

ABSTRACT

Up She Rises: The Birth and Legacy of the Texas Historic Courthouse Preservation Program

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Historic county courthouses, the crown jewels of Texas architecture, are facing serious threats both physical and political in nature. The National Trust for Historic Preservation named them one of America's 11 Most Endangered Historic Places in both 1998 and 2012. The Texas Historic Courthouse Preservation Program has been working diligently to protect, restore and preserve the state's sacred treasures. This thesis explores the role of the county courthouse in shaping the identity of a community and the importance of the program in safeguarding that history and standing against the rising tide of architectural homogenization. The thesis closely examines Hill, Wharton and Newton counties as the poster children for historic preservation, arguing that the intrinsic historic value of Texas county courthouses far exceeds the economic and political forces that are threatening to destroy them.

Up She Rises: The Birth and Legacy
of the Texas Historic Courthouse Preservation Program

by

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A Thesis

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Submitted to the Graduate Faculty of
Baylor University in Partial Fulfillment of the
Requirements for the Degree
of
Master of Arts

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August 2015

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ACKNOWLEDGMENTS

I am deeply indebted to my thesis adviser and spiritual mentor, Dr. Stephen Sloan, for his patience and unwavering support during this long journey toward my master's degree. The completion of this thesis would not have been possible without his faithful encouragement over the past several years. I would also like to thank Stan Graves and Dan K. Utley with the Texas Historical Commission for introducing me to the Texas Historical Courthouse Preservation Program and for their contagious passion for preserving the state's architectural gems. Finally, I wish to thank my father, former Cooke County Judge Bill Freeman, for his long service to Cooke County and for his leadership role in restoring our own courthouse through this program. I am grateful to have grown up in the halls of one of our state's historic courthouses.

To my father and mother,
Bill Freeman and Mary Sue Nutter

CHAPTER ONE

Introduction and Methodology

Introduction

Proud. Fearless. Fiercely independent.

Texans wear these adjectives as comfortably as an old baseball cap. They reside in a state brimming with unabashed self-confidence — some would say overconfidence — and are often quicker to identify themselves as Texans than as Americans. They are as protective of the Lone Star State as they are proud of it, living by the popular motto of the 1980s anti-littering campaign: Don't Mess With Texas. This collective sense of identity has been passed down through the generations, manifesting itself today in a kinship of twenty-six million that loudly proclaims its home as the “great state” of Texas.

But individuality exists within this unity as well. Texas comprises 254 counties spread among regions distinct in both personality and in composition. These include the Piney Woods of East Texas, the rolling Hill Country of Central Texas and the dusty plains of West Texas. Within those regions, counties bear their own distinct sense of identity and cling to their own proud traditions. At the heart of each of these lie a gem so familiar to county residents that its value is often taken for granted. Yet when it is threatened with destruction, whether physical, environmental, or political, the people rise up to protect what they hold dear: the county courthouse.

Texas has seen nearly 900 courthouses built in its relatively short history. What began as small, functional buildings eventually gave way to grand, stately designs

intended to evoke the grandeur of European cathedrals. While the scale of ornamentation depended largely on the varied economics of each county, there is no question that the taxpayers who funded such expansive projects found value in such an investment. In fact, county courthouses were so important to the life of the community that cities fought one another to have the buildings situated in their own town center. Some of these courthouses even rest on land donated to the county with the strict stipulation that the courthouse reside forever in that location. The buildings were symbols of prosperity and prominence for whichever cities claimed them as their own. “The courthouse meant money. The courthouse meant business. The courthouse meant visibility. The courthouse meant power,” said Dr. Donald H. Dyal, former dean of libraries at Texas Tech University and co-author of *The Courthouses of Texas*. “And so where the courthouse was located was an extremely important issue.”¹

Prior to the Civil War, the Shelby County Courthouse resided in the county seat of Shelbyville. After the end of the war, the military governor called an election that resulted in the county seat — and the courthouse — being moved to the town of Center. Shelbyville residents refused to move the courthouse, however, so the founder of Center set out in the middle of the night and loaded his wagon with all the court records in the Shelbyville courthouse. He quietly returned to his own log cabin, located in Center’s town square. Residents found him on his porch the next morning with a rifle, guarding what had become by stealth the new county courthouse. The log cabin was later replaced

¹ *The Golden Age of Texas Courthouses*, VHS. Houston, TX: Texas Foundation for the Arts, 2004.

by a proper courthouse, which burned in 1882 and was replaced by a majestic building that stands to this day and is fondly referred to as “the castle in the pines.”²

Even in the present day, these battles are waged when circumstances seem to necessitate a new courthouse. Such was the case in Wharton County in the 1990s when the city of El Campo bitterly fought with Wharton over the prospect of building a new courthouse, arguing that it was a better site for a new center of county government. The debate was moot when the courthouse was restored rather than relocated, but the fierceness of the political wrangling perfectly illustrates how important county courthouses remain to this day.

Community history is bound up within the walls of the county courthouse, and the Texas Historical Commission is working hard to ensure that history is not ground to dust by the gears of time. The stories the commission is striving to preserve in concrete form are both intriguing and at times amusing, sometimes evolving into local folklore. The singing Warner Brothers cartoon frog is purported to be linked to the Eastland County Courthouse, where today a horny toad displayed in a cushioned coffin greets visitors. The story goes that the toad was locked in a time capsule within the cornerstone of the 1897 courthouse. When the building was being demolished thirty-one years later, the toad awakened in front of a crowd of four thousand. The bizarre occurrence vaulted Texas into national prominence as the toad — aptly christened Ol’ Rip — went touring such locations as Washington, D.C., and St. Louis. The architects of the 1928 courthouse made

² McPherson, Beth. “Castle in the Pines: Historical Shelby County Courthouse chosen for preservation.” *Austin American-Statesman*, May 6, 1996.

sure the story wouldn't be lost to time, carving Ol' Rip's image into the plaster cornice of the new building.

Other courthouse stories, though perhaps not as colorful as Eastland County's, are equally worth preserving. Men needing to relieve themselves in the Leon County Courthouse today will find a fireplace in the restroom, a tangible reminder of the unplumbed 1886 courthouse that once boasted ten fireplaces but no toilets. The castle-like Ellis County Courthouse is described in James Michener's massive book "Texas" as "a fairy tale palace ... replete with battlements and turrets and spires ... and miniature castles high in the air ... one of the finest buildings in Texas."³

The building carries with it a tale of unrequited love, permanently etched in the sandstone columns. Local lore tells of the mason who began sculpting the image of the object of his affection, a local woman named Mable Frame. When his advances were rejected, he turned the images into increasingly grotesque faces in devastation or retaliation, depending on the teller of the tale. The truth of the story is debatable, as other buildings of the same architectural style include similar images, but it remains a widely-held story in local tradition.

The exterior of numerous other Texas courthouses are marked by similar distinctive features, notably the likeness of Lady Justice. In McLennan County, a statue of Themis — the Greek goddess of justice and order — presides over Lady Justice and Lady Liberty atop the courthouse, whose dome is ringed by eight metallic eagles that

³ Ellis County, "Our Historic Court House." Accessed February 23, 2015. <http://www.co.ellis.tx.us/index.aspx?NID=460>

originally had electric lightbulbs for eyes. Lady Justice also adorns the Presidio County Courthouse in the far West Texas city of Marfa, though this sculpture's scales of justice are marked by bullet holes. A disgruntled cowboy with remarkable aim long ago shot the scales, declaring, "There is no justice in Presidio County."⁴ On the distant side of the state, Harrison County's Lady Justice underwent a significant alteration in the 1930s when heavy winds caused structural problems and the wings were removed and then reinstalled to point downward. The wings have since been restored, with additional structural support, to their original upright position.

The relocated Shelby County Courthouse, in the heart of the Piney Woods, also happens to feature a restroom fireplace. In fact, the building's most distinctive feature is the abundance of rounded brick chimneys reminiscent of the castles in the Irish architect's home country. Inside the second-floor courtroom, builders installed a secret trap door near the judge's bench for wary judges to mount a quick escape after issuing harsh sentences to dangerous defendants. The trap door was sealed in 1920.

The architecture of courthouses like these is replete with history that is in danger of being lost through decades of neglect, as well as modern sensibilities that prize sleek efficiency and the bottom line over historical significance. Arguments against restoring and preserving these historic buildings have boiled down to one common theme: money. County commissioners charged with distributing limited taxpayer dollars often see the financial investment of restoration and preservation, tallying millions for each county, as wasteful and unnecessary. This is a powerful argument in times of economic hardship,

⁴ Texas Historical Commission, "Fun Facts." Accessed February 23, 2015. <http://www.thc.state.tx.us/preserve/projects-and-programs/texas-historic-courthouse-preservation/fun-facts>

such as the recent Great Recession, when citizens are especially cost-conscious. This is why neglect has ravaged courthouses in the 20th century, as counties cut corners to make ends meet. Basic maintenance that could have saved thousands upon thousands of dollars today was sacrificed, and now counties are faced with the choice of investing in substantial repairs or letting their historic buildings continue to rot. Utilitarian structures can be constructed quickly and serve the necessary functions of county government, and roughly 25 courthouses fell to the axe of practicality and modern tastes between the 1950s and early 1970s before the Texas Legislature intervened in 1973 to halt the destruction.

The immediate counterargument to the issue of fiscal irresponsibility is that the restoration and preservation of courthouses is an investment that does pay financial dividends, and relatively quickly. Heritage tourism plays a large role in Texas' overall tourism industry. Tourism is the third-largest industry in the state, with revenue totaling \$67.5 billion in 2013 — a three percent increase over the previous year. This supported more than 600,000 jobs and produced nearly \$5 billion in both state and local taxes.⁵ The Texas Historical Commission reports that the travel industry accounts for one in every twenty workers in the state. Without the income generated by tourism, the THC calculates, each family would experience an increase of \$650 in taxes per year.⁶

⁵ Office of the Governor, Economic Development & Tourism Division, "Travel Facts." Accessed February 23, 2015. <http://travel.state.tx.us/TravelResearch/TravelFacts.aspx>

⁶ Texas Historical Foundation, "What THF Does." Accessed February 23, 2015. <http://texashistoricalfoundation.org/grants-and-gifts/>

Heritage tourism is an important component in the overall travel statistics in the state. Restored historic courthouses have certainly provided a significant boost in that regard, propelling those county seats into prized travel destinations for tourists looking to connect with the past. Along with the boost in tourism came numerous businesses that spun off from both the increased tourist traffic and influx of workers during the sometimes years-long restoration process. The program has supported more than 10,000 jobs for Texans since its inception in 1999. The direct economic impact of the program itself is \$288.5 billion in income, \$23.6 billion in state taxes, \$23 billion in local taxes and nearly \$394 billion increase in gross state product. The Texas Historical Commission notes an economic revitalization to the business districts surrounding the restored courthouses. Wharton County, for example, reports a 279 percent boost in commercial property values surrounding the courthouse square between 2006 and 2010, after the building's restoration.⁷

If that were not enough to persuade naysayers, another argument is functional as well as financial. County government must operate, regardless of its physical location, and it does so at considerable expense to taxpayers. The question is how best to invest county funds while ensuring governmental services do not suffer. The preservation program increases the safety, accessibility and energy-efficiency of buildings that are vital pieces of community history, making the investment worthwhile from both a financial and historical perspective. Revitalized courthouses are more energy-efficient as well as compliant with Americans with Disabilities Act. Modern electrical systems and

⁷ Texas Historical Commission, "Benefits of Restoring Historic Courthouses." Accessed February 23, 2015. <http://www.thc.state.tx.us/preserve/projects-and-programs/texas-historic-courthouse-preservation/benefits-restoring-historic>

the inclusion of fire detection and suppression systems, which many of the buildings lacked prior to intervention by the program, increase the safety for workers and county residents transacting business within the building. The restored courthouses also offer better security and storage for irreplaceable county records.

The most pivotal argument from a historical perspective is perhaps not the most immediate one, but certainly the most enduring one. The argument for cost-effectiveness is a smaller component in the grand scheme of history, as cost can and must be measured by more than the pocketbook. The cost of destroying irreplaceable artifacts is permanent. Once historical monuments are destroyed, eventual and inevitable regret will not bring them back. Travis, Galveston and El Paso counties all dismantled their historic courthouses and built new, modern edifices that closely resemble high-rise office buildings. The grandeur and elegance of the 19th century courthouses in those counties are memorialized in postcards and history books, but citizens and tourists can no longer touch history for themselves.

The historic value of Texas county courthouses is immeasurable, and these irreplaceable landmarks carry with them the memories of a community that grew up in the shadows of their towering presence. Courthouses have long been the center of civic life in Texas towns. They were the backdrop for parades, for community celebrations and community pain, for marriages and births and deaths. They speak of community identity and are sometimes one of few remaining historic buildings that root a county to its past. They are anchors to a time when uniqueness was valued, before uniformity became the norm and buildings became disposable. Structures are erected in short order and torn down just as quickly, making way for the next business investment.

Today's society is transient, and communities are not cohesive as they once were. This is especially true as the population increases and cities become larger. Texas has followed the nation in raising up an isolated people without a sense of community identity, and the evidence of that is the devaluing of historic buildings in the minds of the people. The Texas Historical Commission is on a vital mission to slow this creeping historical degradation through the Texas Historic Courthouse Preservation Program, and evidence suggests that the mission is inching toward success.

Methodology

This thesis is a product of oral history interviews, textual analyses of newspaper articles and primary documentation from the Texas Historical Commission. I selected three courthouse case studies — Hill County, Wharton County, and Newton County — after oral history interviews with Stan Graves, Texas Historical Commission director of architecture, and Dan K. Utley, a Texas Courthouse Alliance member. These two primary figures in the Texas Historic Courthouse Preservation Program singled out Wharton and Newton counties as prime examples of the program's wide-reaching success. Hill County was the catalyst for the preservation program's creation and therefore an essential component of the study.

In addition to the oral histories with Graves and Utley, I conducted interviews with six other individuals with direct ties to the Hill, Wharton, and Newton county courthouse projects. These included public officials, preservation activists, and eyewitnesses to the tragic fires that decimated Hill and Newton counties. I also conducted extensive research in newspaper archives from across the state, in addition to community historical associations. I combed through the Texas Historical Commission's numerous

files as well, pulling such documents as county courthouse master plans, Texas Department of Public Safety correspondence, Texas Courthouse Alliance findings, and the 1998 Texas Courthouse Preservation Initiative report to then-Governor George W. Bush.

CHAPTER TWO

The Spark that Started a Crusade

It is hard to gauge the exact moment when some tragedies are birthed, when the first sense of unease strikes the person later immortalized as the first witness. On New Year's Day of 1993 in Hillsboro, Texas, one downtown passer-by would say it happened at 6:30 p.m. It could have been 6:25, or maybe 6:33, depending on which direction he was facing. The four-sided clock perched atop the Hill County Courthouse, which had measured the community heartbeat for more than 100 years, had been known on more than one occasion to disagree with itself.¹ But it was 6:30 p.m. that newspapers across the state would cite as the moment it began, the moment the first wisp of smoke started curling out of the third floor of the historic courthouse and the county's resolve would be tested in a way no one expected when drafting their 1993 New Year's resolutions.

There was no sign of the impending disaster at 6 p.m. that Friday night, when Hill County district attorney Dan V. Dent made a five-minute stop by his third-floor office to pick up files for Tuesday's jury trial. But just half an hour after Dent walked out the door, as the rising smoke first started drawing attention, two Hillsboro residents walking downtown spotted a small fire flickering through his office window and bolted to the fire and police stations to muster help.²

¹ New year dawns with destruction of historical landmark. *Whitney Messenger and Lake Whitney News*, January 8, 1993.

² "Courthouse Burns!!!" *The Reporter*, January 7, 1993.

When the first firefighters arrived at the square, Dent's office was already engulfed. They attempted an interior attack on the third floor where the fire began, but that was quickly abandoned when flash fire overhead drove the firefighters back into the night. The fire was spreading too quickly, the danger to emergency personnel too great. By the time they were positioning themselves defensively around the perimeter, the entire upper floor was ablaze.³

Firefighters from fifteen of Hill County's sixteen fire departments converged on the square in an attempt to save the 102-year-old building.⁴ A radio malfunction between the sheriff's office and the city of Mertens was the only thing that kept the county from rallying its entire firefighting resources.⁵ Neighboring McLennan and Johnson counties sent equipment and personnel to supplement Hill County's frantic efforts to save the building, whose rich history had earned it State Archeological Landmark and Recorded Texas Historic Landmark designations as well as a spot in the National Register of Historic Places in 1971.⁶ It was also heralded as the initial anchor of the Texas Main Street Program, which has invested billions since the early 1980s to revitalize historic downtowns across the state.⁷

The county's best hope of extinguishing the fire before it consumed the historic icon lay in the recently purchased extension ladder/pumper truck, a piece of equipment so large that it had to be housed at the National Guard Armory rather than the fire

³ "Courthouse Burns!!!" *The Reporter*, January 7, 1993.

⁴ "Beloved courthouse burns." *The Lakeland*, January 7, 1993.

⁵ "Hill County Courthouse Burns." *The Itasca Item*, January 8, 1993.

⁶ "Up in Flames." *The Medallion*, March/April 1993.

⁷ Fact Sheet, Hill County Courthouse Restoration.

department. The ill-fated joke at the time of purchase had been that the truck would be ready when the courthouse caught fire. That the truck's first assignment would be just that was unimaginable.⁸

About seven miles away in his hometown of Chatt, Hillsboro lawyer F.B. "Bob" McGregor Jr. looked out to see orange on the northern horizon, the courthouse a torch in the winter night. He was well acquainted with the tallest building in Hill County, seeing its face daily from his law office across the street and its lights shining across the flat Texas plains at night. "It was just like a chimney effect," he said. "You could see it just going way up in the sky."⁹

While McGregor was taking in the view from the south, Whitney residents Cathy Wilson and her son, Matthew, were driving into town from the north. What they saw in the distance was what she described as a mushroom-type cloud. "As we got closer to town, we could see first the eerie glow over the square, and finally flames," she said.¹⁰

On the square itself, a growing crowd of horrified onlookers watched as the century-old clock facings "just popped off, one by one" immediately before flames swallowed the 70-foot tower that raised the stature of the building from three to seven stories.¹¹ The fire quickly ate through the tower, weakening the structure until the 1,525-pound bell tore free around 7 p.m. and plummeted through the center of the courthouse,

⁸ "Courthouse Burns!!!" *The Reporter*, January 7, 1993.

⁹ McGregor, F.B. Bob. Oral History Interview. Interviewed by Julie Freeman on June 7, 2010, in Hillsboro, Texas.

¹⁰ "Beloved courthouse burns." *The Lakeland*, January 7, 1993.

¹¹ Restoration Master Plan for Hill County Courthouse, 1995. Architexas, November, page 7.

igniting the lower floors as it fell.¹² Amateur video captured by an onlooker shows the skeleton of the tower peeking through the plumes of fire, tilting precariously to the side and then collapsing inwardly, following the path the bell tore through the belly of the building moments earlier.¹³ The weight of the debris caving into the building — heavy timber trusses and other wood framing covered in sheet metal¹⁴ — sent the interior beams lurching up to a foot and a half.¹⁵ The impact destroyed the third floor above the district courtroom¹⁶ and dropped 20 to 40 tons of rubble onto the floor of the chamber.¹⁷

“The old clock tower ... we are watching her die,” a witness lamented to an area newspaper reporter. “This is Hill County’s saddest moment.”

Worried the flames would leap to his office building, endangering much of his life’s work, McGregor headed into town immediately after seeing the fire from his home in Chatt. When he reached the square, the heat from floating debris had already pockmarked the surrounding buildings. Fortunately, the night was without much wind

¹² Robbins, Mary Alice. “Phoenix Rising: Destroyed Hill County Courthouse Emerges From the Ashes.” *Texas Lawyer*, April 18, 2005. Vol 21, No. 7.

¹³ *The Golden Age of Texas Courthouses*, VHS. Houston, TX: Texas Foundation for the Arts, 2004.

¹⁴ Restoration Master Plan for Hill County Courthouse, 1995. Architexas, November, page 10.

¹⁵ “New year dawns with destruction of historical landmark.” *Whitney Messenger and Lake Whitney News*, January 8, 1993.

¹⁶ Restoration Master Plan for Hill County Courthouse, 1995. Architexas, November., page 10.

¹⁷ Beloved courthouse burns. *The Lakeland*, January 7, 1993.

and the slow, daylong drizzle that had been falling had saturated the surrounding rooftops and offered some protection from the flammable material drifting across the square.¹⁸

McGregor and his wife, who had joined him downtown, set about providing water to the firemen and shelter to the devastated courthouse employees who were powerless to do anything but watch the funeral pyre while the bitter cold mist from the fire hoses created an “arctic-like environment” around them.¹⁹ “A lot of people that worked in the courthouse were very emotional, very shook up, and so we tried to give them a place to get off the street. It was cool that night, and so some of them were trembling and shaking. And I just remember ... I felt good that we had a place that they come in and kind of get out of the weather,” McGregor said.²⁰

Others also brought what small comfort they could offer. As the sidewalks filled with hundreds of onlookers, volunteers who were themselves in shock kept a steady stream of coffee flowing to keep the firefighters warm.²¹

“A lot of grown men were up there around the square just crying. ... I’ve never seen anything like that. You wouldn’t think people would have such an emotional attachment to a building, but for some people, it was the representation of, on a very local basis, the most intimate level: their relationship with justice. ... They had been coming to this building their whole lives,” McGregor said.

¹⁸ “Courthouse Burns!!!” *The Reporter*, January 7, 1993.

¹⁹ Wong, Douglas. “Hill County Courthouse Burns: Blaze guts historical 102-year-old landmark.” *Waco Tribune-Herald*, January 2, 1993.

²⁰ McGregor, F.B. Bob. Oral History Interview. Interviewed by Julie Freeman on June 7, 2010, in Hillsboro, Texas.

²¹ Wong, “Hill County Courthouse Burns: Blaze guts historical 102-year-old landmark.”

McGregor, who later became the 66th District Court judge in Hillsboro, had his own emotional ties to the building. As the structure burned that night, his thoughts turned to his first memory of the courthouse. His father, a lawyer, tried a condemnation suit in the Hill County courtroom when Interstate 35 was being built in the early 1960s. His father later served in the Texas Legislature for 13 years and as Hillsboro's district attorney for six. "So in his career, he had a lot of political ups and downs. A lot of them took place right here, and I thought about him," McGregor said. "I had wondered if I would ever get a chance to be judge in this building. That crossed my mind."²²

By 11 p.m., the fire had been contained enough for firefighters to re-enter the building.²³ McGregor watched from his office as, one by one, the fire engines pulled away from the square, a smoldering hulk behind them. The blaze had hollowed out the top two floors of the courthouse, while the massive two-and-a-half-foot-thick limestone walls stood charred but unyielding amid the smoke.

The next morning, the sight of the courthouse's blackened frame was jarring to the community. "What was left of the giant second and third floor windows of the once magnificent courthouse stared down at the hundreds of onlookers from blackened, sightless orbs," a journalist with *The Itasca Item* wrote.²⁴

²² McGregor, F.B. Bob. Oral History Interview. Interviewed by Julie Freeman on June 7, 2010, in Hillsboro, Texas.

²³ "Courthouse Burns!!!" *The Reporter*, January 7, 1993.

²⁴ "Hill County Courthouse Burns." *The Itasca Item*, January 8, 1993.



Figure 2.1 *Hill County Courthouse Fire*. January 1993. Texas Historical Commission, Hillsboro, Texas

Despite the grim sight, some found cause for thanksgiving alongside heartbreak. “If the winds had been higher and the streets had been icy, this could have burned down the whole damn town,” County Judge Tommy Walker told the *Fort Worth Star-Telegram*.²⁵ Walker declared a state of emergency, triggering help from Department of Public Safety emergency management division.²⁶

The destruction of Hill County’s centerpiece evoked nostalgia in many, poetic reflection in many others. Journalists wrote of the “jack-o-lantern effect” of flames eating

²⁵ Keen, Amy. “Hill residents mourn the loss of courthouse.” *Fort Worth Star-Telegram*, January 3, 1993.

²⁶ “Court Reacts to Tragedy.” *The Reporter*, January 7, 1993.

away the innards of the building against the night sky.²⁷ Another likened the disaster to “the burning of Atlanta in that famous scene from *Gone with the Wind*.”²⁸ The shared grief of county residents was perhaps best symbolized by the conspicuously absent byline in *The Lakeland* newspaper’s January 7 article — the writer a collective voice for the people.

New Year’s Day 1993 has been forever sketched in the memory of Hill County residents as the day flames destroyed the courthouse. In the cold mist and fog, she seemed to go down as calmly as she served for so many years.

Perhaps it was the freezing temperatures that made the fire seem to blaze without raising the temperature around the square or, maybe, it was seeing the county’s heritage replaced by smoldering ashes that made the shivering chill run deep into the spine of every spectator who stood silently as her majestic emphasis was engulfed.

That next morning community members and firefighters, attempting to preserve what they could, handed out the windows and down the sidewalk waterlogged record books that were later sent to Fort Worth to be freeze dried.²⁹ Employees microwaved other files or pinned them beneath windshield wipers to dry.³⁰ The contents of the law library were beyond saving, but most of the permanent records of the county — housed in fireproof vaults on the first floor — survived the fire.³¹

²⁷ “Beloved courthouse burns.” *The Lakeland*, January 7, 1993.

²⁸ “Hill County Courthouse Burns.” *The Itasca Item*, January 8, 1993.

²⁹ McGregor, F.B. Bob. Oral History Interview. Interviewed by Julie Freeman on June 7, 2010, in Hillsboro, Texas.

³⁰ Pierson, Marla. “Holding Court on Aisle 10: Post-fire Hill County makes do amid plywood.” *Waco Tribune-Herald*, January 1, 1996.

³¹ McGregor, F.B. Bob. Oral History Interview. Interviewed by Julie Freeman on June 7, 2010, in Hillsboro, Texas.

Texas Historical Commission director of architecture Stan Graves met Hill County Judge Tommy Walker at the still-smoking ruins to assess the damage of what was ultimately deemed an electrical accident. The community was in shock, he said, and the county judge devastated.

“It’s really like losing a member of your family in some ways for the community. There were people that knew it couldn’t be rebuilt,” Graves said. “There’s always ideas: Well, let’s tear down the remaining blocks or bricks or stones and sell them as a fundraising effort to try to build a new building back. There’s sort of that salvage mentality among some people. Some people are just in shock and don’t know what to do next. That was the case there in Hill County.”

Graves and Walker walked into the remnants of the building and looked up to see the bell jutting through the ceiling of the first floor. “He was asking whether that bell could be saved, and I ... jokingly said, ‘I don’t know if it can be or not, but I don’t think we should be under here looking at it in this condition,’” Graves said.

Walker was unsure the building was capable of being resurrected, but Graves was confident that structural analysis of the remaining walls would prove the feat, while a monumental and lengthy task, would not be impossible.³² Yet while those plans were being birthed, government could not come to a standstill. The county hustled to buy the nearby Perry Building, a onetime grocery store and later department store that previously had been eyed as a potential annex site. Four days later they set up county offices with plywood and chicken wire serving as cubicle walls.

³² Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

In those days — and then years — after the fire, privacy was nonexistent and court truly a public affair. McGregor, dubbed by The Waco Tribune-Herald as the “warehouse judge,” said the makeshift government headquarters were sufficient if not plush nor private. Humor was a needed release from the stress of the situation, and spit wads were often seen flying over the hastily constructed plywood walls.

As the county attempted to carry on its daily duties in a less-than-comfortable setting, it also tackled the pressing issue of rebuilding its former home, which the Texas Historical Commission named one of Texas’ 10 most endangered properties for 1993.³³ The true difficulty lay in raising the millions of dollars such a project would require. The courthouse was only insured for \$3.5 million dollars, and the reconstruction was estimated at more than \$8 million.³⁴

The Hill County Historical Society immediately marshaled its resources and initiated a public relations campaign that drew donations of all sizes from across the country. One man, so moved by the tragedy but lacking extra money, donated one dollar a month for the six-year duration of the reconstruction.

Full-color informational booklets were produced for the Fourth of July parade at the courthouse square that year. The booklets, which solicited donations for the reconstruction, detailed the history of the courthouse and the fire that left it nothing more than a limestone shell. Photos depicted the distinctive architecture of the courthouse and the rubble that remained, and floor plans illustrated how the building would look when restored to its original 1890s appearance. The booklet portrayed the immense project as a

³³ “Up in Flames.” The Medallion, March/April 1993

³⁴ Robbins, “Phoenix Rising: Destroyed Hill County Courthouse Emerges From the Ashes.”

“rebirth,” an opportunity for the county to reinvent itself and recover its heritage: a heritage grown dusty in the twenty-first century.

The late nineteenth century was a booming time for Hill County, when the demand for cotton was high and the county was the state’s second-largest producer of the crop. Flush with cash and wanting to announce to the region its ever-increasing status and prosperity, Hill County contracted the same architectural fever that was sweeping the rest of the state and resulting in a surge of new courthouses and public buildings.³⁵ Waco architect Wesley C. Dodson’s Parker County courthouse design caught the eye of the Hill County Commissioners Court, and he was charged with designing a new public building whose majesty was befitting a county of growing esteem.

Dodson’s courthouse was not the first to be erected in Hill County, nor the first to be decimated by fire. The county’s initial courthouse, a 12-by-12-foot structure with a sod floor and elm poles, stood for a brief time until the commissioners court had it razed to build a “more suitable wood frame building.” The replacement, a \$200 structure built of elm logs, stood from 1854 to 1856.³⁶ A sketching of that small, simple building ran in a local newspaper in 1936 and was placed in a courthouse time capsule on Independence Day of 1965. It was moved to the Hill County Museum document room in 1990 and remains there in stark contrast to its successors, the stature and grandeur of each eclipsing the previous.³⁷

³⁵ Hill County Courthouse Restoration fundraising pamphlet

³⁶ Restoration Master Plan for Hill County Courthouse, 1995. Architexas, November.

³⁷ *First Courthouse in Hill County 1853*, sketching, 1936, Hill County Museum.

A two-story brick building that had replaced the log courthouse burned in 1872, a victim of suspected arson. It took the county two years to raise the \$15,000 needed to construct another two-story brick building that would serve as the central location for county functions until 1889, when construction began on Dodson's courthouse. The displaced brick building was sold at auction for \$120 and subsequently demolished; county offices were temporarily relocated to the Ewell Hotel until the new courthouse was dedicated in 1891.³⁸

Dodson designed the courthouse in the "Texas version"³⁹ of the French Second Empire style, a staple of his architectural portfolio and a popular choice for architects of the day.⁴⁰ It was influenced by Classical Revival and Italianate styles as well.⁴¹ The structure evoked disparate but equally striking reactions from critics, labeled a "monstrosity" by *The Saturday Evening Post* but an "outstanding cathedral" by *Harper's*.⁴² Among its more noticeable distinctions were a mansard roof, two large chimneys and ivory-colored rusticated limestone walls, columns and cotton blossom

³⁸ Restoration Master Plan for Hill County Courthouse, 1995. Architexas, November. Page 3, 5.

³⁹ National Register of Historic Places Nomination Form, U.S. Department of the Interior, National Park Services

⁴⁰ Restoration Master Plan for Hill County Courthouse, 1995. Architexas, November. Page 5.

⁴¹ "Monuments of Justice-Hill County Courthouse," County Progress, p. 6.

⁴² Beirne, Maynard & Parsons, L.L.P. "These Walls Have Stories to Tell," advertisement, *Texas Lawyer*, April 18, 2005.

carvings.⁴³ The quarrying, transporting, carving and placing of the limestone, originating from Bosque County, accounted for roughly half of the courthouse's \$83,000 price tag.⁴⁴

Over the following 100 years, prominent figures made speeches from the cast-iron balcony above the south door, including Lyndon Baines Johnson, U.S. president from 1963 to 1969; Sam Rayburn, former U.S. speaker of the House; and Williams Jennings Bryan, perennial presidential candidate and prosecutor in the famous Scopes Trial of 1925.⁴⁵ To this day, the limestone walls and columns surrounding the balcony bear graffiti — some dating to 1906 — from nondescript visitors who also stopped by to take in the view.

Over the years, the county altered the courthouse to accommodate space needs and changing aesthetic sensibilities. In the 1930s, the foundation crawl space was excavated to add office and storage space, and stairs leading into this area were built in the main hall. In the 1960s, the county carved more offices out of the district courtroom, resulting in a judicial chamber roughly a quarter of its original size. The balcony overlooking the two-story courtroom was extended into a full floor of offices and storage space. Ceilings were lowered throughout the building and “furred out” in contemporary fashion. The walls were painted what McGregor called “Army green” with World War II

⁴³ “Monuments of Justice-Hill County Courthouse, County Progress, p. 6.

⁴⁴ National Register of Historic Places Nomination Form, U.S. Department of the Interior, National Park Services

⁴⁵ Robbins, “Phoenix Rising: Destroyed Hill County Courthouse Emerges From the Ashes.”

surplus paint. Terrazo flooring replaced the quarry tile, and modern light fixtures were added.⁴⁶

The light fixtures replaced the long chandeliers that once hung from the lofty ceilings and had seen many a court case tried beneath them. Robert W. Calvert, former chief justice of the Texas Supreme Court who retired in 1972, recalled a criminal embezzlement case against a banker named Ellis Taylor in the 1940s. Authorities accused Taylor of starting a fire in the bank at Blum in order to destroy books that were to be assessed by bank examiners the following day. There was no evidence that Taylor had started the fire, but there was evidence that insulation had worn off electrical wires and that flammable material was scattered throughout the building.

While Walter Collins [the defense attorney] was saying to the jury that no one knew the mysteries and vagaries of electricity, that it was entirely possible that one of the light wires had developed a short and ignited the cotton samples and started the fire, one of these chandeliers suddenly burst into flames. Collins backed off a step or two, looked up at the burning chandelier, stood silent for a moment, and then said, ‘Gentlemen of the jury, as I was saying to you, no one knows the mysteries and vagaries of electricity, and no one knows when electricity will escape from one of these wires and ignite flammable materials.’ The jury brought in a verdict of not guilty.⁴⁷

Other trials were far more prominent and created a strong case for the historic value of the building. The notorious Clyde Barrow was found guilty of burglary on September 15, 1930, at the Hill County Courthouse and sentenced to two years in the state penitentiary.⁴⁸ He had met his future wife and fellow outlaw Bonnie Parker earlier

⁴⁶ Restoration Master Plan for Hill County Courthouse, 1995. Architexas, November.

⁴⁷ Ray, Joseph M., ed., *Here Comes the Judge: From State Home to State House* (Waco, Texas, 1977), 71-72.

⁴⁸ Criminal minutes, judgment on a plea of guilty, October 18, 1930, Hill County.

that year, and the two later led the FBI on one of the best-known manhunts in American history. In addition to the charge of interstate transportation of a stolen vehicle, which triggered the FBI's involvement, the couple was suspected of 13 murders and several robberies and burglaries by the time they were gunned down by a posse of Louisiana and Texas police officers on April 1, 1934.⁴⁹

Raymond Hamilton, a gunman who traveled with Bonnie and Clyde's gang in 1932, was accused with Barrow of murdering Hillsboro jeweler John Bucher for \$40 in cash and \$2,500 in jewelry on April 30 of that year. Parker was in jail at the time for a botched robbery attempt in Kaufman. Barrow and Hamilton eluded police for months, during which they and Parker — now reunited with the gang — continued their string of crimes across Texas. A near capture in Wharton, Texas, spurred Hamilton to separate from Barrow and Parker.

While police were unable to capture Clyde after the Bucher murder, they nabbed Hamilton in Wichita Falls on December 6, 1932. He was tried at the Hill County Courthouse in March of 1933 for Bucher's murder and found guilty, but a jury could not reach a consensus on punishment. The judge declared a mistrial. Hamilton was retried at the courthouse in May and again found guilty; this time the jury levied a life sentence in the penitentiary.⁵⁰

That such a notorious tale of lore touched the Hill County Courthouse, however briefly, gave the community a sense of place in American history and contributed to its

⁴⁹ Federal Bureau of Investigation. "Famous Cases: Bonnie and Clyde." <http://www.fbi.gov/libref/historic/famcases/clyde/clyde.htm> (accessed August 1, 2010)

⁵⁰ Hill County Courthouse Restoration fundraising pamphlet, Hill County Museum

stature among the residents. The courthouse was not simply a building evoking community affection and pride, but now a tangible link to an important historical event that riveted the nation.

Little more than half a century later, the era when the courthouse reflected a booming agricultural economy was long past. By 1993, agriculture had lost its supremacy in the region to retail, which 1990 Census data confirmed as 30 percent of the county's industry at the time. As shopping malls and interstates began to draw traffic away from the city's central square, the county — seeing the growing economic link between shopping and historical tourism — refocused its energies on downtown revitalization. The grandeur of the courthouse was to be the tourism centerpiece, and private enterprises reinvested \$6.6 million in downtown Hillsboro through the Main Street Program.⁵¹

With the courthouse as the linchpin of the county's tourism industry, reconstruction was paramount to protecting the region's financial interests as well as historical sentiments. Hill County residents would not be deterred by the cost or the length of time it would take to rebuild, citing other Hillsboro preservation projects funded through what the 1993 Fourth of July fundraising booklet calls resourcefulness, gritty determination, and an annual craft fair. "What the community lacks in funds it more than offsets in tenacity," the booklet states. "Many residents feel that even in ruins, the courthouse has more appeal than a more rapidly constructed modern building."⁵²

⁵¹ Hill County Courthouse Restoration fundraising pamphlet, Hill County Museum

⁵² Hill County Courthouse Restoration fundraising pamphlet, Hill County Museum

One of Hill County's best-known sons threw his considerable weight behind the restoration effort as well. Country music legend Willie Nelson — born in Abbott, about 10 miles from Hillsboro — planned an elaborate benefit concert called “Blaze to Glory.”⁵³ Nelson's affection for the courthouse traced back to his childhood, when his family often participated in gospel singings in the district courtroom.⁵⁴ Roughly 6,000 people packed the courthouse square for the March 28 concert,⁵⁵ which also featured Cherokee Rose, Eldorado, Ray Price and Ray Wylie Hubbard.⁵⁶ A special permit was issued to sell beer in a dry county, and a heavy equipment company donated generators to power a light show after Nelson took the stage.⁵⁷ More than 200 volunteers helped pull together the concert, and county employees sported “survivor” T-shirts during the event. An image of the burning courthouse on the shirts bore the caption: “Jan. 1, 1993. We survived and shall return in '95.”⁵⁸ The event raised \$200,000 to \$300,000, a pittance of the overall cost, but perhaps more importantly it put the restoration project in

⁵³ McCormick, Darlene. “For Hill County, it's Willie to the rescue.” *Waco Tribune-Herald*, January 13, 1993.

⁵⁴ McGregor, F.B. Bob. Oral History Interview. Interviewed by Julie Freeman on June 7, 2010, in Hillsboro, Texas.

⁵⁵ Adams, Samuel. “Home for a ‘Blaze to Glory.’” *Waco Tribune-Herald*, March 29, 1993.

⁵⁶ Elliot, David. “Willie fires up ‘Blaze to Glory.’” *Waco Tribune-Herald*, March 11, 1993.

⁵⁷ Robbins, “Phoenix Rising: Destroyed Hill County Courthouse Emerges From the Ashes.”

⁵⁸ Adams, “Home for a ‘Blaze to Glory.’”

the international spotlight and bolstered publicity, fundraising, and grant-writing efforts.⁵⁹

Though local fundraising efforts and insurance money gave the county a place to start, a substantial challenge was finding a benefactor to shoulder the bulk of the millions it would take to rebuild the courthouse. The Heart of Texas Council of Governments championed Hill County's cause and nominated the courthouse for a grant under the Statewide Transportation Enhancement Program, deeming the project its top priority, number one ranking.⁶⁰ The program, operated by the Texas Department of Transportation, was created as a result of the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which allocated states money for, among other things, transportation-related projects not actually connected to highway construction.⁶¹

Hill County residents expressed the depth of their affection for the courthouse by writing letters of support for the nomination, petitioning the state to fund reconstruction of the historic site. "I ask that you approve the grant to rebuild our courthouse," one resident wrote to William Burnett, executive director of the Texas Department of Transportation. "It would be nice to see a fully constructed building in the circle than a run-down burned building. ... I hope you understand that as long as people here do not

⁵⁹ Robbins, "Phoenix Rising: Destroyed Hill County Courthouse Emerges From the Ashes."

⁶⁰ Willhite, Leon A. Heart of Texas Council of Governments, Letter to Kirby W. Pickett with the Texas Department of Transportation. Nov. 3, 1993.

⁶¹ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas

have to pay for it we would like it rebuilt. We would love to see the missing piece to our county.”⁶²

Brenda Hejl and LaDonna Bow, Abbott High School juniors, pleaded the cause to Burnett as well. “The people of Hill County took great pride in the courthouse, so when it burnt a year ago it took a little piece of everyone,” Hejl wrote. “By rebuilding the courthouse it would give us our pride back. By giving Hill County this grant you could make this possible.”⁶³ Bow wrote of the community’s devastation and heartbreak, asserting that “by restoring the courthouse, part of the people will also be restored.”⁶⁴

Community advocates’ hopes in the state were not disappointed. Out of 339 projects nominated for STEP funding at the time, Hill County was among the 108 whose funding requests were granted. The state apportioned \$3 million in ISTEA funds toward the \$8.5 million total restoration effort, with Hill County agreeing to a local match of \$1.7 million.⁶⁵ The state grant was only a partial one, as TxDOT deemed only the exterior restoration eligible for funding by nature of its proximity to U.S. Highways 77

⁶² Have, Jeffrey A. undated letter to William Burnett, executive director of Texas Department of Public Transportation – from Redirected to Bob Cuellar. Received March 23, 1994.

⁶³ Hejl, Brena. Abbott High School junior, letter to William Burnett, executive director of Texas Department of Public Transportation. March 2, 1994.

⁶⁴ Bow, LaDonna. Abbott High School junior, letter to William Burnett, executive director of Texas Department of Public Transportation. Received March 3, 1994.

⁶⁵ State of Texas, County of Travis, *Agreement (Surface Transportation Program – Transportation Enhancement)*. June 17, 1994. Pages 1, attachment c, page 1-2.

and 81 and State Highways 22 and 171. The cost for exterior restoration, rehabilitation, and reconstruction was budgeted at \$2.6 million.⁶⁶

The interior restoration, for which the Heart of Texas Council of Governments also argued, was ruled ineligible because proximity alone was not sufficient cause for funding interior reconstruction. TxDOT ruled that the funds would not serve a “direct function” to users of the intermodal surface transportation system. Internal structural work necessary to the exterior restoration was allowable, however.

HOTCOG appealed this decision, arguing that the vehicle licensing and registration office qualified as a “transportation related service” and that a visitors center inside the building would serve tourists.⁶⁷ TxDOT, while acknowledging that these arguments were indeed persuasive, declined for a second time to provide funding for the interior restoration work. Executive Director Burnett described vehicle licensing and registration as a governmental function with no direct relation to intermodal transportation system users.⁶⁸

Undeterred by this setback, the county issued certificates of obligation to make up the difference. The bonds, combined with the insurance money, ISTEA funds, grants and fundraising proceeds, made the immense rebuilding task possible.

⁶⁶ Heart of Texas Council of Governments. *Project Nomination Form of the Statewide Transportation Enhancement Program provided for by the Intermodal Surface Transportation Efficiency Act of 1991*. Waco, TX. October 25, 1993.

⁶⁷ Willhite, Leon A. Heart of Texas Council of Governments, Letter to Wm. G. Burnett, Executive Director of the Texas Department of Transportation. March 22, 1994.

⁶⁸ Burnett, Wm. G. Executive Director of the Texas Department of Transportation, letter to Leon Willhite. April 14, 1994.

County leaders, recognizing a long-neglected need to regain a sense of community identity, saw an opportunity to peel away the modern trappings inside the courthouse as well as outside and return to the county's glory days, reviving the architect Dodson's nineteenth-century vision. The intention was essentially to create a fully functional museum exhibit to "give visitors the impression that they have actually traveled back in time to the 1890's."⁶⁹

That lofty goal came with an unforeseen difficulty, as little documentation of the 1890s courthouse existed. "What it did show us was that if you didn't know the condition of these buildings and didn't have them recorded well, when something tragic like this happened, the county was at a real loss," said Graves, Texas Historical Commission director of architecture.⁷⁰

ArchiTexas, the architectural firm in charge of the rebuilding, based its exterior reconstruction on two distant historical photos and a 1980s aerial photo that confirmed the pitch of the roof and captured the pressed metal shingles that were covered with a composite roof in the 1980s. Photos that indicated stained glass window patterns with two colors were black and white; though the design of the new windows is identical to the original, no research was able to confirm matching colors.⁷¹ If few records of the exterior existed, interior documentation was virtually nonexistent. At the time the courthouse was

⁶⁹ Willhite, Leon A. Heart of Texas Council of Governments, Letter to Wm. G. Burnett, Executive Director of the Texas Department of Transportation. March 22, 1994.

⁷⁰ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

⁷¹ Robbins, "Phoenix Rising: Destroyed Hill County Courthouse Emerges From the Ashes."

built, it was not customary to retain blueprints or record such details as seating and fixtures. The few photos available usually related to important court cases and featured the primary figures rather than the surroundings. Hill County's courthouse had been refurbished in 1970 for \$146,000, and few remembered its appearance prior to that time.⁷²



Figure 2.2 *Hill County Courthouse Restoration*. Texas Historical Commission. Hillsboro, Texas.

The Texas Historical Commission, which had contributed a Preservation Trust Fund grant of \$5,000 to the restoration, was forced to rely on a certain amount of conjecture when attempting to recreate an authentic version of the building. The THC

⁷² Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

relied upon Dodson's Hood County Courthouse in Granbury, which opened in 1891, for interior details.⁷³

Fortunately, remnants of the building's original interior — or remnants from its early decades — survived the fire and the collapse of the roof. The cast iron staircase was still intact as well as portions of the original wood throughout the building. For those items beyond recovery, builders relied on the closest substitutes they could find. The woodwork around the courtroom windows, for example, was replaced by native hardwood out of the Deep South. Geometric-patterned tile was recreated to match the portions that withstood the blaze.

Lt. Governor Bob Bullock imbued the building with even more Texas history, replacing the district and county court floors with pine flooring taken from the state Capitol — complete with nail holes from the carpeting that once covered the legislative chambers.⁷⁴ In the basement, plaster was stripped from the walls, revealing the same massive limestone blocks that constitute the exterior walls. Builders opted to leave those blocks exposed, creating a cavernous atmosphere and lending a distinctive charm to the building.

The courthouse bell, irreparably damaged by its fall through the building, was moved to the courthouse lawn as a permanent monument to the fire. Plaques on the supporting structure trace Hill County's courthouse history from its dedication to its

⁷³ Robbins, "Phoenix Rising: Destroyed Hill County Courthouse Emerges From the Ashes."

⁷⁴ McGregor, F.B. Bob. Oral History Interview. Interviewed by Julie Freeman on June 7, 2010, in Hillsboro, Texas.

restoration. Taco Bell donated the funds for the 998-pound replacement bell that was cast in The Netherlands and once again measures the community heartbeat.

The highlight of the refurbished building was the district courtroom, which had groaned under tons of falling debris the night of the fire. In addition to the flooring from the Texas Capitol, the ceiling was again lifted to its previous two-story height, evoking the imagery of grandeur from the classic *To Kill a Mockingbird*. The county tapped a local artisan to replicate tin tiles from the 1890s that had been covered when the ceiling was dropped in the 1960s. The tiles, created to match remnants discovered in the rubble, were once again shimmering on the hall of justice. Court spectators on a reconstructed balcony would once again be witness to the pursuit of justice in Hill County.

“It was ... a temple of justice around here for a long time, and you had that feeling that what it represented is bigger than the individual problems what we all have, that together we could really have something we could be proud of,” McGregor said. “You think about what life was like here in the late 1800s; they wanted something to stand for liberty and justice. It sounds kind of corny nowadays, but I do believe that our forefathers felt that was very important. And I think this generation, which is now getting on up in years, they can take pride in the sense that they caught vision of trying to keep that going.”

Of course, reviving the past did not mean ridding the courthouse of such modern conveniences as air conditioning and elevators. In fact, the renovations included central heat and air, state-of-the-art telephone and computer networks, a new elevator, and a fire sprinkler system. The building was also made handicapped-accessible according to Americans with Disabilities Act standards. These improvements, while desperately

needed for years, would not have been possible were it not for the near-destruction of the building and the influx of restoration funding into the county coffers.

“I hate to say the fire was a blessing in disguise, but we never could have come up with the money,” County Judge Walker told *The Dallas Morning News* in 1998, as construction was closing in on its final phases. “We could have got it rewired to look like the devil, with conduit running all over the walls, but we could never have come up with



Figure 2.3 Wendel, Wayne. *Restored Hill County Courthouse*, April 5, 2012. Texas Historical Commission, Hillsboro, Texas.

enough money to put in central heat and air. We could never have come up with enough money to do the interior.”⁷⁵

⁷⁵ Uhler, David. “Rising from the Ashes: Hill County preserves charm, updates fire-ravaged courthouse.” *Dallas Morning News*, February 15, 1998.

Six years after the electrical fire devastated the courthouse, the county polished off the last of its extensive construction and returned to the community a symbol of its heritage. On April 24, 1999, country singer and Abbott native Willie Nelson returned once more to the concert square. Instead of a burned-out hulk of a building as a backdrop, the majestic 1890s courthouse stood tall and complete as Nelson launched his “This is Glory” concert, another fundraising event and highlight of the courthouse rededication celebration. Then-Governor George W. Bush traveled to Hillsboro for the unveiling and spoke as the new bell tolled in the background.

“This is a big deal for Hill County. It’s a big deal,” Bush told the thousands crowded on the square. “This is a fabulous piece of architecture. What I want Texans to understand is how important courthouses are to the center of the community in many of our small towns and cities.”

The 1993 courthouse fire underscored that fact to many who had long taken their historic buildings for granted. While the tragedy eventually revitalized Hill County, it also triggered a sense of urgency among preservationists and politicians. The result would change the face of historic courthouses across the state.

“It’s just the beginning,” Bush told the jubilant crowd. “The spark that burned this courthouse was a spark that started another crusade.”⁷⁶

⁷⁶ Anderson, Brian. Resurrection: Hill County parties at new courthouse. *Waco Tribune-Herald*, April 25, 1999.

CHAPTER THREE

In Defense of the Historic Courthouse Square

Stumble into any county seat in Texas in the 1800s looking to conduct business, sell your wares or just chew the fat with the locals, and you would inevitably find yourself in one central location: the courthouse square. The hub of community activity of every sort, the courthouse square was the heart of each county and a small but important mark of consistency across a massive state in the infancy of its independence.

The tradition of building towns around a central square, however, did not originate with Texas' independence. During the time of Spanish colonial rule, towns were laid out with principal roads leading outward from a large plaza or constitutional square that was surrounded by porches for merchants' use. As immigration began to boom following the 1836 Constitution's establishment of a land program to encourage settlement, Anglo-American settlers brought with them both a diversity of architectural techniques and town planning schemes that offered individuality within a common community structure. The rectangular blocks and grids still allowed for a block or more devoted to public use, which included such activities as government business, social functions, and political rallies.¹

The courthouses themselves towered over the communities, each speaking to the identity of its respective county – if not its wealth or stature, then certainly its civic pride. To this day, courthouses are repositories of community memory, with generations of

¹ Robinson, Willard B. *Gone From Texas: Our Lost Architectural Heritage*. College Station: Texas A&M UP, 1981.

residents celebrating marriages, mourning deaths, purchasing land, hailing returning war heroes, and reveling in holiday spirit under their great shadows. The bustle surrounding the courthouse square naturally drew commercial interests, and soon businesses flanked the courthouses and thrived on the heavy traffic surrounding the site.

The 1890s, coined the “golden age” of Texas courthouses, saw a surge in construction after the Texas Legislature in 1881 authorized counties to issue bonds for the building of courthouses. Architectural styles and embellishments varied from location to location, depending on each county’s bankroll and popular styles prominent at the time of construction. While counties wished to distinguish themselves among their neighbors by building unique structures, a handful of designs appeared with some frequency: Victorian, Second Empire, Beaux Arts, Classical Revival, Renaissance, and Romanesque. Similarly grand in their design, the stately buildings dotting the vast landscape of Texas have been reverently christened “cathedrals of the prairie.”

“One sees as one travels Texas that the counties that have economic power and economic potential, it shows up in a courthouse,” Dr. Donald H. Dyal, a former dean at Texas Tech who extensively researched Texas courthouses, said in 2004. “This was the city fathers and the county fathers coming together, saying, ‘This is our town and we’re proud of it.’” Dyal pointed to majestic courthouses such as the one in Victoria, Texas, as symbols significant to Texas’ heritage.²

“There’s almost a reverence one sees, that whoever built this courthouse was very concerned that it projected almost a spiritual essence of what was democracy in Texas,”

² *The Golden Age of Texas Courthouses*, VHS. Houston, TX: Texas Foundation for the Arts, 2004.

he said. “That’s what a courthouse is. It’s democracy in Texas. It’s democracy in action.”³

Safeguarding this physical representation of democracy has not proven easy, however, and the challenges have multiplied with the passage of almost two centuries since the establishment of the earliest Texas courthouses. The devastating Hill County fire in 1993 was a resounding alarm for preservationists across the state, spotlighting the danger posed to Texas’ architectural heritage as the relentless effects of time and wear increasingly plagued the county landmarks. The state had not been blind to the growing problem prior to the Hill County blaze. Fire had long been a culprit in the destruction of the landmarks, whether instigated by nature, accident, neglect or arsonists bent on destroying land deeds or criminal records.

Among those that succumbed to fire in the 1800s were Ellis, Hamilton, Llano, Wise, Harrison, Bellville, and Tarrant counties.⁴ The current Dallas County Courthouse, built in 1892 and dubbed “Old Red” for its red sandstone walls, is actually the county’s sixth courthouse and now operates primarily as a museum. The first five Dallas County courthouses all burned.

Retired Houston Fire Department District Chief Earl McWilliams faults the construction of the day for turning the older courthouses into tinderboxes. “In those days they didn’t have the modern facilities for electric wiring and things like that and rodents

³ *The Golden Age of Texas Courthouses*, VHS. Houston, TX: Texas Foundation for the Arts, 2004.

⁴ Robinson, Willard B. *The People's Architecture: Texas Courthouses, Jails, and Municipal Buildings*. Austin: Texas State Historical Association : Center for Studies in Texas History, University of Texas, 1983.

would get into the buildings and chew on the wires and stuff,” McWilliams said. “And then a lot of these, this type of construction, they had a lot of open vents that went from the ground floor all the way up. That just creates a draft and it just sucks the fire through the building. Once it starts, it’s almost impossible to control it.” ⁵

The entirety of more than one county’s records had been reduced to ashes over the years, spurring the inclusion of fire-proof vaults when the buildings were eventually reconstructed. Iron used in courthouse construction was resistant to fire but not oblivious to it, and the flame-weakened structures often gave way. To circumvent that problem in big cities, architects in the 1880s began encasing iron structures with plaster, terra cotta or bricks as a protective shield.⁶ These construction adaptations over the course of generations stemmed some of the worries about courthouse infernos, but a new and equally destructive threat emerged in the middle of the twentieth century: politics.

With World War II at its back, the United States embraced a sweeping period of modernization starting in the 1950s. Majestic Victorian courthouses that were once symbols of pride were branded “old-fashioned” and subsequently razed to make room for sleek, modern temples of justice — many resembling high-rise office buildings. From the 1950s to the early 1970s, Texas lost about two dozen of its historic courthouses to political will and changing architectural tastes. The casualties included Travis, Galveston, and El Paso counties.

⁵ *The Golden Age of Texas Courthouses*, VHS. Houston, TX: Texas Foundation for the Arts, 2004.

⁶ Robinson, Willard B. *Gone From Texas: Our Lost Architectural Heritage*. College Station: Texas A&M UP, 1981.

Opposition to the demolition eventually grew to a pitch that captured the attention of the Texas Legislature, which in 1973 gave the Texas Historical Commission the muscle it needed to prevent — or at least delay — the cascade of demolition across the state. The law granted the commission the authority to implement a six-month review of all changes or demolition proposals to historic state courthouses. While THC architectural director Stan Graves says the law lacked teeth, it was successful in allowing the commission to work with the counties to preserve the integrity and historical significance of the buildings. Graves numbers only two or three courthouses that have been lost since the law was implemented, one of which was destroyed by an arsonist.

“I think the real benefit of that review was the fact that we could, you know, slow things down, step back and try to encourage support ... see who locally would be supportive of our efforts to preserve courthouses. And it worked very well,” Graves said. “What it didn’t do, though, was put the buildings really back in good shape. It kept them from being demolished, but they still suffered a whole lot of neglect and problems that came about later.”⁷

The 1970s stopgap measure, while certainly no permanent solution, was a pause button in a society ever pushing for progress, an ideal often manifested by discounting and discarding the aged and prizing all things modern. The law allowed the state historical commission to slow and in many cases halt the destruction of courthouses while attempting to educate the public on the severity of the threat to these historic buildings. Yet on the whole, the 20 years between the passage of the law and the Hill

⁷ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

County inferno was marked not by advancement in the preservationists' mission, but by the ability to stem the tide of destruction.

It was not until the Hill County Courthouse fell to the flames that the sluggish mission to preserve Texas courthouses gained some traction. The fact that Hill County had few records from which to salvage its historic building added a sense of urgency to the plight. In an immense state boasting 254 county courthouses, the earliest in existence today dating to the 1850s, how many others had no architectural records from which to rebuild in the event of such a catastrophe?

That question spurred state historical commission officials to seek out their own Texas Department of Transportation enhancement grant of nearly \$314,000 in order to document fifty of the state's oldest courthouses that had few or no architectural drawings or other original documentation. The commission asserted the value of such a project, stating that it would ensure "that an important type of public building in Texas will be preserved for future generations and continue to be visible reminders of local democracy, prosperity, and success."⁸ The commission argued that the project was eligible for ISTEA funding because of the integral nature of county courthouses to the statewide transportation system, as commerce stemming from courthouse squares necessitated the earliest county road improvements. The THC was also quick to point out that almost all roads connected to statewide transportation pass in front of county courthouses, from which state traffic laws are enforced and administered.

⁸ Texas Historical Commission. *Project Nomination Form of the Statewide Transportation Enhancement Program provided for by the Intermodal Surface Transportation Efficiency Act of 1991*. Austin, TX. August 6, 1993

The THC listed in its project nomination form sixty-five county courthouses, fifty primary courthouses and fifteen alternates, that were “disasters waiting to happen” and cited Hill County as a harbinger of tragedies to come should such a documentation project not occur. The proposed project would result in floor plans, photographs, and both interior and exterior architectural schematics for the deteriorating buildings — all items that would have guaranteed the historical accuracy of the Hill County Courthouse reconstruction had they existed when the building was destroyed.

TXDOT agreed with the need for such an undertaking and allocated almost \$406,000 for the project, which was to be completed between 1995 and 1997. The extensive documentation task, now fully funded, was assigned to a group formed specifically for such a purpose: the Texas Courthouse Alliance.

The alliance’s core group, some trained in architecture and some with backgrounds in history and technical report writing, undertook the momentous task of examining and documenting the state of the oldest courthouses in Texas. Of the fifty primary courthouses identified in the original project proposal, the alliance deemed that thirty-one were in need of extensive documentation. The team embarked on a statewide expedition to scrutinize every aspect of the buildings, consulting with county judges and maintenance personnel, wedging into crawl spaces, climbing into bell towers, skirting dead rats and pigeons, charting measurements, taking photos, making drawings. The alliance then crafted comprehensive structural reports, provided to the counties without obligation, that detailed the buildings’ history, their pressing problems and methods of correcting those problems. The results outlined in the reports were disturbing but not altogether unexpected.

“What we found as a staff going out and looking at these buildings is that ... many, many of them were in deplorable condition. There were lots of fire traps; there were lots of Hill Counties waiting to happen,” Graves said. Having seen many of the courthouses previously, Graves was not surprised at what the alliance found: dropped ceilings, wires atop wires with no evidence of whether electricity was flowing through them, shorted-out Christmas lights, flooded toilets, balconies walled in for storage space and large portions of the buildings inaccessible to the disabled.

Dan K. Utley, a historian and member of the Texas Courthouse Alliance who was heavily involved in writing the resulting technical reports, accompanied the survey team to many of the sites and noted a general sense of neglect that clung to the buildings, along with an erosion of historic grandeur. “They were seen as just a place where you conducted business; they weren’t seen as symbols of pride or anything,” Utley said. “A lot of courthouses had been chopped up into little rooms with plywood walls and they were like rabbit warrens. ... Little hallways going here and there and everything, where there used to be grand, open spaces.”⁹

Utley blames much of the deterioration of the buildings to a short-term perspective and good intentions gone awry. Oftentimes stewards of the historic buildings would ensure the structure was kept clean but would neglect to address needed structural changes such as air conditioning and electrical system upgrades. Problems were patched with a focus on economy and efficiency, but without an eye to the long-term sustainability of the building.

⁹ Utley, Dan K. Oral History Interview. Interviewed by Julie Freeman on March 10, 2010, in Austin, Texas.

The final courthouse alliance report revealed that more than 90 percent of the thirty-one courthouses extensively documented did not meet the requirements of the Americans with Disabilities Act. The second most common interior deterioration noted related to fire protection systems, with nearly 90 percent labeled substandard. Unsympathetic alterations were close behind, with roughly 85 percent of the buildings exhibiting such modifications. Other common interior problems, ranked in order of severity, were moisture infiltration/deterioration, substandard mechanical systems, substandard plumbing systems, substandard electrical systems and inadequate record storage.

Exterior problems were also severe, though not so uniformly exhibited among the courthouses. The alliance found the most prevalent exterior problems to be deterioration of windows, doors, gutters and downspouts, with roughly 75 percent of courthouses exhibiting such problems. Natural deposits, metal corrosion, staining, roof deterioration and metalwork deterioration were common to more than half of the courthouses.

The National Trust for Historic Preservation took note of the severity of the buildings' deterioration, adding Texas' 225 historic courthouses to its annual "America's 11 Most Endangered Historic Places" in June 1998. The term "historic" refers to courthouses more than 50 years old; those added to the 1998 endangered list were constructed before 1948.¹⁰ The National Trust deemed the collective group of buildings to be "threatened by neglect, deterioration, lack of maintenance, insufficient funds,

¹⁰ Hassell, Greg. "Saving Texas courthouses; County cathedrals; Officials envision fixed-up buildings drawing tourists." *Houston Chronicle*" April 27, 2010.

inappropriate development or insensitive public policy.”¹¹ Graves noted that this was the first time such a large class of buildings had made the list, and the resulting publicity helped fuel the commission’s cause.

The same month that Texas’ courthouses earned national notoriety, Governor George W. Bush announced the creation of the Texas Courthouse Preservation Initiative. As the first step in the initiative, he created a courthouse preservation working group to assist the THC in developing a matching grant program in which the state and counties would collaborate to preserve and restore the buildings.¹² In the midst of his 1998 re-election campaign, Bush had made the restoration of Texas courthouses a common refrain in his stump speeches and used the majestic buildings as backdrops during his political stops across the state, calling them "the symbolic center of community in Texas."¹³ "I've been traveling through the state a lot, and I've become very familiar with and very fond of these courthouses. They need to be preserved," Bush told the *Houston Chronicle* in September 1998.

The working group the governor established was a conglomeration of people from across the state with varying interests in the program: county officials, state officials, tourism officials, preservationists, architects, citizens and the like. The diversity of team

¹¹ *Texas Courthouse Preservation Initiative: Issues and Opportunities — A report to the Honorable George W. Bush, Governor of Texas from the Texas Courthouse Preservation Working Group and the Texas Historical Commission*, November 1998.

¹² Texas Historical Commission. 1998. Governor Bush and Texas Historical Commission Announce Courthouse Preservation Working Group. June 15.

¹³ Hassell, "Saving Texas courthouses; County cathedrals; Officials envision fixed-up buildings drawing tourists."

members brought a myriad of perspectives to the table as the group worked to cobble together the largest preservation program of its kind ever to exist.

Such an undertaking was no easy task. Any attempt at laying out a comprehensive preservation program had to be prefaced by a central question: What does the word restoration mean? In general terms, the concept refers to taking a building back to some period in its past. If restoration were defined as returning a courthouse to its original appearance, the stumbling blocks are obvious. Many of the buildings were constructed prior to central heat and air, prior to elevators, prior to indoor plumbing and prior to electricity. A full historic restoration to original existing conditions would not be feasible or desirable. Even in restoring historical integrity and aesthetics to the buildings, certain aspects of modernity would have to be safeguarded. Such a compromise could be accomplished, Graves said, without sacrificing the intent of a historic preservation program. To do so, the commission focused on defining a significant era in the building's history and targeting its restoration efforts on that time period.

“Generally, we try to take these buildings back to their original appearance. If there's been ... clock towers torn off or roofs blown off in some cases and missing elements, original decorative paintwork has been painted over, we try to go back to those original appearances in most cases. But we also try to be flexible and reasonable ... and look at, ‘When did that building achieve its greatest architectural or historical significance?’” Graves said. “Were there things that happened after, say, when electricity came and all the original light fixtures survived?’ We might look at that early period of electrification on an earlier building. So we're not incredibly rigid, but we do try to be

pretty consistent in bringing these back to their period of greatest architectural integrity.”¹⁴

Once the definition of restoration had been settled, the working group crafted a report for the governor filled with recommendations and proposed legislation for his courthouse preservation initiative. The report advised creating an evaluation system based upon the scope of restoration and preservation work for which counties sought funding. High priority was reserved for master plans, critical needs regarding structural, mechanical, electrical, plumbing, weatherization, emergency public safety issues, and code and environmental issues. Of moderate priority were the replication of missing architectural features, removal of inappropriate additions and modifications, and historical but functional restoration of courtrooms and other significant public spaces. Low priority included landscaping and security needs that could be funded through other sources.¹⁵

Grants would be considered based upon a complete master plan, which was to be funded by the county itself unless the grant request was solely for funding to create such a plan; ownership of the courthouse; the degree of endangerment; uniqueness and integrity of the architecture; historical significance; historical designations; and age of the courthouse, with a minimum requirement of 50 years. Issuance of grants would require a partial matching grant from the counties; the amount of the local grant overmatch, if

¹⁴ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

¹⁵ *Texas Courthouse Preservation Initiative: Issues and Opportunities — A report to the Honorable George W. Bush, Governor of Texas from the Texas Courthouse Preservation Working Group and the Texas Historical Commission*, November 1998.

applicable, was also a determinant in the awarding of the grants. The report to the governor emphasized the importance of ensuring continued courthouse preservation after the program's completion, recommending long-term funding from the state and legislation to implement such a program.

Armed with the disturbing data from the statewide survey and the dubious distinction granted by the National Trust, both of which strengthened THC's case for immediate intervention, Texas Historical Commissioners presented the report to the governor in hopes of cashing in on his considerable political clout. Looking at the number of historic courthouses in the state at that time, along with their perceived level of need, the commission estimated the entire program would cost the state alone around \$750 million. The additional cost of restoring the 190-200 courthouses deemed eligible was to be shouldered by the counties themselves.

Upon receiving the working group's recommendations for a sweeping and considerably expensive restoration program, the governor in 1999 petitioned the 76th Legislature for \$200 million, a little more than a quarter of what the THC had estimated would be needed. Legislators, in turn, signed off on one-quarter of Bush's request, allotting \$50 million for the creation of the Texas Historic Courthouse Preservation Program. While the allocation was a pittance of the estimated overall cost, the historical commission was grateful to have some financial platform from which to start building the program.

The popularity of the program, even in its earliest days, far exceeded the available funding. The historical commission had expected this from the outset and built into its grant program competitive measures. Counties were required to submit master plans

before engaging in the application process. The complexity and thoroughness of a master plan came at considerable cost to the counties, which had no guarantee that the investment would pay off in the form of a restoration grant. Master plans, which could cost in the neighborhood of \$10,000, were an indication of the counties' financial commitment to preserving their historic buildings. Those awarded the grants would be required to invest significantly more local funds, matching fifteen percent of the total provided by the state.

Each county's application was scored on a point system based upon the working group's recommendations to the governor. The intention behind such a system was to eliminate politics and allow grants to be distributed on as objective a basis as possible. Even so, Utley said, the application process drew criticism from those seeking to benefit from it.

"We were constantly struggling," Utley said. "While we were trying to do the right thing, we were constantly struggling with the people on the side who were trying to sneak their way in and get the money. ... Anytime you have big money, people want to bend the rules as much as they can."

The commission was buffeted on one side by arguments for broadening the rules and on the other side arguments for tightening them. Counties made their cases based on which scenario would best benefit their own applications. As a result, the historical commission had to continually tweak the program during its early days.

"I'm an idealist by nature, and so I think, well, if you put a set of rules down, everybody's just going to follow the rules. That's not the way it happens. What happened early on was you'd have a set of rules and somebody would interpret it differently. Then

you'd have to fix that rule," Utley said. "So early on, we started out with this set of what we thought were black-and-white rules, and then we had to kind of move those around and massage them a bit and make them stronger. And there were some people who I came to believe had the sole purpose in life to attack those rules."

While the system was set up to be nonpolitical and equitable, the commission still faced the occasional grumbling from counties left out in the cold when the money was distributed. Such was the case when the THC rolled out the first round of recipients at the group's annual preservation conference in May 2000. Grants spanning from \$250,000 to more than \$3 million were awarded to Atascosa, Bexar, Donley, Ellis, Erath, Gray, Grimes, Hopkins, Lampasas, Lee, Llano, Maverick, Milam, Presidio, Rains, Red River, Shackelford, Sutton and Wharton counties. In all, the commission doled out \$42.4 million of the \$50 million budgeted by the Legislature. The nineteen winners had not been announced prior to the conference but were unveiled alphabetically in a PowerPoint presentation in an effort to avoid the appearance of bias.

An irate Dimmitt County commissioner, angry that his county had been passed over, confronted Utley immediately following the announcement. "He proceeds to cuss me out, chew me out, and let me have it because they didn't get their money, and he was convinced it was political," Utley said. "He said, 'You people knew from the beginning which counties were going to get money and which weren't going to get money, and it's all political. You had this all figured out, and everything we went through was just a farce.'"

But the numbers were clear, and by impartial and quantitative standards, Dimmitt County did not rank high enough to earn a share of the funding. Of the fifty-eight counties competing for round one grant money, only eight scored lower than Dimmitt.

That the program used quantitative measures in its funding decisions was a deliberate defense against potential accusations of bias. On the whole, Graves said, it has been successful in that regard. Dimmitt County's reaction was an anomaly.

"It's been a very fair and open system where we established the criteria ahead of time. All the counties know what the criteria are that we're going to be judging the applications on, and they can make their very best case and put the application in," Graves said. "And then we start at the top and fund as many as we can, and then also look and see if there's any endangerment or other special issues we need to address in the lower-scoring projects. ... That's how it's been done every round and I'm very proud of that fact that it's been administered in such an above-board and straightforward way that we haven't gotten any criticism of playing favorites or ignoring certain areas or responding to political pressure. We have tried to do that in a very fair and open manner."¹⁶

Disappointment from counties that did not receive grants was inevitable, as the financial limitations of the program greatly curtailed the execution of the THC's expansive vision for courthouse restoration. Those who were turned down for funding, however, did not have to abandon their plans for restoring and preserving their

¹⁶ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

courthouses. The Texas Legislature continued to allocate varying amounts of money to the program in its succeeding sessions, providing for additional rounds of grants.

Those counties that had submitted unsuccessful applications were automatically rolled forward into the next grant cycle. They could not bank on funding the second time around, though, even if they had scored at the high end of the spectrum in the first round. Their applications were thrown back in the hopper, along with any other county that wished to apply for the first time.

The competition was stiff, and counties started taking note of scorekeeping procedures and began to take steps to boost their ranking. One of the simplest ways to do so was to increase the number of historical designations for the counties, seeking to secure Recorded Texas Historic Landmarks, State Archeological Landmarks and inclusion on the National Register of Historic Places. Utley noted an “exponential increase” in historic designations associated with the buildings in succeeding years.

Such attempts by counties to improve their ranking underscored the growing popularity of the program. Counties were vying for a relatively small pool of money against more and more competitors. After 58 applications in the first round and 74 applications in the second round, the program peaked in the third funding cycle with eighty-three applicants. After this point, applications began to drop as the THC checked courthouse after historic courthouse off its to-do list. The fourth round drew seventy-four applications, followed by fifty-six, forty-four and forty in the fifth through seventh rounds, respectively. Each funding cycle saw a mix of rolled-over applications from the previous round, revised project proposals, and new applications.

While interest in the program continued to swell over the years, state funding began to dwindle. The Legislature apportioned the courthouse preservation program another \$50 million in 2001 and \$45 million in 2003. The \$80 million approved for 2005 never reached the program's coffers, as legislators had planned to route federal enhancement grant funds through the Texas Department of Transportation and into the hands of the THC. The Federal Highway Administration blocked those funds, and the courthouse program suffered through two years without funding. During that time, the THC focused solely on existing projects rather than expanding its reach. In 2007, the THC received \$62 million in bond funding and was able to begin issuing grants again. The 2009 and 2011 allocations were the program's smallest to that point — \$20 million each — but they dwarfed the state's allocation to the program in 2013. The 83rd Legislature gave the commission a pittance compared to even the smallest allocations over the life of the program: \$4.2 million.

Regardless of the level of state funding, the THC has been committed to using each of the allocations to its maximum benefit. The second round of grants disbursed \$7 million to 28 counties, polishing off the remainder of the \$50 million grant that established the program. In this cycle, the THC opted to offer smaller grants to a larger number of courthouses in order to get more counties involved in preservation efforts. With the exception of Newton County, whose courthouse was gutted by fire and needed immediate funding for stabilization and rebuilding, the allocations were reserved for the development of architectural plans.¹⁷

¹⁷ "Texas Historical Commission Awards Round II Grants." *Courthouse Cornerstones*, Winter 2001.

In 2002, the THC began doling out the second \$50 million state appropriation, approved by the 77th Legislature the previous year, in round three of the grant disbursements. Nearly \$40 million was given to fourteen counties for major construction, and \$8 million in emergency grants went to eight counties. The THC also awarded three planning grants totaling \$750,000.

The 78th Legislature's \$45 million allocation in 2003 was carved up among 28 projects: fifteen construction efforts totaling \$38.6 million; ten planning projects equaling \$3 million; and three emergency awards totaling \$900,000. Of the forty-eight applications requesting \$204 million from the 80th Legislature's \$62 million pot, fourteen counties received construction grants and three received emergency funds. When the next two legislative sessions resulted in \$20 million each, the Texas Historical Commission had even more hard choices to make for rounds six and seven of the program. Counties grappled for priority in funding, and requests came in for \$173 million and \$158 million, respectively. The THC ultimately issued grants to twenty projects in 2010 and thirteen in 2012. The commission has only \$4.2 million available to spend in the 2014 fiscal year and has consequently earmarked the funds for small grants for emergency projects only.¹⁸ Teetering on the edge of zero funding in 2015, program directors were relieved when the 84th Legislature ultimately granted \$19.84 million to the program.

While a majority of the grants over the life of the program have been designated for full restorations, the program is more wide-ranging than that, incorporating even more modest projects into the scope of its mission. "It's a myth, I guess, that our program

¹⁸ Texas Historical Commission, "Past Grant Recipients." Accessed February 23, 105. <http://www.thc.state.tx.us/preserve/projects-and-programs/texas-historic-courthouse-preservation/past-grant-recipients>

makes every county restore their building back to some period in time,” Graves said. “I mean that’s what we prefer and that’s what ... the scoring system, in at least one category, looks to do.”¹⁹

While many county officials may dream of restoring the full glory of their courthouses’ early days, the reality is that each county faces its own challenges and limitations that in many cases alter their loftier ambitions. In some cases, for example, counties have settled for exterior work only, such as installing a new roof.

“Some counties simply can’t vacate their building or they only have a limited amount of money to match or they’re in a very endangered condition where maybe it’s just the wiring that needs to be done to put the building back to a safe condition. So we do have phases of work and limited scopes of work a lot of times,” Graves said. “But the majority of our grants have been for full projects ... top to bottom, inside and out.”²⁰

Whether limited or extensive, modest or extravagant, restorations funded through the Texas Historic Courthouse Preservation Program have shored up the historical integrity of the state’s county landmarks. Through great labor on the part of visionary historians, politicians and laymen, the preservation program has birthed a renewed sense of pride in a state with a rich history often shrouded by the trappings of progress. The process has by no means been an easy one. But, as in all great enterprises, some of the greatest challenges result in the greatest rewards — something to which numerous Texas counties can attest.

¹⁹ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

²⁰ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

CHAPTER FOUR

A Tale of Two Courthouses

You could call them the Hatfields and McCoys of small-town Texas. For more than 100 years, the citizens of Wharton have been engaged in well-documented political feuds over their county courthouse — in whichever incarnation of the building existed at the time. Instead of a unifying symbol of the community, the building has been a polarizing force that over the years resulted in vandalism and political retaliation and once even required the Texas Rangers to enter the brawl and restore order. Yet despite the cloud of hostility that had long been looming over the Wharton County Courthouse, a handful of dedicated preservationists undertook a massive campaign in the 1990s to restore the historic structure that had been buried beneath a sulphur shell in the 1930s. True to its history, the city splintered over the prospect and declared a new chapter in an old political war: preservation versus progress. The Texas Historical Commission could not have imagined that when the smoke cleared, a unified Wharton would emerge as a poster child for the Texas Historic Courthouse Preservation Program — a poster child that was very nearly aborted.

Located 55 miles southwest of Houston, the city of Wharton has had a rough-and-tumble history. The 1880s lived up to the Old West stereotype, with roaring saloons and men going about their business with guns strapped to their sides. Wharton regularly settled its disputes with bullets, and local lore claims a dead man could be found on the

courthouse lawn almost every Saturday night.¹ Monterey Square, where all four of Wharton's courthouses have stood, was intended to be neutral political ground but instead found itself a battleground in those days. In 1888, County Judge W.J. Croom became dissatisfied with the age and size of the two-story brick building that had been standing since 1851, when it replaced the three-year-old original clapboard courthouse. The county began selling bonds to fund a new courthouse, a decision that did not set well with taxpayers who were unwilling to foot the bill. When they filed an injunction to block construction, Croom — in true cowboy fashion — climbed to the courthouse roof with an axe to settle the dispute once and for all. Once he had hacked a hole big enough to stick his head through, Croom declared the building a hazard, ordering its destruction by bellowing, "Take her down!" At that point the Texas Rangers entered town and declared martial law. Ultimately the politicians and the residents struck a bargain that both sides could live with: the county could build its new courthouse, but not by increasing the community's tax burden.² The existing courthouse was sold for \$130 and the new owner given 30 days to remove it from the site.³

¹ Bucek Jr., David. "The Life and Times of the Wharton County Courthouse: Rangers to the Rescue." *Wharton Journal-Spectator*, November 10, 1999.

² Patterson, Emily. "Controversy: It's our heritage, too. Nothing new about fussin' and feudin' over county's courthouse." *Wharton Journal-Spectator*, August 25, 1999.

³ Wharton County Courthouse Master Plan, 2000. Herndon, Stauch & Associates. January. Excerpted from Williams, Annie Lee. *A History of Wharton County, 1846-1961*.

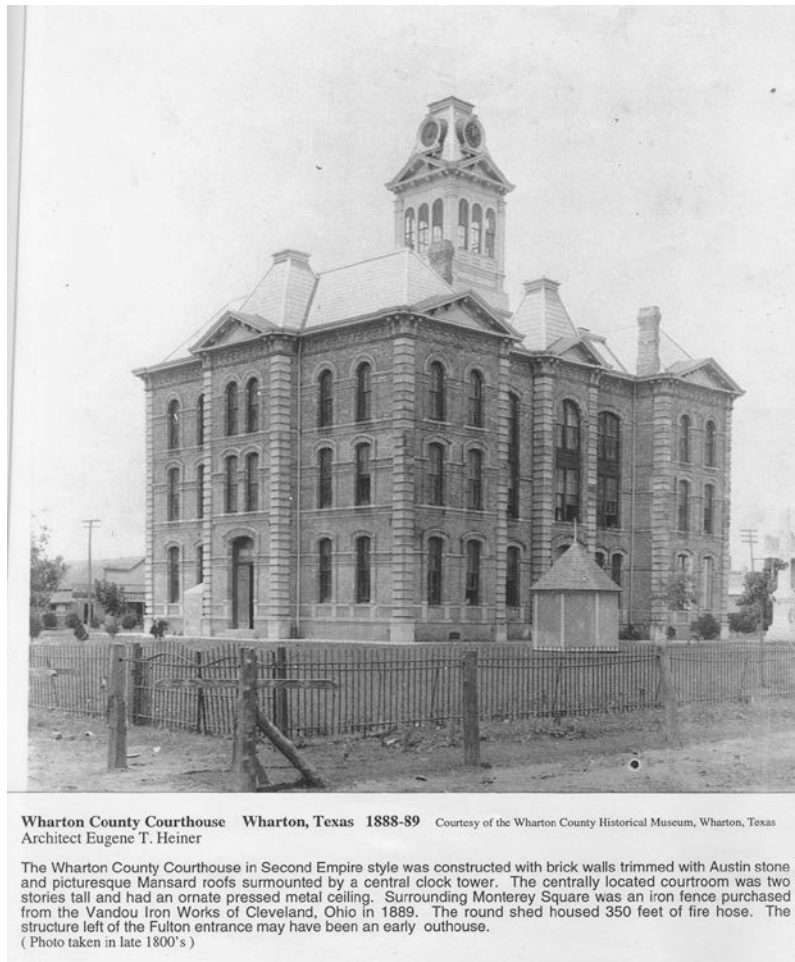


Figure 4.1 *Eugene T. Heiner's Wharton County Courthouse*. Late 1800s.
 Wharton County Historical Museum, Wharton, Texas.

Wharton commissioned Houston architect Eugene T. Heiner to design the new county courthouse. Heiner's influence as an architect was on the upswing at the time he undertook the project, having been tapped by Texas Governor Lawrence Ross to investigate building practices involving the State Capitol dome. Between 1881 and 1899, he designed 18 county courthouses. Of those, Wharton is one of only seven still standing.⁴ Heiner's work encompassed far more than just courthouses; he was responsible for designing more public buildings in the late 1800s than any other architect

⁴ *Restoring the 1889 Wharton County Courthouse Back to the Original Victorian Design*, August 2000.

in the state.⁵ Like other Texas courthouse architects, Heiner's designs reflected the fashion of the day, which included common structural necessities such as fire resistance and natural ventilation.⁶ The Wharton County Courthouse of 1889, Second Empire style with a French influence, was a two-story red-brick edifice trimmed with Austin limestone and boasting mansard roofs, a clock tower and a district courtroom with a ceiling two stories high.⁷

The *Wharton Independent* newspaper lauded in its March 31, 1888, edition the new "temple of justice" that was in the works, hailing it as a symbol of a high-minded and progressive community.

It has been truly said that the glory of a people is inspired by the genius of their institutions, by the monuments they build and the edifices they erect. ... How meet it is, then, in this era of progress, that we people of Wharton should set up in our gateway a structure that shall proclaim to the world our advanced ideas, our high conception of patriotism, and our love for the beautiful in art. It is the lofty gift of Progress blindly battling against Retrogression. It is the munificent production of a free people living for a nobler future. It is the beneficent outgrowth of intellect, and worship of genius that confers the priceless blessings we enjoy.⁸

At the end of 15 months, the county completed its new \$42,000 courthouse.⁹ A beautiful new Victorian building could not ultimately stanch community bickering

⁵ Scardino, Barrie. "Saving the Courthouse: In Wharton, a drive to preserve one historic courthouse has revealed another." *Cite: The Architecture and Design Review of Houston*, Summer 2000.

⁶ *Restoring the 1889 Wharton County Courthouse Back to the Original Victorian Design*, August 2000.

⁷ Scardino, "Saving the Courthouse: In Wharton, a drive to preserve one historic courthouse has revealed another."

⁸ Bucek Jr., David. "The Life and Times of the Wharton County Courthouse: The Second Empire strikes back." *Wharton Journal-Spectator*, November 6, 1999.

⁹ Wharton County Courthouse Master Plan, 2000. Herndon, Stauch & Associates. January

surrounding Wharton's courthouse, though. It was always a center for conflict, however paltry the dispute. A new agricultural extension agent in the 1922 decided pecan trees, which he believed to be the region's new "cash crop," would be a welcome addition to the sycamores gracing the courthouse square. He planted pecan trees between each of the sycamores, leaving no room for either to grow properly.¹⁰ Pro-sycamore and pro-pecan factions argued among themselves, but the sycamores received a death sentence in 1924. As the trees started to fall, however, an angry Garden Club secured a compromise that would save some of the sycamores from the axe. Though the pro-sycamore residents were mollified, the pro-pecan faction was not. A group of men, once the county judge was safely out of town, stole onto the courthouse lawn at night and chopped down all the sycamore trees, birthing yet another folk legend about the quarrelsome county.

An anonymous poet aptly summed up the varied but recurring rumpuses over the courthouse in the *Spectator*.

When your pulse thumps hard
And your head feels queer
And your thoughts rise up
Like the froth on beer;
When your heart gets weak,
And you know darn well
The whole world's wrong —
You've been looking over the courthouse yard.¹¹

¹⁰ Patterson, "Controversy: It's our heritage, too. Nothing new about fussin' and feudin' over county's courthouse.

¹¹ Bucek Jr., David. "The Life and Times of the Wharton County Courthouse: The War of Sycamore and Pecan Trees." *Wharton Journal-Spectator*, November 10, 1999.

The 1930s brought about a drastic change in the appearance of the courthouse, marking the beginning of a gradual obliteration of the building's Victorian charm that would be completed late in the following decade. In 1935, the county sought to relieve its growing pains in the increasingly cramped courthouse. The county's largest taxpayer, The Texas Gulf and Sulphur Company, opposed the idea of building a new courthouse and leaned on the county to modernize and expand the existing building.¹² Wharton did just that, adding one-story wings onto the north and south sides of the building. The county stripped the mansard roof along with the clock tower, installing a modern, flat roof, and lathered the exterior in stucco, transforming the Wharton County Courthouse into an Art Deco monument.¹³

Not surprisingly, residents were not overwhelmingly pleased with the modernized building. The *Wharton Spectator* recorded nostalgic reminiscences of children climbing the outside of the courthouse to change the time on the clock, "old always-wrong," and from its height spotting the grain elevator in El Campo, fifteen miles away. The March 8, 1935, edition of the *Spectator* noted that Wharton would never again be the same.

It's not the same Wharton anymore. The old courthouse clock, the one which told a different story on each side of the building and none of which was right, is gone. Business men who have been accustomed to going by 'courthouse time' have been forced to buy dollar watches; and many a housewife in the city who relied on the old timepiece has had to purchase an alarm clock. Not that anyone ever believed that the court house clock was ever right. It was the sort of clock that

¹² Blair, Jeffrey and Bucek, David. Oral History Interview. Interviewed by Julie Freeman on July 5, 2010, in Wharton, Texas.

¹³ Scardino, "Saving the Courthouse: In Wharton, a drive to preserve one historic courthouse has revealed another."

gave a different time on every side; but right or wrong, it was something the people of Wharton grew accustomed to having; and now that it is gone forever, consternation reigns.¹⁴

The immediate sense of grief underlines the importance of these structures to the community psyche. On paper, modernization equates with sensibility. When more square footage is needed to create more office space, dropping awe-inspiring two-story ceilings to create another floor makes sense, and numerous courthouses damaged their historical integrity by such alterations. Others, like Wharton, tacked aesthetically jarring wings onto their majestic Victorian structures. Stripping the structures of beautiful features such as clock towers were other concessions to the modern age, speaking not so much to sensibility as to a progressive mindset that viewed the charm and elegance of historic county courthouses as outdated and old-fashioned. Yet the disdain for old-fashioned styles and the once-pressing demands of practicality lose their significance once the historic structures are significantly altered, and communities grieve the buildings they once dismissed out of hand.

By 1949, the county once again deemed the courthouse too cramped for the needs of the people. The east and west sides of the building received the same treatment as the adjacent sides had received in the 1930s. One-story wings coated in yellow stucco were added, creating a ring around the original building that residents would for years derisively call “the doughnut” or “the sulphur block.” Famed playwright Horton Foote, who hailed from Wharton, fictionalized the city as a setting for many of his plays and noted the controversy surrounding the courthouse alterations in his autobiography. Foote

¹⁴ Bucek Jr., David. “The Life and Times of the Wharton County Courthouse: It’s not the same Wharton anymore now that the clock tower is gone.” *Wharton Journal-Spectator*, November 24, 1999.

claimed the “old-timers” of the town blamed The Texas Gulf Sulphur Company, which had discovered sulphur in the county during this time period, for “the pride of the town” being stripped of its steeple and its bricks being covered in yellow cement, likening its appearance to a sulphur block. Along with the new wings, the county



Wharton County Courthouse

In 1949, efforts to further increase the size of the building resulted in additional one-story wings on the east and west sides and an elevator tower was added. According to the blueprints, original limestone quoins and trim were to be salvaged for reuse in the new tower. As a result of the changes made in 1935 and 1949, the courthouse some times referred to as denatured, has become more representative of Art Deco or Modern Style.

Courtesy of the Wharton County Historical Museum

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Figure 4.2 *Wharton County Courthouse “Sulphur Block.”* 1981. Wharton County Historical Association. Wharton, Texas.

removed the original interior staircase and did away with the grand, two-story district courtroom ceiling in order to create another floor level. By the time this round of renovations was completed, no traces of Heiner’s 1889 courthouse remained outwardly

visible. It had been entombed, said Stan Graves of the Texas Historical Commission, within the new wings.

But just six short years after the second set of wings was established, Wharton received the bad news. A 1955 engineering report by Walter P. Moore revealed severe defects in the Art Deco renovations completed in 1935 and 1949. But rather than undertake costly renovations, longtime residents recall, the county opted to let the building slowly deteriorate and save its financial investment for a new courthouse.

Twenty years later, Wharton was no closer to having a new courthouse than when the damning engineering report was released in the 1950s. The Sulphur Block still anchored downtown, much to the irritation of progressives. Yet public sentiment leaned heavily against a new tax burden, and voters defeated a 1979 bond issue that would have funded construction of a new courthouse to the tune of \$3.3 million. Their plans thwarted, commissioners were forced to bide their time, making only what repairs were absolutely necessary until residents could be persuaded that a new courthouse was necessary.

In the late 1980s, the county again made the push to demolish the historic building and erect a new courthouse, igniting a battle that would last more than a decade. David Bucek Sr., a local contractor charged with making the repairs to the building, argued that the structure was not in the dire conditions that the county had described and insisted that restoration was plausible.

The county was adamant in its disagreement and commissioned an engineering report in 1990 to discount Bucek Sr.'s arguments.¹⁵ In addition to noting that the Art Deco courthouse had no redeeming historic value to speak of, the engineers identified cracks and stress-related problems with the 100-year-old building that it blamed on the “doughnut” erected around the three-story structure in the 1930s and 1940s.

“The wings had been built on a different type of foundation at a different level. The clay soil right there on the banks of the Colorado was very hard on these buildings, and so the wings were breaking loose and not being supported equally with the historic building that went deeper into the ground,” Graves said. “So there were structural issues. ... Many of the windows had been blocked up. The interior of the courtroom was dark, had had a lot of flooding and leaks through the years. A lot of people did not like working there, so in many people’s mind, it was an eyesore that needed to be demolished and gotten rid of. In other people’s minds, they could see that there was a core of a historic building there; all of the original brick walls were still in place.”¹⁶

County Judge I.J. Irvin Jr. led the crusade for demolition, hiring architect Kim Williams in 1991 to draw up plans for a new courthouse. Williams pointed to the structural problems detailed in the previous year’s engineering report as reason to tear down the courthouse and erect another, larger building.¹⁷ Restoration of the building to its 1880s appearance was, he said, “so impractical and costly that no one could support it.

¹⁵ Scardino, Barrie. “Saving the Courthouse: In Wharton, a drive to preserve one historic courthouse has revealed another.”

¹⁶ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

¹⁷ Scardino, “Saving the Courthouse: In Wharton, a drive to preserve one historic courthouse has revealed another.”

It is too far gone.” Not to mention the fact that such alterations would cut the amount of office space dramatically, a common argument against historical restoration, leaving not even enough room for a proper district courtroom and district clerk’s office.¹⁸ But even barring restoration, there was no question in anyone’s minds that — one way or another — more space was needed to house the county’s business operations.

Should the courthouse indeed be razed, the question remained of how to replace it. Williams offered up three proposals that ranged from \$6 million to \$7 million: combine new construction with the renovation of historic buildings on the nearby “Burger Block,” though the result may not look like a traditional courthouse; construct the courthouse east of the Wharton County Jail, combining two city blocks into one; or situate the new courthouse in the current courthouse square and extend it into the Burger Block, which would have to be demolished in the process along with its historic buildings.¹⁹

Like a rock tossed into a pond, the proposals immediately rippled throughout the county. Public sentiment ran strong on both sides of the debate. Even beyond the preservation vs. demolition controversy, talk was brewing in nearby El Campo over whether a new courthouse should even be located in Wharton at all. The issue was now not simply progress vs. history, but city vs. county.

Amid fierce debate chronicled at least once a week in the *Wharton Journal-Spectator*, Williams made the rounds at town hall meetings, detailing the deterioration of

¹⁸ “Architect says saving old courthouse unlikely.” *Wharton Journal-Spectator*, September 7, 1991.

¹⁹ Sanders, Ronald K. Courthouse plans begin taking shape. *Wharton Journal-Spectator*, October 26, 1991.

the courthouse and laying out his recommendations for remedying the problem. The conflict played out on the newspaper's opinion page as well, with even the children of Wharton weighing in on the argument. "I think we ought to save the courthouse even though it is cracking," one child wrote to the county clerk, who served as a tour guide for a class of sixth-graders. "Boy oh boy, were those cracks big!" wrote another.²⁰

On December 2, 1991, county commissioners took the first definitive action toward dismantling the courthouse. They approved a resolution notifying the Texas Historical Commission of their intent to demolish the building. The action triggered the clock on the "courthouse law," Chapter 442 of the Texas Government Code, which requires counties to give six months' notice of their intent to demolish, sell, lease or modify any Texas courthouse. However, the court left the door cracked to a possible future for the building, soliciting proposals for alternative uses for the building — alternatives that must have private funding already secured.²¹

Recognizing the volatility of the issue, Williams had proposed that the county sidestep the political quagmire and borrow the estimated \$6.8 million needed for a new courthouse through a legal certificate of obligation, which would not require voter approval. Commissioners unanimously voted to do so on December 30, already having purchased \$230,000 worth of property on the Burger Block a week earlier in anticipation of moving ahead with demolition plans.²²

²⁰ Sanders, Ronald K. "Kids see 'crumbling' courthouse." *Wharton Journal-Spectator*, October 30, 1991.

²¹ Sanders, Ronald K. "New courthouse project snagging on cost: countdown begins." *Wharton Journal-Spectator*, December 4, 1991.

²² Vorachek, Laura. "Next step to finance new courthouse due Monday."

Taxpayers, however, did not take kindly to the idea of shouldering nearly \$7 million of debt without their consent. According to Texas state law, citizens opposed to a certificate of obligation have sixty days in which to file a written petition signed by five percent of registered voters, which would result in a mandatory referendum being held on the issue. The Wharton Beautification & Preservation Council and the taxpayer group Wharton County Concerned Citizens quickly rallied the community of 18,727 registered voters to save the courthouse, obtaining 1,602 signatures in less than two weeks. With 8.5 percent of the electorate demanding a bond election, commissioners were financially handcuffed. Yet they responded in support of the taxpayers' decision, promising a voter education effort on the issue beforehand.²³ County Judge Irvin, however, insisted that the century-old courthouse was unsafe and warned those who signed the petition that they would be culpable should it collapse on its occupants.²⁴

While all those who signed the petition may not have agreed with preserving the old courthouse, they all agreed on one thing: they didn't want a new one built on their dime without their approval. Ultimately, the bond election never took place. Instead, commissioners tapped 21 community members for a blue-ribbon committee to make recommendations for a new courthouse. On May 20, the committee voted to demolish the structure and rebuild on the same site, subject to voter approval.

Wharton Journal-Spectator, December 28, 1991.

²³ Sanders, Ronald K. "Petition forces vote on courthouse funds." *Wharton Journal-Spectator*, January 29, 1992.

²⁴ Sanders, Ronald K. "Courthouse petition may thwart loan." *Wharton Journal-Spectator*, January 25, 1992.

The Texas Historical Commission had by this time joined in the call for restoring the Wharton County Courthouse to its original glory, calling on architect Michael Gaertner to evaluate the building and its prospects for preservation. Gaertner told the THC that restoration was not only possible but vital to the community. “Once the historic courthouse is gone, it is gone forever,” he wrote in a letter to the historical commission, echoing the public lament decades earlier over the demolition of the clock tower. “They may not appreciate the courthouse now, but they will sorely miss it when it is gone.”²⁵

With the support of the state historical commission behind them, a small group of local citizens began stoking the fire. Among them was David Bucek Jr., the son of the contractor in charge of courthouse repairs who insisted the building was not beyond hope. When Bucek Jr. had just returned to his native Wharton from graduate school in 1992, the removal of the courthouse appeared to be a given. But when it became apparent that the county planned to obliterate much of the historic Burger Block in order to build a new one, Bucek Jr. felt it was time to step in. “That’s where I sort of got off the fence and said, “Now wait a minute. I can understand tearing the courthouse down, but ... why remove one- fourth of your historic square?” he said.²⁶

Bucek Jr. and a small group of preservation-minded residents, led by local chiropractor Billy Winkles, began a campaign to salvage the historic courthouse. At this point the goal wasn’t even to restore the 1880s courthouse, but to save the current

²⁵ Scardino, Barrie. “Saving the Courthouse: In Wharton, a drive to preserve one historic courthouse has revealed another.”

²⁶ Blair, Jeffrey and Bucek, David. Oral History Interview. Interviewed by Julie Freeman on July 5, 2010, in Wharton, Texas.

building from destruction. The result of their efforts, he said, was such intimidation that it drove several pro-preservation families out of town. Those who owned businesses lost customers, and the activists couldn't get loans from the largest bank in town.

"It's like in Japan, they say, you know if anyone gets out of line, it's like a nail that sticks up and, you know, all of the people in society come on top of that person like a hammer to force that person back in line, because the big mantra was, look, progress – we needed a new courthouse; this old courthouse has always had problems, and you guys are standing in the way of this county actually becoming something. And we sort of saw things differently," Bucek Jr. said.²⁷

Wharton's Beautification Committee sought out an engineering firm that had experience with historic buildings to investigate the courthouse. The 1990 engineering report detailing the poor condition of the building — the report on which the county had built its case for demolition — had been written by civil engineers with no experience with historic buildings. The preservationists hired Per K. Schneider, whose firm had consulted on such historic sites as the Alamo, San Fernando Cathedral and San Antonio missions, to conduct the new investigation.

The conclusion was strikingly different than the one in the 1990 report. Schneider deemed the original building in "excellent condition," minus the cracks in need of repair. The problem lay with the wings that had been added onto the original structure, which had shifted with the soil beneath it. If the wings were not demolished, underpinning and

²⁷ Blair, Jeffrey and Bucek, David. Oral History Interview. Interviewed by Julie Freeman on July 5, 2010, in Wharton, Texas.

soil stabilization would be required to anchor them.²⁸ Schneider also said that not only was restoration possible, but it could be done for only \$835,000 — a fraction of what Williams had estimated. While the court questioned the cost estimate, a majority of commissioners moved to support restoration — as long as they didn't have to pay the bill.²⁹

With the Schneider Report, the controversy over the fate of the courthouse cooled and the loud demands for demolition quieted. The pressing need for a new jail had gained prominence by then, and by the end of 1992 the county judge declared that there was no money to build a new courthouse. But while the issue was pushed to the back burner for a few years, the fight was far from over.

As the years ticked by, downtown Wharton began to dry up, with businesses moving toward the increasing traffic around U.S. Highway 59. In 1998, another proposal to build a new courthouse, this one two blocks east of the current courthouse, was submitted to the citizens of Wharton.

Again, the issue was raised about the safety of the old building, and again, a majority of the commissioners as well as the county judge were solidly opposed to preservation efforts. And just as they had in 1992, the Buceks again waded into the middle of the debate. Leading up to the November 3 bond election, the local newspaper became a platform for the heated argument, with Bucek Sr. paying for a series of advertisements in response to attacks on his credibility as a contractor. He continued to

²⁸ Scardino, Barrie. "Saving the Courthouse: In Wharton, a drive to preserve one historic courthouse has revealed another."

²⁹ "1992: Urgency shifts from courthouse to jail." *Wharton Journal Spectator*.

assert, as he had in the early 1990s, that the original courthouse was not structurally unsound.

In the October 21, 1998, issue of the *El Campo Leader-News*, a Q&A with County Judge Lawrence Naiser — who had replaced I.J. Irvin but was every bit the proponent for a new courthouse — explained the necessity of a new center for county government: “The present 110-year-old courthouse had deteriorated to the point where it has become too costly to repair and continues to leak. We desperately need more space. The courthouse has become a safety and health problem to the employees and the public.”³⁰

Bucek Sr. purchased a full-page ad in the same issue, reprinting the 1992 Schneider Report, including the conclusion that “the existing original structure is in excellent condition and requires no work other than re-pointing of cracks.” He placed the ad in the Wharton Journal-Spectator as well.

A week later, more paid political advertisements appeared in the Wharton newspaper. An advocate for courthouse restoration, William Lins responded point-for-point to Naiser’s Q&A in the El Campo newspaper, addressing safety, space, location, price and land acquisition. Lins pointed out that in addition to the positive structural analysis in the Schneider Report, Texas declined to add the Wharton County Courthouse to its list of 55 most endangered courthouses because its condition was too good. Also, Lins stated, the government would have stepped in if the building were truly a hazard, requiring either repair or evacuation.

³⁰ “County judge backs courthouse bond effort.” *El Campo Leader-News*, October 21, 1998.

The same edition contained opposing advertisements from the Committee for Building a New Courthouse as well as Bucek Jr. The committee republished the Wharton County Commissioners Court minutes from February 14, 1992, in which the court unanimously approved 50,300 square feet for a new courthouse and unanimously recommended a new location. “Yes, we need a new courthouse even worse today. Vote ‘for’ new courthouse bond and ‘no’ to waste of taxpayers money!!!!!!” the ad states.

Bucek Jr.’s ad advocated a “common sense plan for Wharton County,” which proposed solutions to the county’s space problem that he said would save the taxpayers \$10 million. Figured into his plan was the \$835,000 estimated to remodel the existing courthouse.

In the end, the \$6.5 million bond issue was soundly voted down 2-1. County Judge Naiser said haste may have sabotaged his efforts. In a rush to get the issue on the ballot before the 1998 general election, no town hall meetings were held and both architectural and financing plans for a new building were cobbled together at the last minute. Another strong factor, he believed, was the question of the present courthouse’s future. While many in Wharton wanted to preserve the building — an “Art Decoupage” monument, Naiser disparagingly called it — neighboring El Campo was resistant to funding preservation of the old structure as well as new construction. Not to mention what he termed the “dissident opposition.”³¹

At that time Bucek Jr., instead of focusing on the 1935 building as he had in the early 1990s, turned his attention to the 1880s Victorian courthouse at the heart of all that

³¹ Sanders, Ronald K. Courthouse year’s biggest disappointment to Naiser. *Wharton Journal-Spectator*, January 2, 1999.

yellow stucco. The courthouse had been saved from demolition for the time being, but its fate was far from sealed. In order to sell the idea of restoring the original building, he realized he would have to do his homework. Everyone had grown up with the Sulphur Block — images of the original building were nowhere to be found. So Bucek Jr. started digging.

What he unearthed was the first focused picture of the 1889 Wharton County Courthouse that he had ever seen. Printing off 700 color copies on a Xerox machine, Bucek Jr. began handing them out in the community.

“I would say, ‘Say, do you know where this is? Do you know what town this is?’ And people would look at it and ... most people would say, ‘That’s someplace in Germany,’” he said. “They didn’t realize it was their courthouse before it had been changed. And so that was significant to me because that was the first thing that changed the game for the restoration was putting out this picture of what it used to be.”³²

Bucek Jr. began a massive community education campaign about the 1889 courthouse as he continued to search for more documentation, including gathering evidence of Heiner’s significance as an architect and therefore demonstrating the historic value of restoring his original design. His goal was to re-establish the county’s “sense of place,” its history and significance. Public opinion slowly began to shift, and the restoration movement gained steam.

³² Blair, Jeffrey and Bucek, David. Oral History Interview. Interviewed by Julie Freeman on July 5, 2010, in Wharton, Texas.

“It’s really about bringing one person over at a time,” Bucek Jr. said. “They didn’t come in groups; it was just an individual, [then another] individual, and eventually we started to outnumber the other side, and then that’s when things began to tip.”

The Texas Historical Commission approached the courthouse from an endangerment perspective, in terms of structure but also in terms of politics. “You’ve got to understand the county’s point of view,” Dan Utley of the Texas Courthouse Alliance said. “They have a structure that for all intents and purposes houses what they need it to house, and here comes a group from Austin that says, cut your floor space by about a third and build this nicer building ... that’s not going to house everything you want it to house, but it’s going to be much nicer. And so they were resistant to it.”

In the Texas Historical Commission’s dealings with Wharton County, both Stan Graves and Dan Utley found the commissioners court to be not only reluctant, but downright abrasive in its opposition to preservation — especially the county judge. “He was real vocal. He was in your face. You know, let’s just tear these old damn buildings down,” Utley said.

The THC encouraged the county historical commission to keep putting the pressure on the court and vowed that the state would do the same. Utley points to Barbara Young, chair of the Wharton County Courthouse Committee, as a key player in the fierce political wrangling – a “kind of brassy, kind of sassy, strong-willed, determined advocate” who actively preached that the restored courthouse would be a beacon for downtown Wharton, drawing back traffic and business to the heart of the county.

“Like wearing a hole through granite,” Utley said, the local group eventually swayed the court and secured the votes to create a master plan, which allowed the county

to seek funding from the newly created Texas Historic Courthouse Preservation Program. The county was one of the first beneficiaries of the program, being awarded a \$250,000 emergency grant for emergency planning. In round two of the program, Wharton received an additional \$143,000 for planning. Wharton got its largest chunk of state money in rounds three and four — more than \$3.5 million.

Over several years and several rounds of grants, Heiner's courthouse began to emerge from its sulphur shell. The wings were removed, the tower resurrected and the two-story courtroom restored. But even with politics out of the way and funding for construction in place, nothing ever came easy in Wharton. The actual restoration process was no exception. The project was not as simple as structural changes – true restoration was in the details.

The Texas Historical Commission required that every proposed change be historically verified as part of the original design, which required extensive research and documentation. While the county made a case to install cresting on the roof, as was common in Heiner's architecture, the THC would not agree to it because there was no historical evidence that it existed. Bucek Jr. took it upon himself to find the proof. After searching through piles of misidentified and unidentified photos in the county library, he found photographs showing cresting bolts on the original courthouse. This was enough for the THC to grant permission for cresting, but there was no evidence of what the cresting actually looked like. So Bucek Jr. and others in the community started digging. Literally.

Construction workers had discovered a metallic object when digging trenches near the gazebo on the courthouse lawn. Bucek and others equipped themselves with

metal detectors and continued to dig for more evidence that might help them improve the accuracy of historic restoration. What they unearthed were numerous pieces of metal cresting from the original courthouse. With these pieces and catalogs from the 1880s, the team of preservationists succeeded in their efforts to duplicate the original ornamentation on the roof.

Through similar efforts, the preservationists managed to resurrect the courthouse clock in the restoration. Bucek Jr. spent hours leafing through the papers of 1880s County Judge Croom, whose swinging axe paved the way for the Heiner courthouse to be built in the first place. Buried in the fragile papers was a reference to a clock made by the E. Howard Clock Company in Boston. Invigorated by this discovery, Bucek Jr. tracked down a clock collector who had salvaged discarded records from the company when it had closed. Those records contained all the details of the original courthouse clock, down to the diameter of the dial, the serial number, and which steamship brought it to the country. Armed with that knowledge, he found that 20 of those types of clocks were produced in 1889. About half of those were still in existence.

One of these clocks hung silently in a church in Littlestown, Pennsylvania, where it had been abandoned when an electric clock was installed. Bucek Jr. and Jeffrey Blair, a longtime Wharton banker and an instrumental partner in Bucek Jr.'s years of research, made an offer to buy the clock. During the courthouse restoration, they discovered that the bell's serial number was four digits off the original Wharton County Courthouse clock's serial number. It had been produced within a few months of Wharton's clock, which disappeared during the 1935 renovations.

“No one here living had any recollection of where the clock went, and obviously we still to this day don’t know. But the beauty of that is that we got almost the exact same clock installed in the tower,” Blair said.³³

The new clock tower would boast not just an authentic clock, but also the original 1,000-pound bronze courthouse bell that had been cast in 1889. First Baptist Church of Wharton saved the bell “from the scrap heap” in 1935 and donated it back to the county in 2004. It was restored by McShane Bell Foundry of Baltimore, Maryland, the same company that produced it. The original order and shipping instructions from 1889 were still on file.³⁴

Even the courthouse cornerstone was recreated. The original stone bore the names of the county’s first two black county commissioners, who were elected during Reconstruction. They resigned amid racial tensions after the White Man’s Union Association took political control of Wharton. The story is told that the original cornerstone was dropped and its pieces dumped into the Colorado River during in the 1935 renovation to obscure the significance of blacks in Wharton’s history. Seventy years later, the county’s true history was restored along with a cornerstone that had been duplicated, down to the very font used in the original inscription.³⁵

³³ Blair, Jeffrey and Bucek, David. Oral History Interview. Interviewed by Julie Freeman on July 5, 2010, in Wharton, Texas.

³⁴ “Polishing up the bell: Original foundry refurbishing it for courthouse.” *Wharton Journal-Spectator*, January 14, 2004.

³⁵ Sharp, Benjamin C. 2004. “A Hidden Past: Courthouse cornerstone will end 70-year effort to erase Blacks’ names.” *Wharton Journal-Spectator*, September 1.



Figure 4.3 Freeman, Julie M. *Wharton County Courthouse Full Restoration*. July 5, 2010. Wharton, Texas.

Stories like these abound in the restoration of the Wharton County Courthouse. Hundred-year-old records, combined with Internet search capabilities and good old-fashioned legwork, resulted in meticulous historic detail being documented and reconstructed. The courtroom railing, metal panels between enormous double-height windows, detailing in the woodwork and shutters, and the color of the roof all testify to the passion of a handful of Wharton preservationists who refused to let their history die.

Their perseverance was rewarded in August 2007 when the fully renovated courthouse was rededicated, roughly 15 years after the battle to preserve it began. Blair, who had long viewed the Sulphur Block from the window of his bank across the street, served as master of ceremonies in a celebration that included horse-drawn carriages and drew hundreds to the courthouse square. The hundred-year-old bell tolled 11 just as Blair

was reading the names of all those who were instrumental in resurrecting the old courthouse.³⁶

Stan Graves of the Texas Historical Commission told the crowd that he expected pigs to fly overhead at any moment. Many times in the course of the twenty-year saga, the courthouse was almost given up as lost. “It’s been an incredible success story of what was, I think, a very divisive and difficult situation for many, many years,” Graves said. “I’m just very proud to have been involved all the years, all the way from the very first meeting down there with the hostile judge and commissioners court that wanted to demolish the building and couldn’t believe we were standing in the way of that to a very thankful county judge and commissioners court that can’t believe it’s all come to pass.”³⁷

The Texas Historical Commission now touts the Wharton County Courthouse as one of the biggest jewels in the courthouse preservation program’s crown. In the years since the restored courthouse opened its historically accurate new doors, downtown Wharton has experienced a renaissance.

“When I went back after it had been restored ... I literally could not believe it was the same town,” said Dan Utley of the Texas Historical Commission. “There were businesses in the empty buildings that had been there before. The courthouse is huge. It’s grand, it’s tall, whereas it kind of had been squatty before. It was white stucco before, and

³⁶ Sharp, Benjamin C. 2007. “A Gorgeous Job: Finished courthouse a true landmark.” *Wharton Journal-Spectator*, August 8.

³⁷ Graves, Stan. Oral History Interview. Interviewed by Julie Freeman on April 28, 2010, in Austin, Texas.

now it was red brick with a beautiful bell tower. If I had not known I was in Wharton, I would've thought I was in some other town. It was that dramatic.”³⁸

Bucek Jr. sees the twenty-year ordeal as Wharton reclaiming its place in history and its importance to the state. When it all began in 1992, he was repeatedly told that Wharton was not a story, that it was too late for the courthouse.

“At this point, I don't think you could find anyone who will tell you that Wharton is not a story, and that really – it all comes back to the courthouse,” Bucek Jr. said.

“Everything evolved. It was these perceptions that you couldn't do it, that ... our story's not important. All these perceptions had been changing and, to me, that's part of the success of this restoration project. It's not about bricks and mortar.”

³⁸ Utley, Dan K. Oral History Interview. Interviewed by Julie Freeman on March 10, 2010, in Austin, Texas.

CHAPTER FIVE

She Died in a Halo of Flames

In an impoverished East Texas town measuring little more than five square miles, time is marked differently than it was fifteen years ago. The tolling of the hours in Newton, the county seat of Newton County, is louder than it used to be. The notes of the electronic clarion system in the county courthouse can be heard at a farther distance than those of the old bell, which now sits cracked and charred among other memorabilia at the local History Center and Museum. The bell plummeted through the center of the courthouse amid roaring flames in August 2000, when an electrical fire consumed the nearly 100-year-old landmark just months after the state denied funding for renovations that would have included a fire protection system. It was a blistering irony that did not go unnoticed.

Newton County, the wettest county in Texas with the highest annual rainfall, was in the grip of a fierce drought in the summer of 2000. County Judge Truman Dougharty was watering plants outside his home, about seven miles east of town, on the evening of August 4 when his daughter came running out of the house next door and yelled that the courthouse was on fire.

"I ran in and got my keys and as I was heading out to my truck, my daughter came out and said it was in the bell tower," Dougharty said. "And I thought, 'oh God.' I knew what it was made of and knew that if we had a fire, we would be in trouble."¹

¹ Lewis, Jim. "Fire in the Courthouse." *County*, September/October 2000.



Figure 5.1 Owens, Sue. *Newton County Courthouse Fire*. August 4, 2000. Newton County Historical Association. Newton, Texas.

Dougharty jumped into his truck and raced toward the plume of smoke rising in the distance, the voice of dispatchers calling for area fire trucks coming across the radio. “As I got into the square, well then the smoke was just billowing out of the tower. So it was pretty obvious the fire was on top,” Dougharty said. “And I guess with the opening up there in that tower where the clock is, that just acts like a funnel — a chimney — to let the smoke out. And it was going.”²

Tax assessor-collector Bea Westbrook hadn’t been gone from her office for more than an hour when fire alarms sounded around 6 p.m. She came out of a dress shop on the square to see smoke rising from the tower. Dougharty remembers Westbrook running

² Dougharty, Truman. Oral History Interview. Interviewed by Julie Freeman on June 28, 2010, in Newton, Texas.

back to her first-floor office and shoving items outside the window while everyone told her to leave the building.

“I was shoveling stuff out to my daughter and she was at the window screaming ‘get out of there, Momma, you’re an idiot, it’s not worth it,’” Westbrook said. “But, you know, we lived in that courthouse. It was more than a place to work. We all take our public responsibilities so seriously.”³

Dougharty joined the sheriff in manning a hose as more than 50 firefighters from nearly a dozen nearby fire departments tried to beat back 20- to 30-foot flames. They focused on the south side of the courthouse, where it connected to the sheriff’s office and jail annex, in an attempt to keep the fire from spreading to the other structure.

About 6:45 p.m., the bell gave way and crashed through the three stories, spreading the flames as it fell. Onlookers stared in horror as the tower collapsed in the inferno, realizing that the pride of the county was dying before their eyes. Dougharty eventually turned over the hoses to the firefighters and rejoined the onlookers, who were wrapping their arms around each other and “all just squalling.”⁴

The smoldering ruin that greeted the Texas Historical Commission team a few days later was a far cry from the stately building that had graced the town square since 1902. The exterior walls were largely intact but nothing more than a shell — the fire had consumed the interior. The iconic bell, which smashed a hole in the concrete floor when it fell, was buried beneath a pile of smoking rubble on the first floor.

³ Lewis, "Fire in the Courthouse."

⁴ Lewis, "Fire in the Courthouse."

“It was a little like being in a war zone because people were running around. They didn’t know what to do,” said the Texas Historical Commission’s Dan Utley, who accompanied Stan Graves to the site of the fire. “They had the look on their faces of shock and horror. They just had their heart torn out, you know.”

As with countless courthouses across the state, Newton County residents had lived their lives under the shadow of the great building. A tourist brochure points to the towering oak tree on the south side of the square as a longtime gathering point for the men of Newton to solve the world’s problems. “Dr. Arthur Miller once said: ‘The biggest fish in the world have been caught under this tree. World-record crops have been grown and harvested under it,’” the brochure states. “‘Wars have been fought here!’”

Newton County Historical Commission Chair Bonnie Smith was among those grieving the night of the fire and remembering the building’s irreplaceable role in local history. “People stood around the square all night crying and consoling each other,” she said. “The courthouse means a great deal to Newton. It’s where we saw our boys off to war and where we had community celebrations. We mark time by that clock tower striking. It’s a loss.”⁵

Corpus Christi lawyer Robert C. Hilliard lamented the demise of the community’s “quiet sentry” in a column in the Dallas Morning News less than two weeks after the blaze, having felt helpless as he stared at a photo of the burning building.

“She died in a halo of flames a week ago, taking with her much more than the district courtroom, the records from the district clerk’s office and the two miles of

⁵ “Tragedy in Newton.” *Courthouse Cornerstones*, October 2000.

Christmas lights that were permanently strung around her, waiting for December. She also took a part of all of us who were raised in her shadow.”⁶

This wasn’t the first time Graves and Utley had arrived at a town square to find a blackened and blistered courthouse lying in smoking ruins. Seven years earlier, they had arrived in Hillsboro to find a similar scene, with red-eyed residents mourning the loss of their beloved landmark. That 1993 fire had sparked the creation of the courthouse preservation program — a program Newton County had been on the cusp of entering after months of preparation.

The structure that went up in flames on that hot August night was not the first courthouse to call Newton County home. It replaced the original courthouse, a two-story frame building erected in 1853, in 1902-03. The three-story courthouse that burned in 2000 was a nineteenth century Second Empire-style building, constructed of bricks fired right on the courthouse square from the clay of nearby Caney Creek. It also boasted a mansard roof, decorative quoins and a truncated clock tower with an open-sided belfry that was strung with Christmas lights year-round. The festive sight was a regular stop for holiday tourists, largely from Louisiana and Houston, whose dollars were vital to the small county. Visitors were awed by 18 miles of more than 132,000 lights that volunteers strung around the building starting in 1990.

As with other historic courthouses, the Newton County Courthouse evolved over its long history to accommodate changing needs of new generations. The interior was remodeled in 1910, 1919 and 1925 to provide more space both downstairs and upstairs, and the jail annex was added to the building in 1937. The courthouse was coated in

⁶ Hilliard, Robert. “Courthouse is more than a building.” *Dallas Morning News*, August 12, 2000.

stucco to match the new appendage. The next major renovation came in 1972 and 1973, during which the Texas Historical Commission says the historical integrity of the building was compromised. Aluminum doors and windows replaced wooden ones, and for instance, and plaster walls were covered with paneling. The original building also included high ceilings with fans, wooden staircases and both tile and wooden floors, all of which were altered in the renovation. Stone arches also were removed from many of the windows and stucco was used to fill the area.

Even despite the modernization projects that put a dent in historical accuracy, the courthouse accumulated several historic designations over the next several years, becoming a recorded Texas Historic Landmark in 1974. The courthouse and grounds joined the National Historic Registry in 1979 and became a Recorded Archeological Landmark in 1981.⁷

But by the end of the century, time had taken its toll on the building. Newton County sought to tap the funds available through the newly minted Texas Historic Courthouse Preservation Program in order to replace the attic wiring, install a sprinkler system and bring the building into compliance with the Americans with Disabilities Act. Had Newton prevailed in the first round of program grants, the tragic fire might have been pre-empted. However, the county's master plan was not acceptable to the Texas Historical Commission, and the funding was distributed to other counties for courthouse restoration projects.

⁷ Historic Courthouse Master Plan, Newton County. Texas Historical Commission. Section 1



Figure 5.2 Owens, Sue. *Newton County Courthouse Smoldering Ruin*. August 4, 2000. Newton County Courthouse Association. Newton, Texas.

The county mustered itself and revamped the master plan, learning only days before the fire that the THC approved the new plan. Newton had been poised to submit an application for the second round of grants to restore the courthouse. Then came the fire, and with it knee-jerk reactions from a stunned community.

Stan Graves described the grieving town as panicked and ready to tear the rest of the courthouse down before it fell down. The county judge remembers having a commissioner with a front-end loader ready to push the walls down, Dougharty said, when Graves encouraged them to wait. After examining the building, he deemed the remaining walls structurally sound and the prospects of restoration feasible.

“There was talk about tearing it down and selling the bricks off as pavers and mementos for fundraising for a new building, but there were people crying in the streets,” Graves said. “There were people that talked about going to that courthouse in World War

Two and seeing their sons go off to service, and that's where they would be sworn in and meet there. So there was a lot of community angst over the loss of that building.”

Graves says his role was to encourage and calm the distraught residents and reassure them that the historical commission was there to help. It took a fair amount of convincing, he said, to keep the community from scrapping the building and starting over. Utley and Graves met with the county commissioners, whom Utley said had already decided to tear the building down. Someone floated the idea to build a wall at the cemetery out of the bricks, installing a historic marker saying they came from the demolished courthouse. Graves assured the commissioners that the THC could provide emergency funding to put on a roof and stabilize the building until additional funding from the state and county could be amassed. “He cut to the chase and said, ‘You can do this. I don’t care how poor you are. I don’t care how bad the building is. You can do it,’” Utley said.

Graves knew the importance of preserving the history of the county, even in the face of a seemingly insurmountable obstacle. “They weren’t anxious to tear it down; they were just anxious to act because you feel like after a tragedy, you need to do something. And usually doing something is not always the best thing. Sometimes it’s best to do nothing and step back and relax and assess the situation, which is what they did,” Graves said.

With a burned-out shell of a courthouse in front of Dougherty, limited county funds because a small tax base, and preservation experts telling him restoration was possible, the county judge was faced with a pivotal decision: What to do now?

“We could’ve pushed that thing down real easy, threw up a Wal-Mart-type building on cinderblocks and been in it in a year and a half, probably,” Dougharty said. “But that’s what you’d have, just a flat-top, no interest-type building. ... A lot of things, nowadays, you tear it down, throw it away. But some things are worth preserving, and that’s the way the commissioners felt, too.”⁸

He took a straw poll at the Chamber of Commerce and other local meetings and found that about 98 percent of the citizens he talked to favored a historical restoration. The only hiccup would be finding the means to pay for such an endeavor. Yet Dougharty knew the sizable investment was not only favorable, but necessary in order to ensure the enduring legacy of Newton.

“That’s our county’s identity out there on that square,” he said. “They’re not making old stuff like that any more and if you’ve got it and it’s functional, we ought to preserve it [if] we can. A hundred years from now, we’ll have some young people who will probably be marveling at it.”⁹

Before restoration efforts could be set in place, the first item of business was to salvage as much as possible and find new, temporary homes for the county offices. While some records had been destroyed, they were relatively few in number. Damaged records were shipped to Fort Worth for freeze-drying over the weekend. By the following Thursday, less than one week after the fire, all county offices were back in business, squeezed into other locations on the courthouse square. The appraisal district across the street would house the county judge, auditor and treasurer, while the district clerk would

⁸ Dougharty, Truman. Oral History Interview. Interviewed by Julie Freeman on June 28, 2010, in Newton, Texas.

⁹ Lewis, "Fire in the Courthouse."

take up residence in another building. The assessor-collector and county clerk moved into a historic building nearby that was already slated to be their new home.¹⁰

Dougharty, once persuaded that restoration was within reach, was not one to dwell on the negatives. While the fire was a heavy blow to Newton, it was also an opportunity. The necessity of rebuilding meant that the courthouse would now be compliant with the Americans with Disabilities Act, including an elevator that would replace the cantankerous and unreliable chair lift that slid up the stairwell. It would also allow for the county to build the courthouse back “green,” installing an environmentally friendly geothermal heating and cooling system.

Fortunately, the master plan Newton had submitted to the THC contained extensive architectural documentation of the building. Unlike Hill County, which had little to no architectural records when its courthouse burned, Newton was well-prepared to make a fresh start. The Texas Courthouse Alliance had extensively documented the building, along with its numerous fire hazards, during the process of creating the master plan. The drawings and photos would save much in money and time, as it would cut down on the amount of research needed.

In 2002, the Texas Historical Commission issued an emergency grant of \$415,533 to Newton County in Round Two of the preservation program’s grant disbursements. This money went toward a new roof and stabilization efforts on the remaining walls of the building. The entire restoration project was pegged at \$4.8 million, of which \$1.8 million came from the county’s insurance coverage. The remaining \$3 million came in 2006 in the form of another grant from the THC in Round Three. While Newton

¹⁰ Lewis, Jim. "Fire in the Courthouse."

County's fire insurance policy was \$3 million, about \$1 million was spent providing temporary office space for the dislodged county offices, and almost \$500,000 more went toward the stabilization efforts for the remaining structure.¹¹ Newton also received another \$1,038,000 from the state for construction.

Once the structure was stabilized, with a new roof and boarded-up windows protecting the interior from the weather, a decision had to be made. The county faced the choice of restoring the courthouse to the original 1902-1903 design or settling for a later incarnation. Ultimately the county and the historical commission decided it would not be possible to resurrect the building as it originally looked. They believed the sandstone-colored stucco that was lathered on the building in the 1930s could not be removed from the brick, although Wharton County through much effort had proven otherwise. Newton County's plan was to take the exterior of the courthouse back to how it looked in 1937, when the jail was added to the building. The stucco had been applied at that time to make the buildings look cohesive.¹²

The rebuilding process was long and arduous. For 12 years after the fire, the massive landmark stood dark and silent, devoid of the miles of Christmas lights that were the prime suspect in the early days after the fire. Ultimately, an electrical fire in the tower was to blame for the disaster that set Newton on a mission to restore its past.

¹¹ Jeffreys, Brenda Sapino. "Out of the Ashes: Five Years After Blaze, Newton County Courthouse Restoration Has Yet to Begin." *Texas Lawyer*, July 18, 2005.

¹² Jeffreys and Sapino, "Out of the Ashes: Five Years After Blaze, Newton County Courthouse Restoration Has Yet to Begin."



Figure 5.3 Freeman, Julie M. *Newton County Courthouse Restoration*. June 29, 2010. Newton, Texas.

But to the county's pride and relief, it was done without financially burdening taxpayers. Between the state grants, insurance money and fundraising, the county did not need to issue bonds to fund the reconstruction.

The years of wearisome delays had numerous causes, Dougharty said, including the firing of one firm midstream because the construction process was taking too long, as well as three hurricanes that significantly impacted the restoration timeline. But in 2009 a new clock tower and electronic clarion bell were erected and in 2012, the \$6 million reconstruction was finally completed.

The Newton County Courthouse saga both began and ended on an ironic note. The structure went up in flames while the county was seeking funds to prevent such a catastrophe. Twelve years later, a story that began with flames ended with a downpour. On December 8, 2012, the day of the courthouse dedication, rain drove the festivities inside the newly restored building.

“I have to say it's pretty ironic that the building burned and then today, the day of its dedication, it's absolutely pouring rain, so I love that. It just sort of brings things full circle,” Texas Historical Commission Executive Director Mark Wolfe said.¹³

Community members packed the district courtroom and filled the reconstructed balcony that had graced the courthouse back in 1925. Also restored were the press metal ceiling, cornice and furnishings. New to the courthouse was the sorely needed fire detection and suppression system, elevator and geothermal heating and air conditioning system that cut the county's electrical bill in half.¹⁴

“The restoration of this courthouse is an example of Newton County's determination and can-do spirit,” Wolfe said. “Tragedy has turned into triumph for the citizens of Newton County. The THC strives to save the real places that tell the real stories of Texas, and is proud to have partnered with Newton County in helping to save this historic landmark.”¹⁵

¹³ Hinton, Justin. “Officials rededicate Newton County courthouse.” KFDM News, February 9, 2013, accessed January 25, 2015, http://www.thecwtv.tv/shared/news/top-stories/stories/kwbb_vid_2995.shtml

¹⁴ Carmack, Liz. “Can’t Stand the Heat: Fire presents threat to historic courthouses.” *County*. July 14, 2014.

¹⁵ “Newton County heralds opening of courthouse years after fire,” *Beaumont Enterprise*, December 11, 2012.

CHAPTER SIX

An Eye to the Future

The Texas Historical Courthouse Preservation Program has made much headway in the past fifteen years toward its goal of restoring and preserving the state's treasured "temples of justice." The Texas Legislature has recognized the responsibility of helping safeguard history for future generations, contributing \$247 million toward the program since its inception in 1999. As time has passed, the number of courthouses achieving the distinction of historic — those more than fifty years old — has climbed. As of 2015, sixty-three of the state's 235 historic courthouses have been fully restored, with several more planning and emergency construction projects in the works. Still, more than one hundred eligible counties have yet to take advantage of the program, and seventy-six have unsuccessfully sought assistance from the Texas Historical Commission's limited pool of funding that shrinks each biennium.

Those counties who have been successful in tapping into that pool must be careful to realize that their courthouses still remain vulnerable to the threat of time.

Without proper and continued maintenance and upkeep, the historic buildings will again fall into disrepair and return to a state of endangerment. The burden falls on each successive generation to remain devoted to preservation. To that end, the Texas Historical Commission created the Stewardship Program in 2005 to provide maintenance training, budgeting and planning to the counties with restored

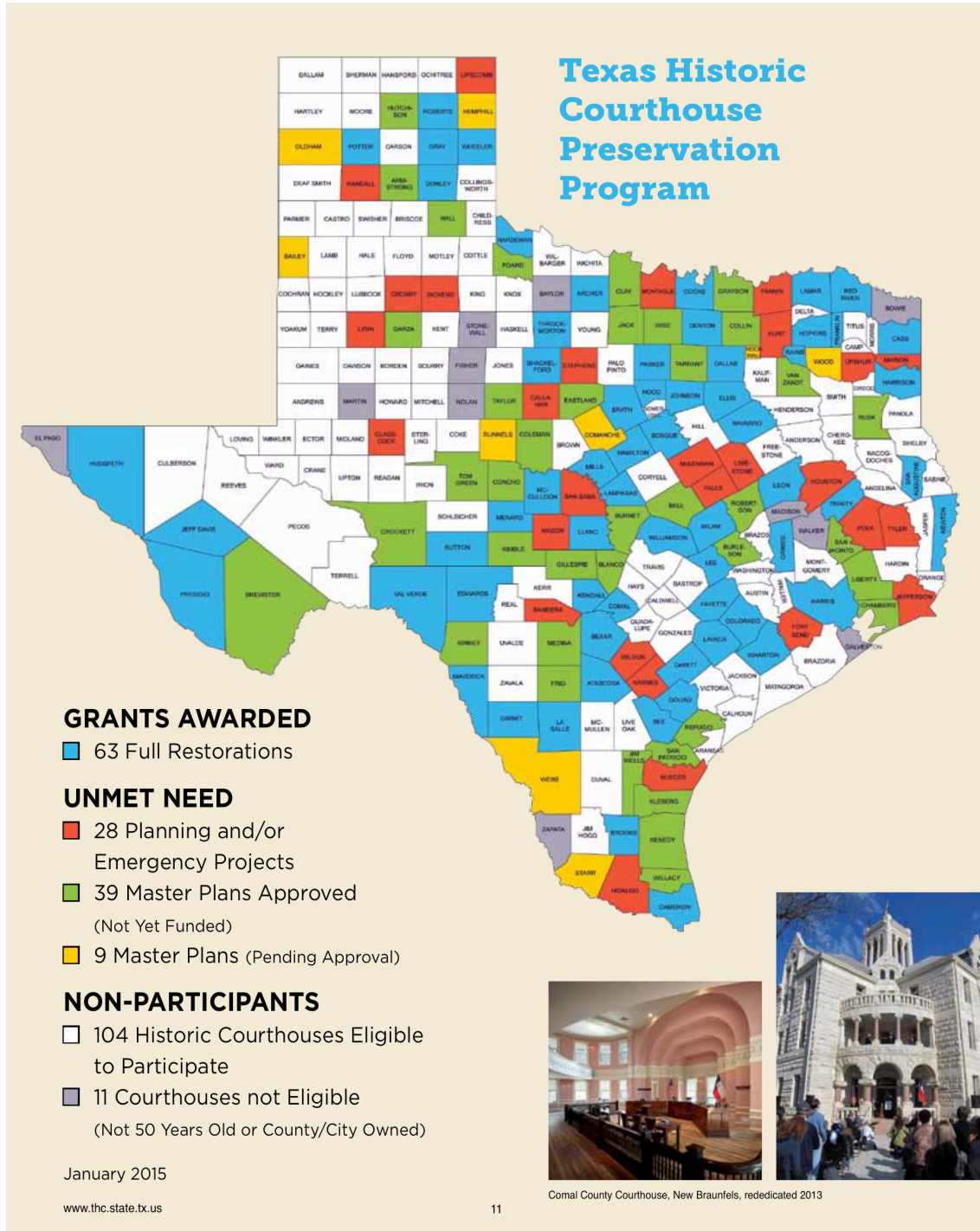


Figure 6.1 *Courthouse Cornerstones: 2013 Update of the Texas Historic Courthouse Preservation Program.* Texas Historical Commission, p. 11.

courthouses. Eighty-three counties that have received restoration grants of various sizes are currently participating in the program.

The issue of stewardship is the cornerstone of preservation efforts. The state's forefathers entrusted future generations with grand, sweeping buildings that have, over time, amassed the collective memories of each community — in county records, in newspaper archives, in family histories. The decades have not been kind to these historical treasures, and the successive generations have been poor stewards of their sizeable inheritance. The neglect has been unintentional but measureable and, in many cases, devastating.

The sad state of many of Texas' historic buildings are a result of short-sighted rather than long-term perspectives. Counties have met immediate needs with expedient solutions that did not take into consideration the longevity of the buildings. Overloaded circuits, unsafe storage of hazardous materials, outdated electrical and fire safety systems and moisture problems are but a few items in a long list of issues overlooked by counties in favor of what they see as more pressing needs. Many counties only realized their error when it was too late, and the residents could only watch in horror as their beloved buildings burned.

Dan K. Utley, who climbed through numerous courthouses with the Texas Courthouse Alliance and documented the poor condition of the buildings, understands that future generations will face the same decisions of the current one. The question is whether the people will view the care and upkeep of their county courthouse as a sacred trust, as he and other historians do.

“All preservations can do is help make sure that something is preserved for the next generation; that’s really all you can do. You can’t preserve it forever,” Utley said. “You hope it’ll be preserved forever, but all we can do is makes sure that the next generation gets to see the same structures that we saw and appreciate them the way we did. Then you got to make sure they’re educated so that they pass it along to the next generation. So preservation’s really only one generation long, and it only takes one generation to lose our landmarks.”¹

The Texas Historic Courthouse Preservation Program has made a significant impact on the preservation of Texas history, and in turn received well-deserved recognition on a state and national level. The Texas Society of Architects and the National Trust for Historic Preservation have both bestowed honors on the program, which also received the Preserve America Preservation Award in 2008.

Yet despite the achievements the Texas Historical Commission has made through the program, the danger to most of the state’s courthouses remains. In 2012, the National Trust for Historic Preservation again listed historic Texas courthouses on its list of 11 Most Endangered Historic Places. The last time the state’s grand structures made the list was 1998, at which time the harsh national spotlight helped birth the Texas Historic Courthouse Preservation Program. With the national preservation community’s eye bearing down on Texas once again, it is essential that the Texas Legislature continue to fund efforts that will stem the deterioration of our historic places. County courthouses are not only state treasures, but recognized national treasures. If the current generation does

¹ Utley, Dan K. Oral History Interview. Interviewed by Julie Freeman on March 10, 2010, in Austin, Texas.

not make a concerted effort to preserve the state's history, future generations will pay the price. The Texas Historical Commission's preservation and restoration program is a tangible way of helping Texans rediscover their roots and regain an invaluable sense of community pride that often gets lost in the trappings of the modern age.

Hill County, Wharton County, and Newton County are but a few examples of the importance of such a monumental endeavor. Residents expended much in way of money, energy, and emotion to ensure their beloved courthouses were not permanently lost to tragedy and political infighting. The emotional outpouring that erupted when the buildings were threatened proves that, even as an age of individualism has dislodged much community spirit, vestiges of civic pride remain today. The determination and patience of the people to restore and preserve their beloved courthouses — each restoration years in the making — is proof that communities place much value on their history, once they are awakened to it.

Awakening is the key to success in historical preservation. Bucek Jr., in his quest to protect the Wharton County Courthouse, understood that the people must understand the historical treasures they have or else they are likely to obliterate them. Once he mounted decades' worth of evidence and presented it to the community, public opinion began to rally around restoration. Armed with the knowledge of what it used to be, Wharton County fought to reclaim the identity that was manifested in its magnificent county courthouse.

Sometimes it takes tragedy for a community to recognize how a building can become the heart of a county, as happened with Hill and Newton. Sometimes it takes a threat to galvanize the people to action, as Wharton's dramatic story illustrates. The

Texas Historic Courthouse and Preservation Program's goal is education as much as it is restoration and preservation. Its mission is also to enlighten state legislators and county politicians, as well as residents themselves, to the tangible and intangible importance of historic courthouses. The progress toward that goal is incremental, but it is progress nonetheless.

Destruction of the grand monuments of the past, whether as an act of will or an act of indifference, will further erode the identity of Texas counties as well as Texas as a whole. It will continue a dangerous and unrelenting trend of homogenization that threatens to obliterate future generations' understanding of who they are.

If Texas does not take pains to preserve the memories represented by its historic buildings, they will be lost. The threats courthouses face are real and substantial, and the Texas Historic Courthouse Preservation Program is the one thing standing in the gap between the state's great heritage and the ravages of time. Without the state's continued investment in the program — and without the strong local support from both politicians and residents — Texas runs the risk of losing the physical representation of its heritage, leaving it only to the dusty pages of textbooks.

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