. Posey Parker, Executive Director of Friends of Harris County Courthouse, Inc. (FHCC), points out that today, married women preside as the Chief Justices on both the First and Fourteenth Courts of Appeals. "We've come a long way, baby!" she enthuses.⁴⁷

The nostalgia of the courthouse draws people to its cause. Parker explains that her organization is helping the courthouse become the "jewel of downtown" by raising private funds. With Harris County committing \$65 million to the restoration, the fundraising efforts of FHCC will build an endowment should the restoration require extra funds to fix up the courthouse; therefore, the county's funds will not be unduly burdened.⁴⁸

To this end, beginning in 2007, FHCC will hold a gala every November for the next ten years featuring a re-enactment of a famous courthouse case from a bygone decade. This

"Musical Mystery Dinner Theater" gala will include notable attorneys of today portraying past attorneys, and a dramatist will create vignettes with musical scoring. The gala's inaugural decade of the 1920s will find (as will subsequent decades) guests in period costumes, with accompanying authentic food and drink of the time. While the selected 1920s courthouse case has yet to be revealed, one can be sure that the Pennzoil case from the late 1980s will likely be a contender for that decade's gala.⁴⁹

Carrying on the notion that a strong courthouse square symbolizes a strong county, the courthouse's location is vital in promoting focus on historic preservation and in physically consolidating the county complex into a more seamless zone of courts and administrative offices. Private redevelopment of downtown loft residencies, galleries, entertainment and other venues in historic buildings is progressing along with the courthouse's restoration.⁵⁰

The consolidation plan would create a nine-block area, with the 1910 courthouse at the southwest corner of the central plaza. The county envisions a pleasant and idyllic courthouse complex for the public to conduct its administrative and legal matters.⁵¹

The courthouse also has symbolized a strong county through countless individuals who worked within its walls. Judge Ewing Boyd, for example, reflected the courthouse's spirit of community pride. He entertained on the courthouse steps at noon recess with his fiddle and his stories from the bench.⁵² County Auditor Harry L. Washburn was such a powerful figure in county government that upon his twenty-fifth anniversary with the county in 1938, the District Judges paid to have his office on the courthouse's first floor air conditioned. The rest of the building did not receive air conditioning installation until the 1953 renovations.⁵³ Later, the eponymous Washburn Tunnel, still in operation today in nearby Baytown, TX, opened in 1950 as the South's largest and only toll-free vehicular tunnel. The Tunnel cost \$7 million and required six major operations for its successful construction.⁵⁴

Judge Roy Mark Hofheinz practiced as a county judge at the 1910 courthouse, then went into private law practice, and later served as mayor of Houston from 1952-1955. Hofheinz later established the Houston Sports Association with R.E. (Bob) Smith. They were instrumental in obtaining a national league baseball franchise for Houston as well as in constructing the Astrodome, the world's first domed stadium.⁵⁵

The Harris County Courthouse of 1910 is almost 100 years old, but it is beginning a new chapter in its physical and symbolic life. Business, legal, and political communities statewide support the restoration of the courthouse, reiterating its significance as a civic landmark, its aesthetic beauty, its role in revitalization, and its origins as the heart of Harris County.⁵⁶

The target date for rededication of the courthouse offers two possible dates, both significant in the history of Harris County and in Texas. Dan Reissig explains, "What we'd really like to do is hit the November 15, 2010 date. That'd be the actual one hundred year grand opening anniversary, November 15, 2010. But, if we miss that date, we have about almost four months to get to the March 2, 2011 date. That would now be the 175th anniversary of the Texas Declaration of Independence.

So, that's our goal to get there by that time."⁵⁷ Sarah Jackson offers, "I think the dedication needs to be like it was before, in 2011. Independence Day in Texas. I think it needs to be tied to that. I think that in Texas we're losing all of our important dates that went back to Texas Independence. I would like to see a huge rededication and Independence Day celebration."⁵⁸

The story of the courthouse's restoration process and its continued significance to community pride and legal and administrative governmental services will continue to unfold year by year. Reissig wants citizens to know that the Harris County Courthouse of 1910 will be around for a long time, and he is working to ensure its longevity: "It's a Recorded Texas Historical Landmark, and it's a State Archaeological Landmark. It's got a lot of designations and a lot of history behind it. It's definitely the oldest building in our complex right here, and it's probably one of the oldest buildings that's still intact in the whole city of Houston. It may not be *the* oldest, but it's probably *one* of the oldest. So, we're going to do everything we can to make sure it's preserved so



PHOTO BY WILLIAM H. KELLAR

that fifty years from now, people can still walk in there and look at it."⁵⁹

At first glance, a community's effort to preserve or restore a beautiful courthouse to its long-ago appearance might seem to fulfill only aesthetic goals. However, preserving that authentic appearance also fulfills emotional goals. It can remind a community of a different time when the courthouse was not just a building one went to complete the tedious tasks of an increasingly complex world. Whether or not spectacular historical events took place there, a part of each courthouse's merit resides simply in the knowledge that the courthouse often was such an inspirational, social, and political gathering place in each county's early days or a solid and stable representation of a county's government.

The restoration of the Harris County Courthouse is one example of the questions raised here about preservation and symbolism. Hopefully, the history and meaning of the Texas courthouse will continue to inspire future generations of Texans so that they can leave their mark on preservation efforts. ★