

# National History Association Recognizes the *Journal's* Excellence

By the TSCHS Journal Staff



Left: Philadelphia, site of AASLH's 2019 Annual Meeting. Photo from the AASLH website.  
Right: AASLH Excellence in History Awards.

**T**his year, the American Association for State and Local History's Awards Committee conferred its prestigious Award of Excellence in History on only one organization in the Lone Star State: the Texas Supreme Court Historical Society. The Society received the news from AASLH representative Aja Bain in late May:

On behalf of the American Association for State and Local History (AASLH), I am delighted to inform you that the publication *Journal of the Texas Supreme Court Historical Society* was selected as a 2019 Award of Excellence winner by the Leadership in History awards committee. The AASLH Leadership in History Awards is the nation's most prestigious competition for recognition of achievement in state and local history. We congratulate you for the work that has brought this honor.

The award specifically honors the Summer 2018 issue of the *Journal*, which examined the history of African American judges, justices, and magistrates from 1642 to the present, from Maryland to Texas. AASLH will present the award during its annual meeting in Philadelphia on August 30, 2019. Three Society representatives will attend the conference and accept the award on the Society's behalf: Executive Director Sharon Sandle, Journal Executive Editor David Furlow, and Journal Managing Editor Marilyn Duncan.

AASLH's Award of Excellence recognizes outstanding history programs, projects, and people when compared with similar activities nationwide. "Each year the awards program bestows this





# Journal of the TEXAS SUPREME COURT HISTORICAL SOCIETY

Summer 2018 Vol. 7, No. 4 General Editor Lynne Liberato Executive Editor David Furlow

## Columns

### Immediate Past President's Message

**By Dale Wainwright**  
Before I look back at some of the highlights of the past year, I want to feature two upcoming events on the Society's calendar. [Read more...](#)



Hon. Dale Wainwright

### Executive Director's Page

**By Sharon Sandie**  
It has been sixty-eight years since the landmark case *Swann v. Painter* challenged the "separate but equal" doctrine of segregation in education. [Read more...](#)



Sharon Sandie

### Executive Editor's Page

**By David A. Furlow**  
Soon after becoming the Society's President, Texas Supreme Court Justice Dale Wainwright (ret.) suggested that the *Journal* dedicate an issue to the contributions of African-American judges. This special issue is the culmination of that project. [Read more...](#)



David A. Furlow

### Message from the 2018-19 President

**By Marcy Hogan Greer**  
Our outgoing President has done so much to advance the Society, and I have big shoes to fill. I want to thank him for his many contributions to and support for the Society. [Read more...](#)



Marcy Hogan Greer

### Fellows Column

**By David J. Beck**  
Thanks to coauthors Jim Haley and Marilyn Duncan, we are pleased to report that the third book in our judicial civics and court history project, *Taming Texas*, is nearing completion. [Read more...](#)



David J. Beck



## Leads

### The Constitution Imparts Responsibilities as Well as Rights

**By Chief Justice Wallace B. Jefferson (ret.)**  
Whatever was accomplished during my tenure on the Court, my contributions derived from the basic humanity, translated into a judicial setting, that my father epitomized. [Read more...](#)



The author's father, William Douglas Jefferson

### Chief Justice Carolyn Wright: A Profile in Excellence

**By John G. Browning**  
Chief Justice Wright is the first African-American woman to win a countywide election, the first in Texas to win a multi-county election, and the first African-American to lead a Texas intermediate appellate court. [Read more...](#)



Chief Justice Carolyn Wright

### THE FIRST, THE LAST, THE ONLY: The Legend of Justice Henry Ernan Doyle, the First African-American Associate Justice of a Texas Court of Appeals

**By Virgie Lemond Mouton**  
I met Henry Doyle in 1982 while interviewing for a position as Briefing Attorney at the First Court of Appeals in Houston. I realized I was in the presence of my hero, the first graduate of my law school at Texas Southern University. [Read more...](#)



Justice Doyle and Virgie Mouton in 1983

### Texas Court of Criminal Appeals

#### Judge Morris Overstreet

**By Michael Hurd**  
The tall, dapper, bow-tie-adorned county court judge from Amarillo became the first Black Texan to win a statewide election. [Read more...](#)



Judge Morris Overstreet

#### A Personal Remembrance of the Unforgettable Justice Henry Doyle

**By Hon. Murry B. Cohen**  
In 1978 Henry Doyle became the first African-American appellate court justice in Texas when appointed by Governor Dolph Briscoe to Houston's First Court of Appeals. [Read more...](#)



Justice Henry Doyle

### An Interview with Judge Kenneth M. Hoyt

**By Hon. Andrew M. Edison**  
Senior U.S. District Court Judge Kenneth M. Hoyt reflects on his journey to becoming the first African-American man to serve as a federal judge in Texas. [Read more...](#)



Judge Kenneth M. Hoyt



### An Interview with the Honorable Gabrielle Kirk McDonald

**By Melanie Bragg**  
Retired Federal Judge Gabrielle Kirk McDonald discusses the road she traveled to become the third U.S. African-American federal judge. [Read more...](#)



Judge Gabrielle Kirk McDonald

### Hon. Harriet M. Murphy: First Permanently Appointed African-American Woman Judge in Texas

At a civil rights protest in the late 1960s, Harriet Murphy, UT Law School class of 1969, remembered holding a sign stating "Put the Black man in the history books." [Read more...](#)



Judge Harriet M. Murphy

### Reconstruction Politics and the Galveston Seven: The Struggle to Appoint a Judge in the Eastern District of Texas, 1869-77, Part 3

**By Stephen Pate**  
In 1871, President Grant nominated John Bruce of Alabama for the Eastern District of Texas's judgeship. Once again, Texans erupted with incredulity. [Read more...](#)



President Ulysses S. Grant

### The Lady on the Bus Stop

**By Hon. Evelyn P. McKee**  
It was a hot and humid afternoon in Houston in the fall of 1967. I was seventeen years old, and one of a handful of Black students who attended a formerly all-White college. [Read more...](#)



Judge Evelyn P. McKee

### There Is All the Honor Lies: A Memoir Book by Judge Harriet M. Murphy

This autobiography of the first permanently appointed female African-American judge in Texas is the story not only of an African-American woman who grew up in a highly segregated society, but of the civil rights movement in its most turbulent years. [Read more...](#)



Judge Harriet M. Murphy

### San Jacinto Justice: The Future Supreme Court Judges Who Won Texas Her Freedom at San Jacinto, Part 2

**By Dylan O. Drummond**  
In this second part, we will meet the five San Jacinto veterans who served simultaneously as District Judges and Associate Judges of the Republic Supreme Court. [Read more...](#)



Depiction of the Battle of San Jacinto's "Twin Sisters" cannons



## News & Events

### The Time to Preserve Texas's Slave Case Records is Now

**By Bill Kroger**  
Texas slavery records locked away in the district and county courts for Texas counties, especially those in East Texas, need to be preserved as soon as possible. [Read more...](#)



The Original Petition in the 1847 Emeline lawsuit for freedom

### September 7 Hemphill Dinner Will Feature Address by U.S. Fifth Circuit Chief Judge Carl F. Stewart

**By Marilyn P. Duncan**  
The Society's main fundraising event is scheduled for Friday, September 7, 2018, at the Four Seasons Hotel in Austin. [Read more...](#)



Chief Judge Carl F. Stewart

### GREAT WAR COMMEMORATION ON NOVEMBER 11, 2018

The Society and Supreme Court Will Honor Judges and Governors Who Served  
**By David A. Furlow**  
The Texas Supreme Court and the Society will honor the seven Supreme Court Justices, two Court of Criminal Appeals Judges, and three Governors who served in the Great War. [Read more...](#)



Great War Commemorative Pin

### Saving and Saving San Antonio's 300-Year History

**By David A. Furlow**  
The Society celebrates the 300th birthday of San Antonio and the Alamo, and the origins of Texas's Spanish and Mexican law, by serving as one of the sponsors of the Texas General Land Office's 9th Annual Save Texas History Symposium. [Read more...](#)



Save Texas History Symposium poster

## Membership & More

- Calendar of Events
- Officers, Trustees & Court Liaison
- 2018-19 Member Upgrades
- 2018-19 New Member List
- Join the Society

Visit the Society on Twitter and Facebook!  
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FB: Texas Supreme Court Historical Society  
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The contents pages of the award-winning Summer 2018 issue display the range of topics and the talents of *Journal* graphics designer David Kroll.





Hon. Dale Wainwright

honor on organizations and individuals who model best practices and innovative work in our field,” said Nicholas Hoffman, AASLH National Awards Chair and Managing Director of Education and Visitor Experience at the Missouri Historical Society. “These fifty award winners show the importance of using history to address contemporary issues and working with communities to share history that is relevant to them.”

**Thanks to the Society’s 2017-18 President, Justice Dale Wainwright.** During his term as President, Justice Wainwright made this AASLH award possible by inspiring our *Journal* team to dedicate a special issue to the history of African American judges. His final President’s Message appears in that issue.

**Thanks to Executive Director Sharon Sandle and 2018-19 President Marcy Greer.** Sharon Sandle and Marcy Greer supported the Society’s nomination at every step of the process. In addition, Sharon’s column “Recognizing the Paths and Accomplishments of Texas’s African American Judges” set the tone for every article and feature that followed in the special *Journal* issue.

**Thanks to our Summer 2018 *Journal* Authors:**

- **The Hon. Wallace Jefferson**, former Texas Supreme Court Chief Justice, shared important life lessons gleaned from the example his father set for him, in “The Constitution Imparts Responsibilities as Well as Rights.”

- Prairie View A&M author/scholar **Michael Hurd** provided a professional Texas historian’s story of one judge’s unprecedented accomplishments in “Texas Court of Criminal Appeals Judge Morris Overstreet,” spotlighting the first African American elected to a statewide Texas office.

- Attorney/historian **John Browning** contributed the most recent of his series of excellent historical articles with his biography-in-progress “Chief Justice Carolyn Wright: A Profile in Excellence.”



Hon. Wallace B. Jefferson

- **The Hon. Murry Cohen**, First Court of Appeals Justice, and **Virgie Mouton**, Assistant Dean of the Thurgood Marshall School of Law in Houston, prepared complementary judicial biographies of the same lion of the law—Justice Henry E. Doyle, the first African American Justice of a Texas Court of Appeals. Their personal recollections of Justice Doyle, along with the photos and other images they provided, offered new perspectives on one of Texas’s most important appellate judges.

- **The Hon. Andrew Edison**, U.S. Magistrate Judge for the Southern District of Texas in Galveston, authored a discerning portrait of Senior U.S. District Court Judge Kenneth M. Hoyt, the first African American man to serve as a federal judge in Texas.

- Attorney, author, and American Bar Association leader **Melanie Bragg** shed new light on the Hon. Gabrielle Kirk McDonald, the first African-American appointed to serve on a federal Texas court and the third African American appointed in the United States. We're also grateful to Judge McDonald for participating in Melanie's in-depth interview regarding her early years and her international service presiding over the first International Criminal Tribunal for the Former Yugoslavia.

- **The Hon. Evelyn McKee**, retired Austin Municipal Court Presiding Judge and acclaimed author, penned an essay, "The Lady on the Bus Stop," that told the inspiring story of a single incident that led her to attend law school and become a judge.

- The life story of **the Hon. Harriet M. Murphy**, the first permanently appointed African American woman judge in Texas, was an important addition to the award-winning *Journal* issue. We thank the University of Texas at Austin's Division of Diversity and Community Engagement for allowing us to reprint the story from their book, *As We Saw It: The Story of Integration at the University of Texas at Austin*. **Marilyn Duncan** compiled and illustrated the article and added a piece about Judge Murphy's memoir, *There All the Honor Lies*.

- **Stephen Pate**, an attorney and historian who has contributed many fine articles to this *Journal*, provided an in-depth analysis of Reconstruction's impact on the Texas federal judiciary when African Americans first began thinking of becoming judges and justices in Texas.

- Maryland historian Dr. Henry M. Miller and his colleagues the archaeologists and historians of Historic St. Mary's City, Maryland, first made **David Furlow** aware of Mathias de Sousa's story as America's first African American magistrate, a man elected in 1642. David's Executive Editor Column placed de Sousa's story in the wider context of African American contributions to judicial history.

- **Bill Kroger** wrote a call to action for the Summer issue: "The Time to Preserve Texas's Slave Case Records is *Now*." It has led to fruitful discussions about judicial records preservation by the members of the Texas State Historical Association's Archives Committee.

- *Journal* Deputy Executive Editor **Dylan Drummond**, then President-elect and now President of the Society, contributed a scholarly article documenting how Sam Houston's victory at the April 21, 1836 Battle of San Jacinto filled the ranks of the Republic of Texas's judiciary with men of courage, competence, and character.

**Thanks to the four outstanding individuals who supported the Journal's nomination with strong letters of recommendation:**

- **The Hon. Carl E. Stewart**, Chief Judge of the U.S. Court of Appeals for the Fifth Circuit, wrote that the "Journal's thoughtful, detailed work shed light on the narratives of those African-American stalwarts in the Texas judiciary whose lives may have not been widely chronicled in other historical writings."

"Historical contributions such as the Society's Summer 2018 Journal issue are important



The Hon. Carl E. Stewart, Chief Judge of the Fifth Circuit. Photo courtesy of United States Courts website.

avenues for telling these previously untold or rarely told stories,” Chief Judge Stewart noted. “States across the nation should endeavor to research the ‘hidden stories’ in their own communities, using the Texas Supreme Court Historical Society Journal’s Summer issue as an exemplary model of how to accomplish that. It is important to bring awareness to the stories of those hidden figures in communities around the nation. Their stories are a part of the fabric of our society.”

- **Harris County Law Library Director Mariann Sears** wrote in her letter of recommendation that “The Summer 2018 issue of the *Journal* has profoundly influenced the Law Library by weaving together the inspiring stories of Texas African American jurists and attorneys, both past and present. As a consequence of the information contained in the articles of this issue, the Law Library has begun gathering materials from its collection and the Harris County

Archives to create a physical exhibit and a digital exhibit that will highlight the contributions of Justice Doyle, Robert Hainsworth, and other founding members of the Houston Lawyers Association.”

She added that the exhibits would launch in May 2019, near the 65th anniversary of the issuance of *Brown v. Board of Education*. “Because it has inspired action on the part of the Law Library to make the history of African American jurists in Texas more accessible to all of its patrons, the Summer 2018 issue of the *Texas Supreme Court Historical Society Journal* is deserving of the AASLH’s Award of Excellence. Inspiration to action seems to me to be the very definition of excellence.”



Harris County Law Library Director Mariann Sears. Photo courtesy of HBA Appellate Lawyer.

- **Randolph B. “Mike” Campbell**, Regents Professor of History at the University of North Texas and author of *Gone to Texas: A History of the Lone Star State*, recommended the Summer 2018 issue of the *Journal* for the award “because it tells a story that heretofore largely has not appeared in print. A great deal of the history of what judges have handed down in applying the law to African Americans has been described at great length,” he wrote, “but the stories of African Americans themselves as jurists are largely unknown. This history is relatively brief because Texas remained a bastion of segregation until the second half of the twentieth century, but that makes the stories of pioneer African American judges at all levels all the more significant.”



Professor Randolph B. “Mike” Campbell. Photo courtesy of *Faces of TSHA*, Texas State Historical Association website.

Professor Campbell added that “the *Journal* also offers invaluable primary source material on the experiences of African Americans as they traveled the road to joining the Texas Judiciary.”





Gary M. Lavergne.  
Photo from Twitter.

Such first-person accounts of major milestones in their careers, he noted, are “an invaluable source” for historians.

- Historian **Gary M. Lavergne**, author of *Before Brown: Heman Marion Sweatt, Thurgood Marshall, and the Long Road to Justice* and other books, wrote that “The summer 2018 issue is a splendid blend of uncompromising scholarship providing innovative approaches to the interpretation, contextualization, corroboration, and sourcing of evidence, and the consideration of a deeply personal need we all have to actually enjoy what it is we are reading.” He added that the issue “is a splendid example of what scholarly and historical journals are supposed to be—historical works exploring sources and stories that, if included in a book, would likely make any single volume pedantic.”

Lavergne observed that through its “consistent excellence in the field of state and local history, ... the *Journal of the Texas Supreme Court Historical Society* reminds us of the fact that the object of writing is reading.”

These four letters of recommendation were key parts of the Society's nomination packet, providing the critical assessments of impact required by the AASLH Awards Committee.

### **A final word of thanks:**

The *TSCHS Journal* was established in Fall 2011 through the initiative of 2011-12 Society President **Lynne Liberato**, who envisioned that the *Journal* would take root and grow into a premier legal history publication over time. This award is clear evidence that that time has come. Thank you for the vision and ongoing support, Lynne.



A PDF of the Summer 2018 issue is available in the Society's web archives at <https://www.texascourthistory.org/journal>.