# ZONING CHANGE REVIEW SHEET

CASE NUMBER: C14H·2009·0034 HLC DATE: September 28, 2009

PC DATE: November 10, 2009

<u>APPLICANTS</u>: Stephen E. and Leslie R. McConnico, owners

**HISTORIC NAME**: Catterall-Thornberry House

WATERSHED: Shoal Creek

ADDRESS OF PROPOSED ZONING CHANGE: 1403 Hardouin Avenue

ZONING FROM: SF-3 to SF-3-H

<u>SUMMARY STAFF RECOMMENDATION</u>: Staff recommends the proposed zoning change from family residence (SF-3) district to family residence – Historic Landmark (SF-3-H) combining district zoning.

<u>HISTORIC LANDMARK COMMISSION ACTION</u>: Recommended the proposed zoning change from family residence (SF-3) district to family residence – Historic Landmark (SF-3-H) combining district zoning. Vote: 4-0 (Limbacher ill).

<u>PLANNING COMMISSION ACTION</u>: Recommended the proposed zoning change from family residence (SF-3) district to family residence — Historic Landmark (SF-3-H) combining district zoning. Vote: 8-0.

<u>DEPARTMENT COMMENTS</u>: The house is beyond the bounds of the Comprehensive Cultural Resources Survey (1984).

CITY COUNCIL DATE: December 10, 2009 ACTION:

ORDINANCE READINGS: 1<sup>ST</sup> 2<sup>ND</sup> 3<sup>RD</sup> ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky PHONE: 974-6454

<u>NEIGHBORHOOD ORGANIZATION</u>: Pemberton Heights Neighborhood Association

# BASIS FOR RECOMMENDATION:

The ca. 1938 house is an excellent example of Colonial Revival residential architecture and is associated with Fred W. Catterall, Jr., the proprietor of Walker's Aus-Tex Chili Company, Austin's largest canning company, and Homer Thornberry, a prominent state representative, U.S. representative, and Circuit Court of Appeals judge.

## Architecture:

Two-story rectangular-plan side-gabled wood-frame Colonial Revival house with a symmetrical façade. The central entry is framed with a flat-roofed portico on plain Doric columns; the portico has an ornamental metal railing above. There is one 9:9

window on each side of the central entry on the first floor of the house; the windows on the second story are 6:6. The house has a two-story side-gabled addition to the rear right of the house which matches the house in siding and details; windows in the addition are 6:6. Both the house and addition have a dentil cornice frieze.

The house was designed by Louis C. Page, Jr., who with his brother, Charles H. Page, formed Page Brothers, one of Austin's most prominent architectural firms. The firm later grew to be Page Southerland and PageSoutherlandPage. Although Louis C. Page and the firm had several important residential projects in Austin, they were mostly known for their larger civic and commercial projects, including the Austin Municipal Building (1937), Santa Rita Courts (1938-39) and the Tribune Building (1940). This house represents an excellent example of Page's residential work and reflects the tenets of the Colonial Revival style.

## Historical Associations:

Fred W. Catterall, Jr. and his wife Electra purchased this property from the Pemberton Heights Company in December, 1937, and engaged Louis C. Page, Jr. to design the Colonial Revival-styled house that he and his family lived in for 26 years. Catterall, born in Galveston in 1900, was the son of a Galveston banker who held the lien on the holdings of Walker's Aus-Tex Chili Company, which had been founded by two farming brothers to market their produce, but which failed during the Great Depression. The elder Catterall took over the business and installed his son as the overseer of the company, who ran it until 1962, when he sold the company to the Frito Company of Dallas. When Frito merged with Lay a year later, they dropped canned food from their product list, and Walker's Aus-Tex Chili (or Austex Foods, as the company was known after going public) was picked up by Riviana Foods of Houston.

Fred Catterall's wife Electra, was born in 1902 in Granger, but grew up in Plainview. She had a degree in chemistry from the University of Texas and was active in the Settlement Club, the Austin Women's Club, and the Austin Symphony League. She and Catterall were married at the home of her cousin, Dr. J.C. Thomas, whole lived at 3 Niles Road in a house that has been nominated as a city historic landmark.

The Catteralls sold the house to Homer and Eloise Thornberry in 1964, who lived here until 1978. Homer Thornberry was born in 1909 in Austin. Both of his parents were deaf, and Homer learned sign language before he learned to speak. His father, a carpenter, died when Homer was young, and his mother took a job teaching at the State School for the Deaf. Homer earned his keep by delivering milk and newspapers. He graduated from the University of Texas in 1932, and got his law degree from UT in 1936, during which time he also served as a Travis County Deputy Sheriff. He had a private law practice from 1936 to 1941, and also served in the Texas House of Representatives. He was the Travis County District Attorney from 1941 to 1942 but resigned to serve in the Navy. He met his wife Eloise, while stationed in Corpus Christi; they married in 1945.

The Thornberry's returned to Austin in 1946; he re-opened his private law practice. He also returned to politics. He was elected representative of the 10<sup>th</sup> Congressional District of Texas in 1948, taking the place of Lyndon Johnson, who had resigned his seat to run for the U.S. Senate. Thornberry was continuously reelected to Congress until he resigned in 1963 to accept his judicial post.

He was appointed by President Kennedy in 1963 as a U.S. District Judge for the Western District of Texas. Two years later, President Johnson appointed him a U.S. Circuit Judge for the 5<sup>th</sup> Circuit, where he participated in many civil rights decisions, and ruled that Texas' poll tax was unconstitutional, resulting in its abolition.

Homer and Eloise Thornberry were also active advocates for the rights of the deaf, being well aware of the hardships and discrimination faced by deaf Americans like his parents. The Thornberry's had the pool installed in 1971, and lived here until 1978, when they sold the property to Carl N. and Elizabeth Ann Morris, who lived here until 1990. Carl Morris was a prominent professor of statistics at the University of Texas while he lived here, specializing in sports and medical statistics; he now teaches at Harvard University Department of Statistics. The Morrises built a carport in 1979, raised the attic of the existing garage to create living quarters, and constructed a detached garage behind the house.

Steve and Susan Dial owned the house from 1990 to 1999; Steve is the executive director of the State District and County Attorneys Association; Susan is an archeologist and editor at the Texas Archeological Research Library (TARL). The current owners, Stephen and Leslie R. McConnico, purchased the house in 1999. Steve McConnico is a personal injury and civil trial attorney. The McConnico's added the pergola to the front side yard, renovated the back porch and added a pergola above, and constructed a second story to the former garage, which matches the style and materials of the original house.

PARCEL NO.: 01150107040000

<u>LEGAL DESCRIPTION</u>: Lot 13 and the East 20 feet of Lot 14, Block 3, Pemberton Heights Section 1.

ANNUAL TAX ABATEMENT: \$14,225 (owner-occupied); city portion: \$2,435 (capped).

APPRAISED VALUE: \$1,099,615

PRESENT USE: Single-family residence.

**CONDITION**: Excellent

# PRESENT OWNERS:

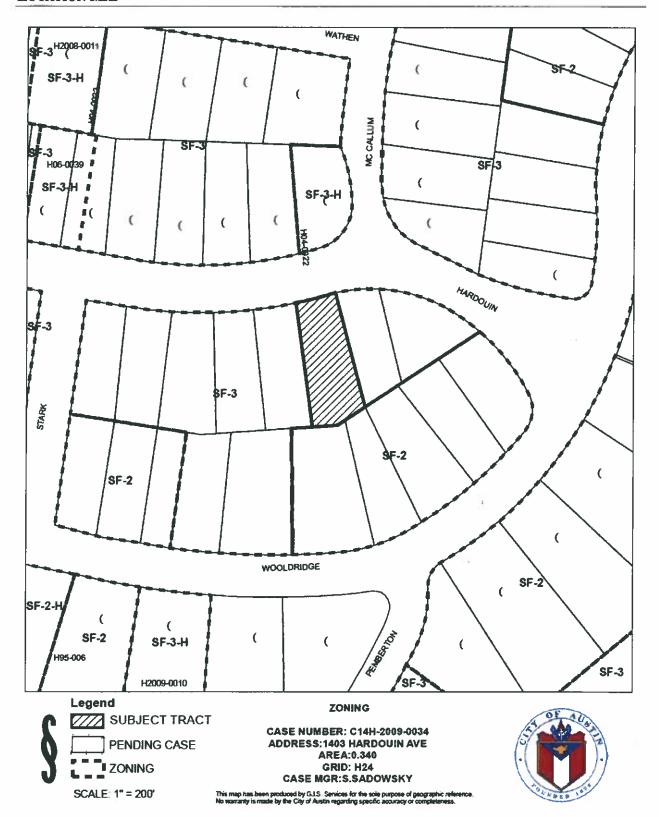
Stephen E. and Leslie R. McConnico 1403 Hardouin Avenue Austin, Texas 78703

DATE BUILT: ca. 1938

<u>ALTERATIONS/ADDITIONS</u>: The former garage has been modified with the addition of a second story; the addition matches the materials and style of the original house.

ORIGINAL OWNER(S): Fred W. Catterall, Jr., and Electra Catterall (1938)

# OTHER HISTORICAL DESIGNATIONS: None.



1403 Hardouin Avenue ca. 1938-39



# OCCUPANCY HISTORY 1403 Hardouin Avenue

City Directory Research, Austin History Center By City Historic Preservation Office September, 2009

1992	Chris S. and Susan Dial (not listed as owners) No occupation listed NOTE: The directory indicates that Chris S. [Stephen] and Susan Dial were new residents at this address.
1987	Carl N. Morris (not listed as owner) Professor, University of Texas
1983	Carl N. Morris (not listed as owner) No occupation listed NOTE: The directory indicates that Carl N. Morris was a new resident at this address.
1979	No return
1975	Homer and Eloise Thornberry, owners Judge, U.S. Court of Appeals, 5 <sup>th</sup> Judicial Circuit
1971	Homer and Eloise Thornberry, owners Judge, U.S. Court of Appeals, 5 <sup>th</sup> Judicial Circuit
1967	Homer and Eloise Thornberry, owners Judge, U.S. Court of Appeals, 5 <sup>th</sup> Judicial Circuit

Fred W. and Electra A. Catterall, Jr., owners

1963

Vice-president, Frito-Lay, Inc., Austex Food Division, 406 San Antonio Street. NOTE: Homer and Eloise Thornberry are listed as living at 200 W. 8<sup>th</sup> Street; he was a U.S. Congressman.

- 1959 Fred W. and Electra A. Catterall, Jr., owners
  President, Austex Foods, Inc. (Gordon E. Mills, vice-president and general
  manager), 406 San Antonio Street.
- 1955 Fred W. and Electra A. Catterall, Jr., owners
  President and general manager, Walker's Austex Chili Company, 406 San
  Antonio Street.
- 1952 Fred W. and Electra A. Catterall, Jr., owners
  President and general manager, Walker's Austex Chili Company, 406 San
  Antonio Street.
- 1949 Fred W. and Electra A. Catterall, Jr., owners
  Vice-president and general manager, Walker's Austex Chili Company, (W.F.
  Gohlke, executive vice-president), 500-02 W. 3<sup>rd</sup> Street; office, 310 San Antonio Street.
- 1947 Fred W. and Electra A. Catterall, Jr., owners
  Vice-president and general manager, Walker's Austex Chili Company, (W.F.
  Gohlke, executive vice-president), 500-02 W. 3<sup>rd</sup> Street; office, 310 San Antonio Street.
- 1944-45 Fred W. and Electra A. Catterall, Jr., owners
  Vice-president and general manager, Walker's Austex Chili Company, (W.F.
  Gohlke, executive vice-president), 500-02 W. 3<sup>rd</sup> Street; office, 310 San Antonio Street.
- 1942 Fred W. and Electra A. Catterall, Jr., owners
  Secretary-treasurer, Walker's Austex Chili Company, (W.F. Gohlke, executive vice-president), 500-02 W. 3<sup>rd</sup> Street; office, 310 San Antonio Street.
- 1940 Fred W. and Electra A. Catterall, Jr., owners
  Secretary-treasurer and assistant manager, Walker's Austex Chili Company,
  (W.F. Gohlke, executive vice-president), 500-02 W. 3<sup>rd</sup> Street; office, 310 San
  Antonio Street.
- The address is not listed in the directory.

  NOTE: Fred and Electra Catterall are listed as living at 2208 Parkway; he was listed as the secretary-treasurer and assistant manager of Walker's Austex Chili.

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# A. APPLICATION FOR HISTORIC ZONING

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ownership is other	r than sole or community prope	erty, list individuals/partners/principals below or attach separate sheet.
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GENT INFORMA	TION (IF APPLICABLE):	
7. AGENT CONT	ACT INFORMATION	NAME: Dale Van Sickle
IRM NAME:		TELEPHONE NUMBER: 512 478 3300 or,
tematively, mot	ile telephone number 512 423 ° S:1500 Hardouin Avenue	
ITY:Austir	STATE	E: _Texas ZIP CODE: _78703-2519
CONTACT PERSO	Dale Van Sickle	TELEPHONE NUMBER: _512 478 3300
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# D. SUBMITTAL VERIFICATION AND INSPECTION AUTHORIZATION

# SUBMITTAL VERICATION

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that proper City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc., may delay the proper review of this application.

	PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.
	Signature August 4, 2009  Date
	Dale Van Sickle Name (Typed or Printed)
	Firm (if applicable)
_	SPECTION AUTHORIZATION  Iture authorizes staff to visit and inspect the property for which this
pproduct to boiling subtrition.	PLEASE TYPE OR PRINT NAME BELOW SIGNATURE AND INDICATE FIRM REPRESENTED, IF APPLICABLE.
	Signature Dieke August 4, 2009  Date
	Dale Van Sickle Name (Typed or Printed)
	Firm (if applicable)

# E. ACKNOWLEDGMENT FORM

# concerning Subdivision Plat Notes, Deed Restrictions, Restrictive Covenants and / or Zoning Conditional Overlays

i,Dale Van Sickle have checked for subdivide (Print name of applicant)	ision plat notes, deed restrictions,
restrictive covenants and/or zonlng conditional overlays prohibiting ce development restrictions i.e. height, access, screening etc. on this property	
1403 Hardouin Avenue, Austin, Texas 78703(Address or Legal Description)	
If a conflict should result with the request I am submitting to the City of a deed restrictions, restrictive covenants and/or zoning conditional overlays it. I also acknowledge that I understand the implications of use and/or deve of a subdivision plat notes, deed restrictions, restrictive covenants and/or zoning conditions.	it will be my responsibility to resolve elopment restrictions that are a resul
I understand that if requested, I must provide copies of any and all subcreatrictive covenants and/or zoning conditional overlay information which m	
Day Ve Sichee Aus	eust 4. 2009
(Applicant's signature)	(Date)

NO 1041358

# TAX CERTIFICATE Nelda Wells Spears Travis County Tax Assessor-Collector P.O. Box 1748 Austin, Texas 78767 (512) 854-9473

ACCOUNT NUMBER: 01-1501-0704-0000 PROPERTY OWNER: PROPERTY DESCRIPTION: MCCONNICO STEPHEN E & LESLIE R LESLIE ROST MCCONNICO 1403 HARDOUIN AVE AUSTIN, TX 78703-2516 LOT 13 \*6 E 20FT LOT 14 BLK 3 PEMB ERTON HEIGHTS SEC 1 ACRES 0.000 MIN% .00000 TYPE SITUS INFORMATION: 1403 HARDOUIN AVE This is to certify that after a careful check of tax records of this office, the following taxes, delinquent taxes, penalties and interests are due on the described property of the following tax unit(s): YEAR ENTITY
2008 AUSTIN ISD
CITY OP AUSTIN (TRAV)
TRAVIS COUNTY
TRAVIS COUNTY HEALTHCARE DISTRICT
ACC (TRAVIS) TOTAL \*ALL PAID\*
\*ALL PAID\*
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\* NONE \*
\* NONE \* \*ALL PAID\* (ES PAID FOR YEAR 2008 \$19,211.94 ALL TAXES PAID IN FULL PRIOR TO AND INCLUDING THE YEAR 2008 EXCEPT FOR UNPAID YEARS LISTED ABOVE.
The above described property may be subject to special valuation based on its use, and additional rollback taxes may become due. (Section 23.55, State Property Tax Code).
Pursuant to Section 31.08 of the State Property Tax Code, there is a fee of \$10.00 for all Tax Certificates. GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS DATE OF 07/09/2009 Nelda Wells Spears Tax Assessor-Collector Fee Paid: \$10.00

# OVERVIEW of the CATTERALL-THORNBERRY HOUSE 1403 HARDOUIN AVENUE, AUSTIN, TEXAS

A significant legacy:

Representative example of a suburban Pemberton Heights house built by Fred Catterall, Jr., a successful and influential Austin businessman, civic and community leader of the 1930's, embodying the American Colonial Revival—Federal, Georgian subgenre - style popular in that period.

On December 10, 1937, the Pemberton Heights Company sold Lot 13 and the east portion of Lot 14, Block 3, Section One, Pemberton Heights Subdivision to Fred W. Catterall, Jr., and Electra A. Catterall for \$1,775.00 cash. Fred Catterall, Jr., and his wife Electra Anderson Catterall built the house in 1938 and lived in it 26 years.

Criterion 1. Character, interest or value, as part of the development, heritage or cultural characteristics of the City of Austin, State of Texas, or the United States, and

Criterion 11. Identification with a person or persons who significantly contributed to the culture and development of the City. State or United States:

The Catterall family and the Thornhill family and every subsequent owner of 1403 Hardouin Avenue has contributed to the culture and development of the City, State or United States and is significant in his own way (listed in order of ownership):

1. Fred Catterall, Jr., the original owner, was president of an Austin food canning business dating from 1900, Walkers' Austex Chili Company, and he and his wife and children were prominent business, civic and social leaders in Austin.

- 2. Homer Thornberry, who lived in the house from 1964 until 1978, is historically significant on national, state, county, and city levels: United States Circuit Judge, Fifth Circuit Court of Appeals, United States District Judge, Western District of Texas; Member, United States House of Representatives; Texas House of Representatives; Travis County District Attorney; Austin Mayor Pro Tem for one year; Austin City Council Member; attorney in private practice in Austin; Travis County Sheriff's Deputy. Additionally, Homer Thornberry and his wife Eloise were significantly involved in national, state, and local civic, charitable, educational, and fine arts organizations leadership through numerous board of directors and executive positions, particularly in support of education for the deaf. The Homer Thornberry Building, located at 903 San Jacinto in downtown Austin, Texas, is a courthouse and federal building named in honor of Judge and former Congressman, William Homer Thornberry.
- 3. Architect: The house was designed in 1938 by Louis Charles Page, Jr., of the firm of Page Southerland, which grew into PageSoutherlandPage, a leading architectural firm in state, national, and international projects. He is of the Page Family Architectural Dynasty, Texas' most prolific and enduring architectural practice, a state leader in the design of public buildings.

Further, the successive owners have been significant and influential in city, state, and nation:

a. Carl N. Morris, who lived there from 1978 until 1990, is a

nationally prominent statistician. He was a distinguished professor at the University of Texas, where he was Director from 1983-1990 of the Center for Statistical Sciences. He currently is Professor at the Harvard Department of Statistics. Dr. Morris' career includes editorships of two leading statistics journals, Editor of the Journal of the American Statistical Association and Executive Editor of Statistical Science. He is a Fellow of the ASA, IMS, and Royal statistical Society; an elected member of ISI; and a member of the Biometric Society. His work is primarily in the fields of medical and sports statistics.

- b. Steven R. Dial, attorney and parliamentarian of the Texas Senate under William P. Hobby and later under Bob Bullock,in Hobby's executive staff, Executive Director of the Texas District and County Attorneys Association, and director of the Research Division of the Texas Legislative Council.
- c. Susan W. Dial, archeologist and editor at the Texas Archeological Research Laboratory at University of Texas-Austin Editor and cofounder of the public education website, Texas Beyond History (ww.texasbeyondhistory.net), which was recognized with the 2008 Award for Excellence in Public Education by the Society for American Archaeology. For work on this website, she received the Distinguished Service Award from the Texas Archeological Society in 2003.

- d. Stephen E. McConnico, a nationally recognized and nationally honored attorney, listed in <u>Best Lawyers in America</u> for Legal Malpractice Law, Personal Injury Litigation, and Commercial Litigation; listed in <u>National Law Journal</u> Who's Who of the Legal Malpractice Bar; and listed in <u>Texas Monthly</u> 100 Texas Super Lawyers.
- Criterion 4. Identification as the work of an architect or master builder whose individual work has influenced the development of the city:

  Louis Charles Page, Jr., and PageSoutherlandPage:

Louis C. Page, Jr., well-known Austin architect of Page Southerland designed the house in the American Colonial Revival Style, in the Georgian subgenre. Louis Charles Page, Jr., was a prolific practicing architect and practiced in Austin for almost 50 years. Page Southerland, which is known for designing public buildings, residences, and schools in Central Texas, all of which have influenced the City of Austin, including the following: dormitory for the Austin State Hospital in 1937, the Municipal Building for Austin (1937), Brackenridge Hospital (1940), Bergstrom Air Field, and in the Moderne Style the Tribune Office Building (1940), the First Baptist Church Education Building, Federal Housing Project Number One: Santa Rita Courts, Palmer Auditorium (1959), City National Bank Building (1971), PageSoutherlandPage Office Building (1974) at 606 West Avenue, Business Administration-Economics Building at University of Texas (1958) at Speedway and 21<sup>st</sup> Streets, and the InterFirst Bank at Oak Hill (1986). PageSoutherlandPage has developed one of the largest practices in Texas.



PRED W. CATTERALL JR.

1



GORDON E. MILLS

# Catterall And Mills To Retire

Fred W. Catterall Jr., vice president of the Austex Foods Division of Frito-Lay, Inc., with headquarters in Austin, and Gordon E. Mills, general manager of the division, have announced plans to retire from active management in the company on Sept. 1, according to Fladger F. Tannery, president. General management and sales offices will be re-located in Dallas after Sept. 1.

George M. Boedeker, coordinator of brokerage products for Frito-Lay, has been named vice president and general manager of the division, effective with the retirement of Catterall and Mills.

Catterall will remain on the board of directors of Frito-Lay, and both Catterall and Mills will serve as consultants to the company for an indefinite period.

Catterall has a long history of activity in business and civic affairs in Austin. He is president of the Austin Rotary Club, chairman of the finance committee of the Episcopal Diocese of Texas, and a director of the Capital National Bank.

He is a past president of the United Fund, the Chamber of Commerce, and a past director of the Grocery Manufacturers of America. He is also past president and president-elect of the Austin Symphony Society, chairman of the board of the International Hospitality Committee, and a director of St. David's Hospital.

Mills is a past president of the Austin Better Business Bureau, past president of the Austin Rotary Club, a past director in the National Meat Canners Associa-

tion, a past senior warden of St. David's Episcopal Church, and

has many other business and civic interests.

# 4



Mrs. Fred Catterall, Jr.
1955 SYMPHONY BALL CHAIRMAN
"Night in Vienna"



FREDERICK WILLIAM CATTERALL, JR. "FRED"

Classification

Major: Meat, Dairy, Poultry and Fish Products Minor: Meat Packing

Vice President, General Manager Walker's Austex Chili Co. 310 San Antonio St. P.O. Box 17 Telephone 8-3401

Rotary Ann: Electra

Children: Fred III

Jean

Home:

1403 Hardouin Avenue

Telephone 2-8137

Hobby:

Golf, Music

Entered Club: July 5, 1932 (Resigned August 1, 19 May 29, 1945

Source not given

# Austex chief Catterall dies

Fred W. Catterall Jr., 81, president of Austex Foods, of No. 6 Woodstone, died Thursday at the age of 81.

A. native of Galveston, Catterall had resided in Austin for more than 50 years.

He attended Washington and Lee University, the University of Virginia and the University of Texas.

Catterall was president of Austex Foods for many years; past director of Frito-Lay Corp., Dallas; past director of Grocery Manufacturers of America, New York; past president of the Downtown Rotary Club; past president of the United Fund; · member of the Chamber of Commerce, Austin Symphony, Pi Kappa Alpha Fraternity, English Speaking Union International Hospitality Committee, St. David's Episcopal Church; advisory director of Capital National Bank; served on the Executive Committee of Episcopal Diocese of Texas, Finance Committee Chairman of the Episcopal Diocese of Texas, Board of Trustees of St. David's Hospital; Salvation Army; St. Stephen's Episcopal School: Seminary of Southwest; St. Andrew's Episcopal

School.

Catterall is survived by his wife, Mrs. Electra Catterall, Austin; son, Fred W. Catterall III, Dailas; daughter, Mrs. H.R. Gillespie of Bend, Ore.; two sisters, Mrs. W.H. Shackleton, Middletown, Ky., Mrs. Jack R. Swain Sr., Dallas; seven grandchildren.

Services for Catterall are scheduled for 4 p.m. Thursday at St. David's Episcopal Church, with the Rev. Ed Harvey officiating. He will be assisted by Bishop Roger Cilly. Burial will be in Austin Memorial Park.

Memorial contributions may be made to St. David's Episcopal Church Endowment Fund, St. David's Hospital Memorial Fund or to a favorite charity.

Arrangements by Weed-Corley Funeral Home.

## William Thornberry

people Information:

Full Name: William Homer Thornberry

Section: Republic Hill, Section 2 (C2) Location:

Row:N Number:1

United States House of Representatives; United States District Judge, Western District of Texas;

Member, Texas House of Representatives; Member,

Reason for Eligibility: United States Circuit Judge, Fifth Circuit Court of

Appeals

Birth Date: January 9, 1909

Died:

December 12, 1995

Buried:

December 14, 1995

Biography:

No Portrait Available



Headstone Text

Thomberry

William Homer January 9, 1909 December 12, 1995

> Eloise Engle June 28, 1919 April 27, 1989

Back of headstone

William Homer Thomberry

1937 - 1941 Member, Texas House of Representatives 1941 - 1942 District Attorney, Travis County, Texas 1942 - 1946 World War II, Lieut, Commander, U. S. N. 1946 - 1948 Member and Mayor Pro Tem, Austin City Council 1949 - 1963 Representative, United States Congress 1963 - 1965 United States District Judge, Western District of Texas

1965 - 1995 Judge, United States Court of Appeals, 5th Circuit

THORNBERRY, WILLIAM HOMER (1909 ~ 1995). William Homer Thornberry was born on January 9, 1909, in Austin, Texas, to Mary L. and William N. Thornberry, teachers in the State School for the Deaf and themselves deaf. He attended public schools in Austin, graduated from Austin High School in 1927. He received his BBA in 1932, and his LLB in 1936 from the University of Texas. In 1954, he received an Honorary Doctorate of Law from Gallaudet College, Washington, D.C.

Homer Thomberry served as a Member in the House of Representatives, Legislature of Texas, in 1937 - 1941. He was in private practice of law from 1936 - 1941 in the law firm of Powell, Wirtz, Rauhut and Gideon. During 1941 - 1942, he served as District Attorney in Travis County, resigning to serve in the Navy during World War II.

Discharged from the Navy as Lieutenant Commander in 1946, he returned to Austin to re-enter the practice of law in partnership with the late Judge Herman Jones. He was a member of the City Council of Austin from 1946 - 1948, serving as Mayor Pro Tempore in 1947 - 1948.

Homer Thornberry was elected in 1948 to the 81st Session of the United States Congress as Representative of the 10th Congressional District of Texas. He was re-elected to each Congress until his resignation in December, 1963. During his time in Congress, he was a member of the Rules Committee of the House of Representatives from January of 1955, until his resignation.

He was appointed by President John F. Kennedy as a United States District Judge for the Western District of Texas in 1963, and commissioned by President Lyndon B. Johnson, and sworn in as a United States Judge in El Paso, Texas, on December 21, 1963. He was appointed and commissioned by President Johnson as a United States Circuit Judge (Fifth Circuit) in 1965, and sworn into office as a Circuit Judge on July 3, 1965, at the LBJ Ranch. He took senior status December 21, 1978. During his service on the Fifth Circuit Court of Appeals, he participated in decisions including many civil rights cases of the 1960s and 1970s. He served as a member of the Judicial Conference Committee to Implement the Criminal Justice Act from 1964 to 1979, and the Fifth Judicial Council Committee on Criminal Justice Act in 1967.

Judge Thornberry received the Boy Scouts of America Silver Beaver Award in 1948. He served as a board member of Gallaudet University, Washington, D.C. (the only senior college for the deaf in the world) from 1949 until his resignation from Congress, at which time he was named honorary life member of the Gallaudet Board. He was a Delegate-at-Large at the National Democratic Convention in 1956 and 1960. He was an Honorary Member of the Order of the Coif, an honorary legal organization and was chosen as a Distinguished Alumnus of the University of Texas in 1965. He was elected to the Austin High School Hall of Honor in May, 1983. He received the Leon Green Award from the Texas Law Review Association of the University of Texas School of Law in April, 1986. Judge Thomberry was a past member of the Texas Bar Association and a current member of the Travis County Bar Association. He was a member of the Texas Society of Sons of the American Revolution and a 33rd Degree KCCH Member of the Austin Scottish Rite Bodies. He was an honorary member of Kiwanis International, and served as Potentate of the Ben Hur Temple Shrine in 1948.

Judge Thornberry died peacefully at home on Tuesday, December 12, 1995 and was buried in the Texas State Cemetery on December 14, 1995.

Biographical information taken from Thomberry's Texas State Cemetery file materials.



# HOMER

NO LISTING OF "AMERICAN DREAM" STORIES would be complete without the life of Homer Thornberry. Born in 1909, the only child of deaf parents, he grew up in a silent household with little money.

But no one could call Homer Thornberry "disadvantaged." His parents, William and Mary Thornberry, were professional people, teachers at the Texas School for the Deaf. Their total thoughts and dreams enfolded their son. It would be no surprise to them that today he holds two degrees from The University, BBA '32, LLB '36, and is Judge of the United States Court of Appeals of the Fifth Circuit. Nor would it be an unexpected event for him to be named a Distinguished Alumnus of The University by The Ex-Students' Association — which he was in October.

In early manhood Homer enrolled at The University where he always worked more hours than he attended class. He lest himself many days among the periodicals in the Old Library.

Young Thornberry dropped out of school occasionally to join construction crews. He had no interest in campus politics.

"I wandered into The University without any real purpose, with no real goal," says Judge Thornberry, whose youthful face and quick movements belie the silver in his hair. "The University can't afford many students like I was. It gave me an opportunity to find myself, to learn how to get along with people, to make enduring friendships."

Mary Thornberry always intended that Homer would attend The University of Texas, and then accomplish something worthwhile for his fellow men. "My mother wanted me to go to the University very badly," remembers Judge Thornberry. "So I thought I'd go a year or two to please her and then find myself a job."

His first employment as a University student was knocking on doors to collect bills for a local plumbing concern. Next he became an assistant freight clerk at the freight depot in Austin. He worked on the highway, and at the end of his sophomore year went to Baytown to take a construction job.

At this point Fred C. Malone, then county clerk of Travis County, asked him if he'd like a job in the sheriff's office. This question changed Homer Thornberry's whole plan and perhaps his life.



Alcalde Juni 96 6

# THORNBERRY

In the sheriff's office, working as office deputy, young Thornberry began meeting a lot of people. He became a favorite throughout Travis County, and this growing popularity gradually steered him into politics.

The University of Texas served as a kind of periscope, lifting Homer Thornberry's vision of life and thought

beyond the Travis County hills.

"I met people out there from all over Texas and learned about their parts of the state. I spent most of my spare hours, however, in the Old Library looking up references assigned in class. I'd get immersed in some periodical, start reading about public affairs, about economics, about the Stock Market crash of 1929, and the steps Franklin Roosevelt took to set things straight in 1932. These things made a deep impression on me."

Judge Thornberry can't remember making close friendships as an undergraduate, but enduring friend-

ships were made in Law School.

Unlike most exes, Judge Thornberry doesn't single out one or two professors who had a major impact on his

life.

"In retrospect, it's kind of a kaleidoscope," he says. "Of course, there were some special people on the faculty — Ruth Allen in economics, the late Dr. Edward Karl McGinnis, who taught business law, Jim Dolley . . . I had an investments class with him . . . Dean (Ira P.) Hildebrand, and Page Keeton was a young professor just beginning . . ."

Judge Thornberry doesn't recall periods of discouragement during his University days, but he knows they must have come. "Every time I wanted to quit, and there were those times, my mother insisted that I continue."

His father had died while he was still a boy.

Judge Thornberry was elected to the Texas House of Representatives from Travis County before he got his law degree. He was talked into the race on an automobile trip from Chicago to Austin with Hubert B. Jones. "He instilled the thought of public service on that trip, which lasted longer than a trip the same distance nowadays," recalls Judge Thornberry. "He loaned me the money to make the race—\$100. Politics didn't cost as much then."

Even yet, with all the honors and accomplishments of his life, Judge Thornberry remembers that legislative victory as a triumph. He won with a big majority over two opponents.

He never lost a political race, and his public office career went like this:

Member of the House of Representatives, Texas Legislature from 1937-1941; district attorney of Travis County from 1941-42; Navy officer in World War II, 1942-1946 (discharged as lieutenant commander); member of City Council of Austin from 1946-1948, serving as mayor pro tempore in 1947-48; member of the United States Congress from November, 1948, until his resignation in December, 1963.

Judge Thornberry was a member of Congress from the 10th District of Texas, now famous because it is the home district of President Lyndon Johnson. Thornberry was elected to the House of Representatives when President Johnson left the post to run for the United

States Senate.

He knows that public life is an important calling

When he was a lad, no more than 14, Thornberry served as a page in the Texas Legislature. Perhaps he decided then to enter public life. But more than likely, it was in the sheriff's office, then the central institution in the Courthouse. He watched lawyers performing in court and absorbed the idea that the law and public life were honorable and important callings.

Judge Thornberry recalls that as a member of Congress, the hardest part was voting for bills his closest friends wanted him to vote against, or vice versa.

"That hurts a person, and you lose friends over it," he says. "It's something to agonize over, then finally, you make up your mind and vote for what you think is right as well as for what you believe is best for the constituents."

In July of 1963, Thornberry was appointed by President John F. Kennedy as United States District Judge for the Western District of Texas. He was commissioned by President Johnson on Dec. 19, 1963, resigned from Congress on Dec. 20, 1963, and was sworn in as United States District Judge in El Paso on Dec. 21, 1963.

This year, on June 17, President Johnson appointed him as United States Circuit Judge. He was commissioned by President Johnson on July 1, 1965, and sworn in as US Circuit Judge on July 3, 1965, at the LBJ Ranch. As district judge and as circuit judge, Homer Thornberry often remembers something Sam Rayburn said to him once:

"At every stage of my life, I feel that I've got the toughest problem I've ever had."

As district judge, Thornberry found he was dealing with the very lives of people. "It tears at you," he says. "Society must be protected, and wrongdoers must be punished as a deterrent to others, but it's always hard to separate persons from their families... to send people to prison."

He's only beginning the work on the Fifth Circuit Court, but here, too, he will be dealing with the rights of people, and some people's rights conflict with the rights of others.

A great sustaining force in Homer Thornberry's busy life is his beautiful wife, Eloise. A graduate of The University, Mrs. Thornberry (the former Eloise Engle, BA '42, of Austin) is a newly elected member of the executive council of The Ex-Students Association. Judge Thornberry also served in that capacity from 1946 to 1948, resigning when he went to Congress.

Homer Thornberry had already been graduated from The University when he met Eloise. They met in Corpus Christi where she was working during World War II, while he was stationed there. The Thornberrys live at 1403 Hardouin Street in Austin. Their three children are Molly, 19, a Plan II sophomore at The University of Texas; David, 17, a senior in Stephen F. Austin High School, and Kate, 15, who has just entered Austin High.

Always interested in education, Judge Thornberry is a member of the Board of Directors of Gallaudet College in Washington, D. C., the only senior college for the deaf in the world. Besides his bachelor of business administration and law degrees from The University of Texas, he was awarded an honorary doctor of laws degree by Gallaudet in June, 1954.

He is proud of the progress The University is making, and notes that it is becoming known throughout the nation for its work in many fields — that it no longer is famous only as the home of the mighty Longhorns.

But this isn't to minimize the importance of the Longhorns to Judge Thornberry. He has already served notice with his colleagues on the Fifth Circuit Court that during football season, he believes it would be best not to hold court Saturday afternoons.

Five Thornberrys, left to right: Molly, Kate, Mrs. Thornberry, David and the Judge.



# THE NEW YORK TIMES OBITUARIES WEDNESDAY, DECEMBER 13, 1995

# Homer Thornberry, 86, Appeals Court Judge

By ROBERT McG. THOMAS Jr.

Homer Thornberry, the longtime are Congressman and United. States Court of Appeals judge who lost an appointment to the Supreme Court in 1968 because of a controversy involving the man he had been named to replace, died early yester-day at his home in Austin. He was 88 and until a month ago had continued to work as a senior judge in the Fifth

son decided to elevate his buddy, Abe Fortas, from Associate Justice of the Supreme Court to Chief Justice of the United States, the President did not have to look far for someone to When President Lyndon B. John-

Crost

his life making up for lost time.

take the Fortas seat on the Court.
Judge Thornberry, who had left
Congress to become a Federal district judge in 1963 and who had been named to the Fifth Circuit two years later, was even more of a Johnson crony than Justice Fortas was.

The two men, who had known each other as fellow Democratic politiclans in Austin, had grown far closer after Mr. Johnson was elected to the Senate in 1948 and Mr. Thornberry claimed his seat in the House.

When Mr. Johnson was recuperat-ing from a heart attack in 1955, for

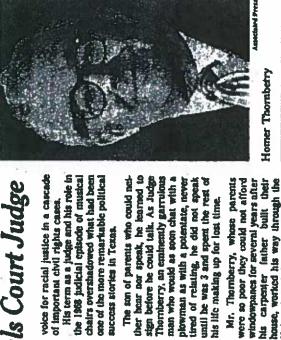
of important civil rights cases. example, Mr. Thörnberry was a dal-ly visitor, playing dominoes with such cakculated care that the patient never tost a game.

Kennedy in November 1963, Mr. Thornberry, who had been confirmed for the bench the previous from the House, actually moved into the Elms, the Johnsons' home in And when Mr. Johnson was sudsummer but had not yet resigned denly propolled into the Presidency after the assassination of John F. Washington, to help with the difficult transition.

Although his status as a Johnson blings from Southern politicians that he had doclared the Texas poil tax Court later confirmed it was) Mr. Thornberry never had a chance to be crony raised some eyebrows in 1968, and although there were some rumunconstitutional (as the Supreme udged on his merits.

When a Republican fillbuster leaving no court vacancy to fill, the Thomberry nomination died without a Serate vote and without tarnishing the Fortas appointment the Judge's reputation. blocked

Indeed, in the years that followed he justified the fears of Southern politicians by becoming a consistent



success stories in Texas.

Lesectaind Press Homer Thornberry

"He actually lived on his salary."

school by serving as a deputy sheriff, a job he was able to give up when he was elected to the Texas Legislature

He later became district attorney

while still in law school

University of Texas and its law

In the House, Mr. Thomberry's voting record grew progressively such an important liberal voice on the powerful House Rules Committee that he agreed to detay his departure for months to prevent being replaced by a Southern Democrat more liberal over the years, and by the time he was named to the bench by President Kennedy in 1963 he was unsympathetic to the Kennedy proand served in naval intelligence in

len; three children from a previous marriage, Molly Mathot of McAllon, Tox., Devid of Austin and Kate Tomlin of Houston, and two grand-He is survived by his wife, Mar-

even more of an anomaly, according to Bull Wiley, a former Thomberry legislative aide who is now a lawyer in Washington.

Mr. Wiley said yesterday, still mar-veling at how long his boss clung to his old Mercury after repeated

World War 11 before opening a private law practice and serving on the Austin City Council and as acting Mayor, a position that helped lay the foundation for a reputation for integrity that was distinctly excessive by their parking tickets, Mr. Thorn-berry paid the fines himself rather than violate his notion of public trust.

When his clients asked him to fix

fexas standards,

In Washington, where his Texas of the House, Mr. Thornberry was mentor, Sam Rayburn, was Speaker

# Of Elpise Thornberry's

By CRISPIN JAMES

Eipise Thorships by Arest case to any Supject. Talk to her FIRES . -... she swise and careers.

contamies mach of too, and the

Equipmen afthe seal is one of the primary countries, and because of the interest and long recorded service to programs for the deaf, she has pecently been elected a trustee of the Rochester Institute of Technology (RUE).

The National Technical Institute for the Deaf (NTID)

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After two it field years at the maximic, studies will receive certificates to ready for jobs.

NTID and is an tonorary stumbler of the translator the

offices too. She serves on the National Advisory Group for

About 25 students are encolled in 136 school gove, but will have to they dor 73 by the fall of 1803 p

Associations of the Deal.
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for Gallande College in Washington, D.C., the only

tone, year liberal arts

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community, in current events tenth? Y A Park Andreas and the pa Srogenta does Dr. Carl N. Morris (Ph.D. Statistics, Stanford, 1966; B.S. Statistics, California Institute of Technology, 1960) is Professor at the Harvard Faculty of Arts and Sciences, Department of Statistics. Dr. Morris joined Harvard in 1990 with Professorships evenly split between the Statistics Department (Arts and Sciences), and the Department of Health Care Policy (Harvard Medical School), but that changed in 1995, when Chairing the Department of Statistics required his full-time attention. Dr. Morris' career includes Editorships of two leading statistics journals, Editor of Journal of the American Statistical Association (1983-1985), and Executive Editor of Statistical Science (1989-1991). He is a Fellow of the ASA, IMS, and Royal Statistical Society; an elected member of ISI; and a member of the Biometric Society.

During his career, Dr. Morris has sought out interdisciplinary and novel applications that implement and challenge new statistical theory. His research in the interface of statistical theory and scientific application has been aided by appointments in departments of statistics, mathematics, economics, health policy, and of behavioral sciences. Dr. Morris is best known for his contributions to the theory of hierarchical models and of empirical Bayes methods with applications to many fleids, particularly including health care policy. Over the years this work has been supported by grants from the National Science Foundation, the Agency for Health Care Policy Research, the Veterans Administration, the U.S. Census Bureau, the Environmental Protection Agency, and the National Aeronautics and Space Administration. These grants also have supported his continuing work on natural exponential families with quadratic variance functions (NEF-QVF), which was recognized as a breakthrough (Volume III on Breakthrough in Statistics, Springer, 1997).

Hierarchical modeling applications of particular continuing relevance in health services research concern evaluating the quality of medical units. With collaborators and students at Harvard, and with Veterans Affairs researchers involved in profiling VA hospitals, Dr. Morris continues this research on mental and physical health and on medical profiling. This work builds on his Agency for Health Care Policy Research grant that identified important medical and health services applications of hierarchical models. Earlier work in health policy research spanned medical profiling, experimental design, and public policy experiments. He is known for his earlier experimental design work in the RAND Health Insurance Experiment and in particular for the Finite Selection Model that he developed for creating optimally balanced experiments in the HIE. Dr. Morris has also done pioneering work in the theory of statistics as applied to sports and competition, especially in baseball and tennis.

# The Story of PAGE SOUTHERLAND PAGE Architects and Engineers



GEORGE M. PAGE

LOUIS C. PAGE, JR.

LOUIS F. SOUTHERLAND

Louis C. Page, Jr., (center) designed this house for Fred and Electra Catterall in 1938.