



Court Historian

In his new book, author James L. Haley brings to life the surprisingly dramatic history of the Texas Supreme Court.

BY WARREN W. HARRIS

THE SUPREME COURT OF TEXAS RECENTLY ACCEPTED A COPY of *The Texas Supreme Court: A Narrative History, 1836–1986*, the first book-length history of the Texas Supreme Court to be written in almost a century. The occasion was a special session of the Supreme Court held in the old courtroom of the Capitol.

ABOVE TOP, FROM LEFT: Texas Supreme Court Historical Society Book Committee Chair Larry McNeill, Texas Supreme Court Historical Society President Warren Harris, Texas Supreme Court Chief Justice Wallace Jefferson, and Texas Supreme Court Justice Paul W. Green at the special session. **ABOVE LEFT:** Jefferson presents *The Texas Supreme Court: A Narrative History, 1836–1986* to the gathering. **OPPOSITE:** Jefferson (left) accepts a copy of the book from Harris.



The book, written by award-winning Texas historian James L. Haley, was the culmination of a decade-long effort by the Texas Supreme Court Historical Society to revise and extend the first history of the court published in 1917. An inscribed copy of the book was presented to Chief Justice Wallace B. Jefferson during the special ceremony in February. Responding on behalf of the court, Justice Paul W. Green thanked the society and author Jim Haley for taking on the “daunting task of assembling an unimaginable amount of historical material into a single readable volume,” adding that “the justices and other court personalities are all brought to life in the context of their times.”

Haley is one of a handful of Texas historians with an international audience. His most recent book was *Wolf*, a biography of Jack London. He has written three books covering the history of Texas, the most recent of which is *Passionate Nation*. Haley is perhaps best known for his groundbreaking biography *Sam Houston*, for which he won numerous awards, including the Western Writers of America Spur Award. Regardless of subject, reviewers take special note of Haley’s lively writing style, how he infuses historical periods and personalities with vibrancy, immediacy, and reality.

Introducing Haley at the book presentation ceremony, history book committee chair Larry McNeill explained that the society “wanted someone who could overcome a not uncommon perception that an appellate court, even the highest court in the state, would lack for interesting stories.”

“In Jim Haley,” said McNeill, “we found the perfect match, a writer who took the scholarship seriously, but whose writings were so readable that the court’s history would appeal not just to attorneys, judges and legal historians, but also to the general reading public.”

Haley observed that when he accepted the challenge of synthesizing boxes of research material assembled by the society’s Narrative History Project, he carried the same perception most people had of the court—that its history was replete with ponderous cases and nothing particularly interesting.

“What I discovered instead,” said Haley, “was a history that absolutely crackled with drama. One justice was kidnapped by an invading Mexican army and carried off to a dungeon, another died a casualty of the Regulator-Moderator feud, still another fought Comanches with a knife at the Council House in San Antonio.” And this was just the judicial biographies. When Haley looked at the cases that came before the early Supreme Court, he drew back the curtain on a young Republic, hewn from the wilderness, where disputes revealed the hard nature of a society grappling with life-or-death issues with few legal precedents. Decisions rendered by the early justices melded the best of the Spanish civil law with the traditions of English common law, a philosophical marriage that survived from antebellum slavery to Reconstruction and beyond the closing of the frontier into the modern era of railroads and oil wells.

When Haley extended his study into the 20th century, he moved into a time period few had explored before and

no historian had captured from end to end. "To my surprise," said Haley, "the court did not lose much drama from the frontier days." A prohibitionist zealot was elected to the court in 1913 and turned his reformist ire against the expedience of a collegial court and nearly brought productivity to its knees. A lame-duck governor appointed three women to the Supreme Court in 1925 to hear a special case, even though it would be decades before women could sit on a jury. Haley found an autodidact with no judicial experience who was appointed chief justice and then wrote dicta that bolloxed Texas water law for years. One much loved justice was murdered and another won his election without setting foot in Texas during the campaign.

One does not pick up a book about the state's highest civil court expecting to read about murder and mayhem in every chapter. Certainly, the Supreme Court of Texas has had its share of adventure. But if that's all there was to the state's judicial history, one might have cause for concern. Happily, and assuredly, that is not the case. Haley shines the light on the heroes as well as the scoundrels, the points of wisdom as well as the foolishness. He places the court in the broad stream of the state's

sweeping history, tracking changes in the court's size, its caseload, its administrative structure, and its judicial philosophy. He depicts a working institution that managed to maintain itself as independent, flexible, and remarkably in tune with the people. It is a narrative rich in stories, personalities, and insights into the influence and legacy of the third branch.

Justice Green called the book "a remarkable achievement" that honored the court. By scheduling a special ceremony to receive a copy of this book, the Supreme Court of Texas signaled that *The Texas Supreme Court: A Narrative History, 1836–1986* is not only a significant piece of writing but also a milestone in the history of the court. **TBJ**



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