

ZONING CHANGE REVIEW SHEET

CASE NUMBER: HDP-2018-0663

HLC DATE:

January 28, 2019

February 25, 2019

PC DATE:

APPLICANT: Historic Landmark Commission

HISTORIC NAME: Mann-Greenhill House

WATERSHED: Johnson Creek

ADDRESS OF PROPOSED ZONING CHANGE: 3204 Bridle Path

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

SUMMARY STAFF RECOMMENDATION: Staff **does not** recommend the proposed zoning change from single family residence, neighborhood plan (SF-3-NP) combining district to single family residence – Historic Landmark – neighborhood plan (SF-3-H-NP) combining district zoning. If the Commission votes to release the application for the demolition permit, then staff recommends completion of a City of Austin Documentation Package, consisting of photographs of all elevations, a dimensioned sketch plan, and a narrative history, for archiving at the Austin History Center.

QUALIFICATIONS FOR LANDMARK DESIGNATION:

Architecture and Historical Associations

Staff has evaluated this house for designation as a historic landmark and has determined that the house does not meet the criteria for landmark designation as set forth in City Code:

- a. **Architecture.** The house reflects Cape Cod massing and Colonial Revival details, especially in the window and door configuration, both common architectural trends in Austin from the 1920s through the late 1940s. The house has insufficient architectural distinction to warrant individual designation as a historic landmark.
- b. **Historical association.** The house has associations with two leaders of the legal profession in Texas – Gerald C. Mann, who served as Secretary of State and as Attorney General in the late 1930s and early 1940s, followed by Joe Greenhill, who served as Attorney General before being appointed to the Texas Supreme Court, where he served for 25 years, 10 years as chief justice. Staff recognizes the importance of these two people in the legal profession but does not believe that the house qualifies as a historic landmark because of their associations.
- c. **Archaeology.** The house was not evaluated for its potential to yield significant data concerning the human history or prehistory of the region.
- d. **Community value.** The house does not possess a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, the neighborhood, or a particular demographic group.
- e. **Landscape feature.** The property is not a significant natural or designed landscape with artistic, aesthetic, cultural, or historical value to the city.

HISTORIC LANDMARK COMMISSION ACTION: **January 28, 2019:** Postpone the case to February 25, 2019 to obtain more information on Mrs. Greenhill. **Vote:** 7-0 (Reed, Brown,

Hibbs, and Tollett absent). **February 25, 2019:** Initiated historic zoning. Vote: 7-1 (Reed and Hibbs absent; Little opposed).

PLANNING COMMISSION ACTION:

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

CITY COUNCIL DATE:

ACTION:

ORDINANCE READINGS: 1ST 2ND 3RD

ORDINANCE NUMBER:

CASE MANAGER: Steve Sadowsky

PHONE: 974-6454

NEIGHBORHOOD ORGANIZATION: West Austin Neighborhood Group

BASIS FOR RECOMMENDATION:

Architecture:

One-and-a-half story, rectangular-plan, side-gabled frame house with a combination of Cape Cod massing and Colonial Revival details; full-width inset porch; single 6:6 fenestration.

Historical Associations:

The house was built around 1940. The first occupants were Gerald C. and Anna M. Mann, who rented the house for about 4 years in the early 1940s. Gerald C. Mann was a former football star at SMU, where he earned the nickname of the "Little Red Arrow." After college, he went to Harvard Law School then returned to Texas to practice law with his brother in Dallas. He was appointed Texas Secretary of State in 1935, and Attorney General of the State of Texas in 1938. He served as attorney general until 1944, when he returned to private practice in Dallas. Through his tenure as attorney general, Mann was an avid supporter of FDR's progressive policies, and embarked on a campaign of trust-busting in Texas. He died in Dallas in 1990.

From around 1945 until recently, the house was owned and occupied by Joe P. and Martha Greenhill. Joe P. Greenhill was a native of Houston and was became an assistant state attorney general in 1948. While in that position, he argued the losing side of Sweatt v. Painter, the landmark civil rights case that led to the ultimate overturning of the doctrine of separate but equal in public schools. Through this case, he and Thurgood Marshall, the African-American attorney representing Heman Sweatt, became friends. He was a founder (with Judge Ireland Graves and Chrys Dougherty) of the prominent Austin law firm of Graves, Dougherty and Greenhill in 1950. Governor Price Daniel appointed him to fill a vacancy on the Texas Supreme Court in 1957, and he was elected to serve on the Supreme Court in 1958. He became Chief Justice of the Supreme Court in 1972, and served in that capacity until his retirement 10 years later. In his later years, he worked to install processes for arbitration and mediation in Texas jurisprudence, allowing low-income people access to the legal system to settle disputes without having to file an expensive lawsuit. Justice Greenhill died in 2011; his widow, Martha, died in 2018.

PARCEL NO.: 0116080806

LEGAL DESCRIPTION: LOT 7 * & E26.5FT OF LOT 6 BLK 11 TOBIN & JOHNSON
SUBD

ESTIMATED ANNUAL TAX ABATEMENT: \$8,500 (owner-occupied); city portion: \$2,500 (capped).

APPRAISED VALUE: \$859,070

PRESENT USE: Residence

CONDITION: Good

PRESENT OWNERS:

Benjamin and Kristen Polidore
3204 Bridle Path
Austin, Texas 78703

DATE BUILT: ca. 1940

ALTERATIONS/ADDITIONS: Small additions to the side and rear of the house.

ORIGINAL OWNER(S): Gerald and Anna Mann (1940)

OTHER HISTORICAL DESIGNATIONS: None.



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info@sectexas.com
(512) 215-4364

Austin 11/27/18

To: Ben Polidore

Re: Existing Residential Foundation and Superstructure Assessment
3204 Bridle Path, Austin, TX

INTRODUCTION

I have inspected the existing structure at the above referenced address on behalf of *Ben Polidore*. The inspection was part of a Level B investigation of the foundation structure. The investigation was triggered by concerns about ongoing foundation issues and overall framing issues and to determine the extent of structural repairs needed to retrofit the structure to current building codes. According to the Texas Section of the American Society of Civil Engineers (Guidelines for the Evaluation and Repair of Residential Foundations, 2009), a Level B investigation consists of:

- Interview with homeowner/homeowner's representative or developer to inquire about possible distress signs around the building and the history of the property;
- Visual inspections on the Interior and exterior of the property to search for any visible signs of excessive foundation movement.
- Request from the client and review the provided documents regarding the foundation, such as construction drawings, geotechnical reports, previous testing and inspection reports, and previous repair information.
- Floor levelness: Relative floor elevations were taken to assess flatness of floor structure.
- Make visual observations during a physical walk-through
- Observe factors influencing the performance of the foundation.

The property is located in Austin, Travis County. At the time of preparation of this report, there are no engineering or architectural plans available for review. Additionally, there is no known history of foundation stabilization or retrofitting (e.g. pier stabilization) for this house. Per builder comments, the intent for this property is to re-use the existing structure as part of a new, two-story, single family residence.

PROPERTY DESCRIPTION

Available records indicate that the structure was built in 1939. It consists of a single-story residential structure. The main house is apparently supported by pier-and-beam foundation structure with crawl space under the wood framed floor. Access to the crawl space is only possible at locations where vents were installed. Visual observation of existing "piers" as well as floor framing members was not possible due to limited visibility (Figure 1).



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Interior and exterior walls are made of conventional wood framing elements. Lack of access to attic space prevented further investigation. However, signs of excessive deflection of ceiling elements were noticed on the sheetrock.

Roof structure appears to have 2x4 rafters at 24" o.c. (original house), with 1x plank roof decking. There is some noticeable deflection in the roof structure.

INSPECTION FINDINGS

During my visual assessment, the following items were observed. Photographic evidence is also presented.

- Several stair-stepped and vertical cracks on interior walls. These cracks are common indicators of foundation movement (Figure 1).



Multiple diagonal and vertical cracks noticed on walls at corner of windows/doors.

Figure 1: Cracks in walls

- Surface drainage appears inadequate in some sections around the property (Figure 2). Proper surface drainage (typically 5% or 6 inches per 10ft of positive drainage) will prevent water accumulation against the foundation structure, aggravating swelling of clays and consequent heaving. The presence of yard masonry walls also makes drainage even more difficult.



Inadequate drainage and walls limiting water runoff

Inadequate drainage and wood framing walls too close to the ground

Figure 2: Site Drainage

- Substantial portion of the “foundation” structure consists of mortared stone sitting directly on soil (no waterproofing provided). Heavily cracking throughout the floor and several rocks coming loose were observed during inspection (Figure 3).



Figure 3: Site Drainage

- Proximity of the house to large trees. The presence of trees near the foundation will change moisture content of the clay soils underneath the foundation and may cause damage to the structure.
- Interior Floor elevations indicate that the floor is approximately 3" out of level (*pier-and-beam portion*). This may indicate a high degree of foundation shifting/settlement. Most variations in elevation measurements inside particular rooms are equal or over 1", pointing to excessive movement.
- Improper wood framing verified in the add-on structures built on the back of the property. Construction did not follow code requirements and approved engineering practices. Foundation in this area does not appear to be an engineered slab, rather a "flatwork" construction is in place (minimum concrete thickness with below code specified minimum reinforcing steel). Figure 4.



Framing deficiencies: improper sheathing/bracing; improper connection to foundation slab/flatwork

Improper ceiling wall connection

Figure 4: Framing Issues

- Several cosmetic repairs still visible throughout the house. These repairs were likely necessary to cover extensive cracking on interior walls and ceiling. This reinforces the previous observation about out-of-tolerance foundation movement.

CONCLUSIONS AND RECOMMENDATIONS

Based on my visual observation, the numerous signs of structural distress throughout the building are evidence of underlying serious structural problems related to deficient design (or lack thereof) and construction. The extent and nature of the distress will not allow for the strengthening/retrofitting without extensive damage to and/or demolition of portions of the current. The multiple foundation types (pier-and beam; flatwork and mortared rocks on grade) and wall construction (wood framing) will not allow a proper retrofitting strategy (e.g., drilled piers) without *permanently compromising* the structural



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integrity of the entire building. In addition, the flatwork and mortared rock portions of the foundation are not sound and must be completely removed and replaced with properly engineered foundation.

In addition to these factors, the lack of information on the existing pier-and-beam "footings" or "piers" (reinforcement, overall depth, material properties) will significantly hinder any attempts to level the structure adequately. Destructive methods can be employed to assess all these items, however the costs involved are appreciably high. Issues involving the superstructure must also be addressed, with the potential need to replace all roof framing structure.

With respect to the economic feasibility of this project, it is anticipated that the total cost of demolition, retrofit and renovation of the existing structure will exceed the cost of a new, "up to Code", construction. This conclusion is based on my experience with similar buildings and new residential construction.

Therefore, it is my professional opinion that the existing structure should give way to a new construction in order to make the development financially practical.

Limitations

This is exclusively a visual inspection. This report is not intended to offer any warranty on the future performance of this foundation or framing structure. If you have any questions, please contact us at (512) 215-4364 or by e-mail: marcos@sectexas.com.

Sincerely,



Marcos V. Dequeiroga, PE
Principal
SEC Solutions LLC

LOCATION MAP



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

NOTIFICATIONS

CASE#: HDP-2018-0663
3204 BRIDLE PATH



1" = 167'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

3204 Bridle Path
ca. 1940



OCCUPANCY HISTORY 3204 Bridle Path

City Directory Research, Austin History Center
By City Historic Preservation Office
October, 2018

- | | |
|---------|--|
| 1992 | Joe P. and Martha Greenhill, owners
Lawyer, Baker & Botts, attorneys, 98 San Jacinto Street. |
| 1985-86 | Joe P. and Martha Greenhill, owners
Chief justice, Texas Supreme Court |
| 1981 | Joe P. and Martha Greenhill, owners
Chief justice, Texas Supreme Court |
| 1977 | Joe P. and Martha Greenhill, owners
Chief justice, Texas Supreme Court |
| 1973 | Joe P. and Martha Greenhill, owners
Chief justice, Texas Supreme Court |
| 1968 | Joe P. and Martha Greenhill, owners
Associate justice, Texas Supreme Court
Also listed are Joe Greenhill, Jr. and William D. Greenhill, both students. |
| 1965 | Joe P. and Martha Greenhill, owners
Associate justice, Texas Supreme Court
Also listed is Joe P. Greenhill, Jr., a student. |
| 1961 | Joe P. and Martha Greenhill, owners
Associate justice, Texas Supreme Court
Also listed is Joe P. Greenhill, Jr., a student. |
| 1957 | Joe P. and Martha Greenhill, owners
Partner (with Ireland Graves and Chrys Dougherty), Graves, Dougherty &
Greenhill, attorneys, 1003 Capital National Bank Building, 114 W. 7 th Street. |
| 1954 | Joe P. and Martha Greenhill, owners
Partner (with Ireland Graves and Chrys Dougherty), Graves, Dougherty &
Greenhill, attorneys, 1003 Capital National Bank Building, 114 W. 7 th Street. |
| 1952 | Joe P. and Martha Greenhill, owners
Partner (with Ireland Graves and Chrys Dougherty), Graves, Dougherty &
Greenhill, attorneys, 1005 Capital National Bank Building, 114 W. 7 th Street. |
| 1949 | Joe P. and Martha Greenhill, owners
Assistant State Attorney General |
| 1947 | Joe P. and Martha Greenhill, owners
Briefing attorney, State Supreme Court |
| 1944-45 | Lydia H. Cage, renter
Consultant, State Department of Public Welfare
Also listed is Harriet H. Cage, a private secretary. |

NOTE: Joe P. and Martha Greenhill are not listed in the directory.

- 1942 Gerald C. and Anna M. Mann, renters
Attorney General, State of Texas
NOTE: Joe and Martha Greenhill are listed at 1102 Eason Avenue; he was a clerk at the State Supreme Court.
- 1941 Vacant
NOTE: Gerald C. and Anna M. Mann are listed at 104 W. 33rd Street. He was the attorney general of the State of Texas.
- 1940 The address is not listed in the directory.

BIOGRAPHICAL NOTES:

Gerald C. and Anna M. Mann (ca. 1941 – ca. 1944)

The 1940 U.S. Census shows Gerald C. and Anna Mary Mann as the renters of the house at 104 W. 33rd Street in Austin. Gerald C. Mann was 33, had been born in Texas, and was the attorney general of the State of Texas. Anna Mary Mann was 31, had been born in Texas, and had no occupation listed. They had 2 children: Jerry, 9; and Lola, 7. Both had been born in Texas. The family lived in Washington, D.C. in 1935.

Gerald Mann Quits Washington Post

Will Resume Law Practice In Dallas

Gerald C. Mann, former secretary of state, has resigned as Washington representative of the Texas planning board, and will reopen his Dallas law offices. He has declined a lucrative federal law appointment in Texas, in order to resume his law practice, but is a prospective future candidate for attorney general, according to information from Washington.

Mann was active in Gov. James V. Allred's campaign two years ago, and took office as secretary of state when Allred was inaugurated. He resigned to go to Washington as representative of the planning board, at more than double the meagre \$2000 constitutionally-limited salary of the secretary of state.

In his final report to the state planning board, Mann recounted that since he has been in Washington, seven major statewide Texas projects sponsored by the board have been approved for federal grants exceeding \$2,600,000. "I do not feel," he told the board, "that conditions justify my continuing in this capacity longer."

The projects successfully sponsored include a \$360,000 historical industrial survey; a \$175,000 underground water survey; a \$2,354,000 statewide taxation and delinquent tax survey; a \$37,000 planning board staff project to help finance the board's activities; a \$275,000 mineral resources survey; a \$304,000 statewide educational survey and a \$6600 business research survey.

Another Job Done



Gerald C. Mann, resigning as Washington representative of the Texas planning board, will return to his Dallas law practice, and likely will manage Gov. James V. Allred's re-election campaign in North Texas. He is a prospective future candidate for attorney general.

Gerald Mann returns to Dallas
Austin American-Statesman, March 1, 1936

'Little Red Arrow' Scores Again



Photo by Neal Douglass

Youthful Gerald C. Mann took his oath of office as attorney general of Texas Saturday at the capitol. The oath was administered by Associate Justice John H. Sharp of Texas supreme court, left. Mann returned to his second state office, having formerly served as secretary of state, but entered his first state elective office as attorney general.

Mann, Sworn As State Attorney, Ready for Work

Former Gridiron Ace Announces a Full Staff of Aides

Gerald C. Mann, whose fame as a fleet runner on the football field held good in his first state political race, was sworn in as attorney general of Texas Saturday, 1 p. m. at the department over which he will preside for the next two years.

Associate Justice John H. Sharp of supreme court administered the oath, in the presence of about 200 people who thronged the attorney general's library. Outgoing Atty. Gen. William McCraw, Judge Ralph Yarborough, who opposed Mann in the first primary and supported him in the second, many members of the appellate and Travis county bench and of the bar, and members of his staff, witnessed the brief ceremony. Mrs. Mann, who is recovering from a recent illness, was unable to be present.

Thanks Friends

Mr. Mann, at the close of the ceremony, as he affixed his name to the official oath, thanked his friends for attending the swearing-in ceremony, and dedicated his efforts to the service of Texas as the state's chief law officer.

There had just been hung over his desk in the capitol a large wood plaque, presented by his former associates in the state department when he was secretary of state, on which was carved:

"I sacrificed no principle to gain this office; I will sacrifice none to keep it." This was a paraphrase of his campaign slogan.

Mann during the day announced completion of his staff, in readiness to carry on the vast legal business of the state, and shaped plans to departmentalize the work into seven bureaus, with chiefs in charge of each.

The youthful official, who gained

Mann Takes Over High State Post

Sworn In, He Names Staff of Aides

(Continued from page 1)

fame as a member of the S.M.U. football team, already had behind him a considerable record of public service. Appointed by Gov. James V. Allred as secretary of state, he served in that office until he resigned to become the representative of the Texas planning board in Washington. There he pushed through Texas public improvement projects aggregating more than \$100,000,000. When he rounded up this task, he resigned, and returned to private practice of law at Dallas, as a member of the firm of Mann, Irion and Mann.

Seasoned Lawyers

He was one of five candidates who entered the attorney general's race last spring. Into the run-off against Lieut. Gov. Walter F. Woodul, he heard the radio address of Gov-Nominate Lee O'Daniel, endorsing Mr. Woodul for attorney general, only to redouble his aggressive campaign fight and come through to an overwhelming victory.

Mr. Mann, in selecting his staff, chose numerous seasoned lawyers older than himself as assistants attorney general, along with others, to help carry on the state's vast legal business.

For the past 10 days, before he was sworn in, he has been here, busily organizing and completing his staff, and getting ready for the impact of heavy work after the first.

Among Dallas associates and friends who attended the ceremony were: Mr. and Mrs. Sam McCorkle; M. R. Irion, Mr. and Mrs. Guy Mann, Rep. W. O. Reed, Mr. and Mrs. W. A. Diffey, Jr., Mr. and Mrs. Lynn Lawther, Freeman Burford and son, Mrs. E. A. Smith, Fred Martin and others.

Members of the Sunday school class he formerly taught at First Methodist church, Dallas, unable to be here Saturday, will visit Mann in a group at the capitol Sunday noon, and there present him with an engraved plaque bearing his campaign motto. Presentation will be made by Sam McCorkle, member of the firm of Mann, Irion and Mann, who succeeded Mann as teacher of the class.

Gerald C. Mann is sworn in as Attorney General of Texas
Austin American-Statesman, January 1, 1939

Youthful Gerald Mann, Who Can Turn Down a Job On Supreme Court, Is Living Symbol of Success

By HAROLD V. RATLIFF

DALLAS, April 12.—(AP)—Success story: The comparatively brief but eventful life of Gerald C. Mann, football star, minister, lawyer, politician.

At 33 Mann can afford to decline an appointment to the chief justiceship of the Texas supreme court.

In doing so the youthful attorney general said he was convinced he was better equipped for his present position, therefore could be of more service.

Despite his high attainments Mann is too inexperienced—in the eyes of the law—to become chief justice until September. To hold this office one must have been a lawyer seven years.

But Gov. W. Lee O'Daniel was willing to wait for him—to hold the place open until Mann could qualify.

As attorney general Mann gets \$10,000 a year; as chief justice he would get \$8,000.

The rise of the black-haired, pint-

sized Mann has been nothing short of meteoric.

He earned national fame as quarterback of Southern Methodist university's football team in 1927.

He had to work for his education, doing chores on a farm, janitor work, waiting table and selling insurance.

Mann was a coach two years at his alma mater, then went to Harvard law school. He earned his way as a factory hand and minister. He tried for a pulpit vacancy at Magnolia, suburb of Gloucester,

Mass. After he bought a long coat and appeared twice the congregation selected him as regular pastor.

He fairly leaped into politics, serving as a campaign manager, assistant attorney general, secretary of state and coordinator of state and federal work projects.

Mann, chosen attorney general in 1938 is unopposed for re-election.

His intimates say he will run for governor two years from now. Others think he will seek a place in the United States senate.

Story about Gerald C. Mann
Austin Statesman, April 12, 1940

Pappy's in the Senate and Coke's in Mansion But Jerry Is People's Choice, Says Belden Poll

**Mann Most Popular
Choice for Governor**

By JOE BELDEN

Editor, Texas Surveys of Public Opinion
(Copyright, 1941)

Although Mr. O'Daniel has just gone to Washington and Mr. Stevenson now lives in the mansion, it is 34-year-old Gerald C. Mann who is Texas' man of the hour.

The voters have the youthful attorney general uppermost in their minds as their choice for governor in the elections next summer. It is found in a poll that covered Texas from the Panhandle to the

THE BELDEN POLL

How voters in the various sections of Texas choose their favorites for the gubernatorial race in 1942:

	Mann	Stev'n	O'Dan'l
Plains	50%	25%	15%
North Texas	68	17	15
East Texas	24	39	37
South Texas	45	31	14
Central Texas	58	25	14
Southwest & Lower Valley	43	34	12
West Texas	56	32	12

lower valley. Texas Surveys of Public Opinion, using the same scientific techniques that enabled it to predict five state elections with an average error of 2.5 per centage points, set out to find from the people themselves the answers to these questions:

1. Who are at present the most popular possibilities for governor in 1942?

2. Where does Stevenson rank with the electorate as he begins his tenure as governor?

3. What are O'Daniel's chances today, should he decide to run for a third term?

No Presentation Trick

The survey finds that it makes little difference how the idea is presented—Gerald C. Mann is the favorite of about half of the electors. His defeat in the recent U. S. senate race seems to have left him unscathed. First, interviewers asked, "At this time, whom do you think you would like to see elected governor of Texas next summer?" suggesting no names. These were the results:

Gerald C. Mann	47%
Coke R. Stevenson	25"
W. Lee O'Daniel	13"
Lyndon B. Johnson	13"
Others	2"

Then this query was presented, naming three men currently mentioned as most probable candidates for governor next summer. "If you had a chance to choose from one of these three men for governor, which do you think you might favor—Gerald C. Mann, W. Lee O'Daniel, Coke R. Stevenson?" The answers:

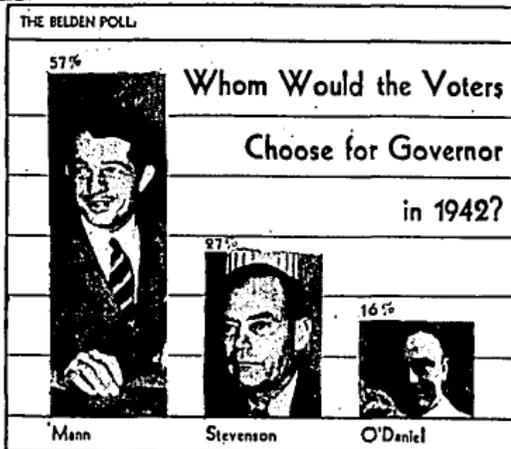
Gerald C. Mann	57%
Coke R. Stevenson	27"
W. Lee O'Daniel	16"

This study is not to be interpreted

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Budweiser, Case \$3.00, 6-90c

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19th & Guad. Phone 4525



With O'Daniel in Washington as senator, Stevenson promoted to the governorship, and Mann back at his attorney general's desk, Texas has cleared its political decks, is already looking forward to the primaries less than a year hence. Three personalities have impressed the voters as the most likely candidates for governor, and as the bar graph above shows, Mann is today the top favorite when his name is placed alongside the other two. When the selection is not limited to these three men, however, Lyndon Johnson polls as many votes as O'Daniel, Mann and Stevenson still leading in that order, this latest Belden Poll shows.

ed as a sign that Gov. Stevenson will have no chance against Mann if they should both run for the office. By virtue of his prestige as governor, Stevenson will likely increase his following. This poll merely records his position as he takes up his new duties. What will happen to his, Mann's, and O'Daniel's fortunes during the next nine or ten months before the political fireworks are ignited once more, Texas Surveys will chart and publish in this newspaper month by month.

Pappy's Popularity Ebbs

What cannot escape notice is the low ebb of O'Daniel's popularity. Weeks before the recent senatorial election the surveys pointed to the stiffest contest he was yet to face, a fact confirmed by his extremely narrow victory. Upon leaving for Washington, O'Daniel's popularity-as-governor index indicated his support was at its lowest point during his second term, 48 per cent. Today he would be no match against Mann and Stevenson. This may well be due to a great extent to the belief of many voters that O'Daniel will seek re-election to the senate, not the governorship, in 1942. It is recalled, however, that during his last campaign O'Daniel promised he might be back for a third term if Texas politicians "did not behave themselves" during his absence.

Some comment was heard after the senatorial race that O'Daniel would not have made the grade had a run-off been held. That opinion is substantially correct, for the surveys soon after the election found that ballots would have been cast in this way had a run-off been possible: Johnson 56 per cent, O'Daniel 44 per cent.

Mann's strength as a gubernatorial

candidate comes mainly from the northern part of the state. He is weakest among South-East Texans and in the Southwest and Lower Valley sections.

Few Pensioners for Coke

Residents of cities of 100,000 or more appear to be among his most united supporters, 62 per cent there backing him. It will be remembered that the urban centers were the weak spots in O'Daniel's campaign for the senate. The higher the income of the group, the more people are found in favor of Mann and Stevenson. What may be surprising is that pensioners divide as follows when a choice from these three names is made:

Gerald C. Mann	57%
Coke R. Stevenson	16"
W. Lee O'Daniel	27"

Comparison of opinions with reference to votes cast in the June election for senator shows that less than half of O'Daniel's followers then would select him as governor again:

Those Who Voted For Senator For:	Prefer for Gov.		
	Mann	Stev'n	O'Dan'l
Mann	79%	16%	5%
O'Daniel	37"	18"	45"
Others	56"	38"	5"
Did not vote	67"	32"	11"

PERSONAL LOANS
TO SALARIED PEOPLE
AT 8% INTEREST

Southern Guaranty Co.
Dist 4011 616 Brazos

Gerald C. Mann was popular among voters for a Senate run
Austin American-Statesman, August 17, 1941

Gerald C. Mann was born in Sulphur Springs, Texas in 1907. He attended Southern Methodist University, where he was twice an All-American quarterback and earned the nickname of the "Little Red Arrow." He obtained his law degree from Harvard University, then returned to Texas and opened a law firm in Dallas with his brother. In 1935, he was appointed the Texas Secretary

of State, and in 1939, he became the Attorney General of the State of Texas, a position he held until 1944, when he returned to Dallas and went back into a private law practice. He was known for his aggressive pursuit of an agenda of trust-busting while serving as Attorney General. In the larger political world, he was a progressive and strongly supported Franklin Delano Roosevelt's administration. He remained very active in Democratic party politics in Dallas, and served as the Texas director of the Kennedy-Johnson presidential campaign in 1960. He died in Dallas in 1990. His wife, Anna Mary Mars Mann, died in Dallas in 2002. They are both buried there.

From "A Guide to the Gerald C. Mann Papers," Briscoe Center for American History, University of Texas at Austin, and other sources.

Joe R. and Martha Greenhill (ca. 1945 – ca. 2011)

Joe R. Greenhill was born in Houston in 1914 and died in 2011. He served on the Texas Supreme Court for 25 years, the last 10 of those as chief justice. He got his law degree from the University of Texas in 1939, where he was a member of the Texas Cowboys. He became an assistant attorney general of Texas in 1948, co-founded Graves, Dougherty & Greenhill in 1950, and was appointed to the Texas Supreme Court by Governor Price Daniel in 1957. He was elected to the court in 1958 and was appointed Chief Justice in 1972. He retired in 1982. He received an honorary doctor of law degree from SMU in 1977, and joined the firm of Baker Botts in 1982.

As attorney general, Joe Greenhill represented the State of Texas in the case of Sweatt v. Painter, when African-American student Heman Sweatt sued to be admitted to the University of Texas School of Law. Greenhill argued against Thurgood Marshall in this case at the U.S. Supreme Court, which ultimately allowed Sweatt to integrate the UT School of Law and paved the way for the Brown v. Board of Education case out of Kansas that integrated public schools throughout the country.

In the 1980s Judge Greenhill worked to change state laws restricting the use of arbitration and mediation, benefitting many low-income people who now have a new forum to settle disputes without the need for expensive litigation.

From Baker Botts attorney profiles

Greenhill Is Named To Top State Court



JOE R. GREENHILL

Few Brewster Resigns Post Effective Sept. 30

By SAM WOOD

Capitol Correspondent

Joe R. Greenhill of Austin Tuesday was appointed to the State Supreme Court to fill the vacancy created by the resignation of Associate Justice Few Brewster.

Greenhill, a native of Houston, served as first assistant under Governor Price Daniel when he was attorney general. Greenhill was Daniel's state campaign manager in last summer's election.

Judge Brewster's resignation, announced Tuesday, was effective Sept. 30. He left the high court bench, after a distinguished legal career, because of ill health.

In announcing the appointment of Greenhill, Gov. Daniel said of Judge Brewster, "Judge Brewster has made a distinguished record on the Supreme Court and I regret he has found it necessary to

resign. He has been an able and conscientious public servant and one of our finest jurists."

Greenhill was an honor student at the University of Texas. He received his BA and BBA degrees in 1936, each with highest honors. He passed the bar examination and received his license to practice in 1938. The following year he received his LLB from the University with highest honors.

Greenhill was a briefing attorney to the Texas Supreme Court early in 1941, serving until he went into naval service in World War II.

After leaving Navy service in 1946, Greenhill became an assistant attorney general Jan. 1, 1947 under Daniel. He was made first assistant attorney general two years later.

Retiring Judge Brewster is a native of Williamson County. His legal career included appointment to the commission of appeals of the Supreme Court in 1941. He became an associate justice when the court membership was increased by constitutional amendment in 1945. Since the death of Justice B. Smedley in 1954, he had been senior associate justice.

In announcing the appointment Daniel said, "Judge Greenhill's integrity, legal scholarship, and his experience as briefing attorney to the Supreme Court, as an assistant attorney general and as a successful attorney in civil

practice well qualifies him for this important position. In my opinion he is one of Texas' ablest lawyers and will make an outstanding member of the Supreme Court."

Mrs. Greenhill is the former Martha Shuford of Tyler. They were married in 1940. The Greenhills have two sons, Joe Jr., and Bill. They reside at 3204 Bridle Path.

Joe Greenhill appointed to the Texas Supreme Court
Austin Statesman, August 27, 1957



Charles Guerrero

After 15 years as a member of the Texas Supreme Court, Joe Robert Greenhill succeeded Robert Calvert as chief justice.

Chief Justice of the Supreme Court of Texas

Joe R. Greenhill takes over as Texas' top jurist

By Art Wise

In 1957, when Joe Robert Greenhill was sworn in for the first time as a member of the Texas Supreme Court, he took the oath of office with his left hand resting on a favorite Biblical verse, Micah 6:8, "And what doth the Lord require of thee but to do justice and to love mercy and to walk humbly with thy God."

Judicially speaking, Greenhill has been making that walk for more than 15 years now.

On Oct. 5, after a 15-year career on the bench that spans more than 17,000 cases, he reached the professional pinnacle for a Texas jurist, succeeding Robert W. Calvert as Supreme Court chief justice.

There were no drastic changes in court routine. Things kept rolling along much as they always have, with the nine justices hearing arguments and studying briefs throughout the week, then handing down their decisions on Wednesday mornings.

"I think people have a right to rely on the stability of the law, and I think constitutions ought to mean what they did when they were written," Greenhill says.

He is no mossback opposed to all change, though. Even though he is regarded as anything but a legal activist, he is a strong advocate of reform in the state's cumbersome judicial system.

"I don't have any stated goals as chief justice," says the balding, 58-year-old jurist. "I just feel that we have to reorganize ourselves so we can give the people better service, the kind of service they are constitutionally entitled to."

Joe Greenhill doesn't need any goals. He already has achieved his biggest one by just being where he is.

He always wanted to be a judge, almost from the time

he heard the first stories about his English great-grandfather, Henry Ormsby, who was successively appointed solicitor general, attorney general and a member of the High Court of Justice in Ireland by Queen Victoria.

It was a winding path Greenhill followed, however, to become the 22nd chief justice since Texas won its independence from Mexico.

He was born and reared in Houston and represented that city at the 1928 World Boy Scout Jamboree in England. Later he spent two years as head cheerleader at Houston's San Jacinto High School (he was too light for football).

In 1933, his mother, Violet Stanuell Greenhill, moved the family to Austin so she could accept Governor Ross Sterling's appointment as chief of the state's child welfare division. Young Greenhill, whose father had died when he was only three years old, immediately entered the University of Texas.

He was quite a social and academic success in college, graduating with highest honors in 1936 with twin bachelor of arts and bachelor of business administration degrees.

Although he was nominated by the university for a Rhodes Scholarship, Greenhill entered the U.T. Law School instead, where he edited the college yearbook and the Texas Law Review, earned membership in two legal fraternities (the Order of the Coif and Phi Delta Phi) and again was graduated with highest honors in 1939.

Returning to Houston, he entered the Bryan, Suhr, Bering and Bell law firm, where he remained until he accepted a job as a Texas Supreme Court briefing attorney in 1941.

Although his new position was interrupted by World War II (he served as a Naval

executive officer aboard a fleet mine sweeper in the Pacific forward area), it was enough to convince Greenhill that he wanted someday to become a Supreme Court justice himself.

When he left the service in 1946 he went back to his old post of briefing attorney, starting at \$200 a month. His family was growing, though (he had married the former Martha Shuford of Tyler in 1940 and had two sons, Joe Jr. and William Duke, both now Houston lawyers), and money was tight.

In 1947, the Supreme Court justices recommended him to the state's new attorney general, Price Daniel, who hired him, Greenhill recalls, "almost sight-unseen at the lowest job he had, paying the magnificent sum of \$300 a month."

Within two years, however, Greenhill had become Daniel's executive assistant and close friend. Together they handled numerous cases, including their controversial defense of the University of Texas' segregation policies in the celebrated Heiman Marion Sweatt suit, when the U. S. Supreme Court began to chip away at the South's old "separate but equal" doctrine of racial separation.

(Nearly 20 years later, Greenhill voted with the Supreme Court majority to uphold a lower court decision that broke the 1891 will of William Marsh Rice and allowed Rice University to be integrated.)

Greenhill left the attorney general's office in 1950 to join the renamed Austin law firm of Graves, Dougherty and Greenhill, where he specialized largely in oil, gas and underground water rights cases.

He retained his strong ties with Daniel, though, even serving as his 1956 campaign chairman when he was first

elected governor. But he largely forgot a brief 1950 conversation they shared, when he first divulged his ambition to sit on the Supreme Court.

Then, in August, 1957, the telephone rang at Greenhill's home about 11 p.m.

"This is Price Daniel," said the caller. "Do you still want to serve on the Supreme Court?"

"Yes, sir, I surely do," gulped the startled Greenhill.

"Then you're it," Daniel snapped.

So, on Aug. 27, 1957, Joe Robert Greenhill was officially appointed as an associate justice to succeed Few Brewster, who retired due to ill health.

He became the first former briefing attorney to actually serve on the high court. At 43, he was also the court's youngest member. To Daniel, however, he was simply "one of Texas' ablest lawyers."

Greenhill's tenure on the court came within an inch of being very, very short.

In the 1958 Democratic primary, when he sought the remaining two years of Brewster's term, he narrowly defeated District Judge Sarah T. Hughes of Dallas by about 15,000 votes out of more than 1.1 million cast.

It was a relatively quiet campaign, with Greenhill linked with Daniel as the conservative candidates on the ballot, and Mrs. Hughes identified with U.S. Sen. Ralph Yarborough (whom Daniel had defeated for the governorship two years before) as the liberals.

The 1958 primary fight was the last time Greenhill faced any kind of political opponent. He was reelected to full six-year terms without Democratic or Republican opposition in 1960 and 1966.

In 1972, when Calvert announced his retirement after

22 years on the Supreme Court, Greenhill again was unchallenged to succeed him as chief justice.

Calvert decided to retire early and Governor Preston Smith appointed Greenhill to fill out his last three months as Texas' most important jurist. He officially began his first elected term as the court's presiding officer on January 1.

As the new chief justice, he is second in seniority to only Associate Justice Ruel C. Walker, who has served since 1954. (By coincidence, the court now also includes his old friend Daniel, who was appointed by Gov. Smith in 1970.)

The Greenhill years on the Supreme Court have featured many colorful, well-publicized cases like the 1960 decision upholding Texas A&M University's all-male status (the school now allows females), a 1964 ruling rejecting the State Bar of Texas' attempt to prevent flamboyant San Francisco defense lawyer Melvin Belli from practicing here and a 1970 edict upholding the state's obscenity laws.

Then, of course, there was the 1969 ruling allowing juveniles to be committed to reform schools if their guilt is shown by a "preponderance of evidence" rather than "beyond a reasonable doubt" and a 1971 decision reaffirming the constitutionality of Texas' "blue laws" that prohibit businesses from selling certain merchandise on consecutive Saturdays and Sundays.

Behind the headlines, however, Greenhill's own opinions have played a significant part in the evolution of a large segment of the state's statutes.

In a 1968 case, for instance, he applied strict liability for the first time to a company for injuries caused by a design defect in their product. In 1967, speaking for the

court majority, he held that a plaintiff may recover damages for mental anguish without any physical contact having occurred.

His 1966 dissent from a decision upholding the immunity of charitable institutions from suit was the cornerstone on which the court reversed itself in 1971 and voided the law.

As chief justice, he has endorsed a top-to-bottom court reform plan proposed by a task force headed by Calvert and now being considered by the Legislature.

Among other things, it would merge the Texas Court of Criminal Appeals into the Supreme Court, which presently handles only civil cases; make the chief justice the administrative head of the entire state judicial system, and require all judges to be elected on a nonpartisan basis.

That last proposal is particularly important to Greenhill, who long has supported eliminating all judicial elections because he claims voters know so little about the candidates they actually only "roll the dice blindly."

Judges should be appointed by the governor from a list of prospects either suggested or screened by the State Bar, Greenhill thinks. While they would not face election as such, judges would be subject to periodic voter review and possible removal, a process he

feels should apply to the federal judiciary too.

At the very least, Greenhill argues, party labels should be tossed off judicial ballots. (Although he is a lifelong Democrat, he has never been accused of partisanship on the bench. In 1971, for example, he voted to uphold the Texas Republican Party's lawsuit that nullified the state House of Representatives' redistricting plan, which had been approved by a largely-Democratic Legislature.)

Perhaps demonstrating the court's future direction on procedural matters, Greenhill and the other justices approved on Oct. 4—Calvert's last day in office—some drastic revisions in their rules for handling civil cases.

The sweeping changes authorized 10-2 and 11-1 jury verdicts in civil cases for the first time, allowed all attorneys and parties in suits to have access to any evidence that will be introduced and granted the Supreme Court power to "reverse, reform or modify" lower court rulings in granting writs of error in some circumstances without hearing any direct testimony.

"I hope this won't be the end of the changes. I don't intend for it to be," Greenhill emphasizes. "Our court system needs an overhauling to make it more efficient. There's plenty left to be done."

Story on Justice Joe R. Greenhill
Texas Star, February 25, 1973



Justice Joe R. Greenhill

Judge Joe R. Greenhill The Hon Joe R. Greenhill, chief justice of the Texas Supreme Court from 1972 to 1982, was born in Houston July 14, 1914, the son of Joe Greenhill, Jr., and Violet Stanuell Greenhill. He was graduated from San Jacinto High School in Houston and afterwards received B.A., and B.B.A. degrees from the [University of Texas](#), and an L.L.B Degree from the University of Texas Law School, where he graduated at the top of this class. He was a member of Phi Beta Kappa, the editor of the Cactus (the University of Texas yearbook), and a student editor of the Texas Law Review. Judge Greenhill received a Doctor of Law degree (honorary) from Southern Methodist University. He was selected Distinguished Alumnus of the University of Texas at Austin (1974), the University of Texas Law School (1977), and the University of Texas College of Business Administration (1977). He was married to Martha Shuford of Tyler on June 15, 1940. He and Martha celebrated their 70th wedding anniversary in June 2010 with the entire immediate family. Judge Greenhill commenced his legal career as a briefing attorney for the Texas Supreme Court working with Chief Justice James Alexander and Associate Justices John Sharp and Richard Critz. During [World War II](#), he served 4 years on active duty, first in naval intelligence, then as Executive Officer on a fleet minesweeper in the forward area in the Pacific. As First Assistant Attorney General of Texas from 1948 to 1950, he tried and handled appeals for many major cases, including several argued before the United States Supreme Court. He was a partner in the firm of Graves, Dougherty & Greenhill, Austin, from 1950 until 1957, when he was appointed to the Texas Supreme Court by Governor Price Daniel. His tenure, capped by service as chief justice from October 1972 to October 1982, was the longest in the history of the state's highest tribunal. After retirement from the Supreme Court he

became Of Counsel with Baker Botts in Austin. Judge Greenhill was Executive Director, then Executive Director Emeritus of the Texas Bar Foundation. He received the Gold Medal Award from the Freedom Foundation, was a member of the Warren W. Burger Society and the Order of St. John's, and was a 33rd Degree Scottish Rite Mason. He was a member and former president of the Texas Supreme Court Historical Society and of the Philosophical Society of Texas. He is the honoree of the Chief Justice Greenhill Presidential Scholarship in Law by the University of Texas Law School and the Chief Justice Joe Greenhill Scholarship by the Texas Wesleyan School of Law, Fort Worth, which provide scholarships for law students each year. He was co-incorporator of the Texas Center for Legal Ethics and Professionalism. Judge Greenhill was a member, vestryman, and Senior Warden of St. David's Episcopal Church in Austin. As legal advisor to the Right Reverend John Hines, Bishop of the Diocese of Texas, he was instrumental in resolving legal issues involved in the acquisition of the land on which the Episcopal Seminary of the Southwest in Austin was built. Judge Greenhill's years as Chief Justice of the Texas Supreme Court were distinguished by transformation in Texas negligence law, a breakthrough he engineered to allow greater alternative dispute resolution, and his championing expansion of the state's courts of appeals' jurisdiction to ease years of backlogs at the Texas Court of Criminal Appeals. As First Assistant Attorney General he defended Texas in *Sweatt v. Painter*, a desegregation challenge to the University of Texas School of Law in 1950. He lost before the U.S. Supreme Court. Twenty-seven years later he helped dedicate a new building at Texas Southern University's Thurgood Marshall School of Law, named for the African-American counsel who had prevailed in the *Sweatt* case. Marshall became in 1967 the U. S. Supreme Court's first African American justice. Initially reluctant to have the Texas Southern law school named for him, Marshall yielded upon Judge Greenhill's urging. The two jurists had personal and professional relationships that intersected more than once. On May 17, 1954, when the U. S. Supreme Court unanimously struck down state laws requiring school segregation, in *Brown v. Board of Education of Topeka*, the Greenhill family was visiting the Court. Thurgood Marshall, once an opponent, now the elated victor in U.S. history's greatest civil-rights case, swept Judge Greenhill's son, Bill, onto his shoulders and ran him through the white marbled Great Hall of the Court. Judge Greenhill is survived by his wife, Martha, his sons, Joe Jr. (Austin), Bill and his wife Ann (Fort Worth), granddaughter, Emily Pierce and her husband, Adam, (Brooklyn), grandsons Duke Greenhill, Frank Greenhill, Joe Greenhill V and his wife, Melissa, and great grandson Elliott Pierce and great granddaughter Violet Pierce. Honorary Pall Bearers are: Bob Shannon, Larry York, Scott Field, Susan Gusky, Mary Keller, Patrick Keel, Joe Knight, Bob Howell, Polly Powell, and Joe Faron. Instead of flowers, contributions may be sent to The Gladney Center for Adoption, Development Department 300 John Ryan Drive Fort Worth, TX 76132; St. David's Episcopal Church, 301 East 8th Street, Austin, TX 78701-3280; the Texas Supreme Court Historical Society, 205 West 14th Street, Austin, TX 78701-1614; or

to a charity of choice. Arrangements are being made by Weed-Corley-Fish, Austin Texas. A memorial service will be held at 2:00 p.m., at St. David's Episcopal Church, 301 East 8th Street in Austin, on Tuesday, February 15. There will be a reception in the Parish Hall following the memorial service.

Obituary of Joe R. Greenhill
Austin American-Statesman, February 13, 2011

GREENHILL, Martha Shuford



Martha Shuford Greenhill, known to many as "GG," passed away on May 2nd, 2018 at the age of 100. She was the devoted wife of Judge Joe Greenhill, and a loving mother, grandmother, and great-grandmother. Martha was born August 25, 1917 in Tyler, Texas. She was the daughter of Harry D. Shuford and Alla Mae "Bright Rose" Duke, and sister to her two brothers, Harry and Bill. At age 16, she attended Tyler Junior College, where she was elected to Phi Theta Kappa, and was the Princess of Tyler's first Rose Festival. She went on to attend the [University of Texas](#) from 1936-1938 as a Phi Theta Kappa and Phi Lambda Theta, honorary. She graduated with a B.A., Cum Laude at age 20. After college, she taught elementary school at Becker and John B. Winn. She married Judge Joe Greenhill on June 15th, 1940. They were married for 70 years, residing in the same Austin home since 1945. Martha loved St. David's Church in Austin. An active member there, she taught Sunday school, served on the altar guild, and in many other volunteer positions. Outside of St. David's, she was a founding member of the Austin Wives Club and an organizing member of the Women's Symphony League. She was involved with the Settlement Club and Junior League, working with children in the Cerebral Palsy Center. Martha liked pink, pound cake, and Miss Piggy. She adored bridge, crossword puzzles, and her Bible study fellowship. She was a prolific letter writer. She made friends wherever she went and loved her family fiercely. Martha is survived by her two sons, Joe Greenhill, Jr. and William D. Greenhill, and her daughter-in-law, Ann Greenhill. She will be missed by her grandchildren, Emily Greenhill Pierce, Duke Greenhill, Frank Greenhill, and Joe Greenhill V and his wife Melissa, by her great-grandchildren Elliott, Violet, James, and Joe; by her nephews, Harry and David Shuford, and her grandnieces, Rebecca Shuford and Virginia Freire. We love you, GG. A memorial service will be held at 2:30pm at St. David's Episcopal Church, 301 East 8th Street in Austin, on Tuesday, May 8th. There will be a reception in the Parish Hall following the memorial service. In lieu of flowers, Martha requested that

donations be made to St. David's Episcopal Church, 301 East 8th Street, Austin, TX 78701; The Gladney Center for Adoption, Development Department, 300 John Ryan Drive, Fort Worth, TX 76132; or to the Settlement Home for Children, 1600 Payton Gin Road, Austin TX 78758.

Obituary of Martha Greenhill
Austin American-Statesman, May 6, 2018

Joe Greenhill 3204 **Bridlepath**

143 7 & E 1/2 of 6 11

Tobin & Johnson

Frame add to residence

66424 5/1/57 2600.00

Ben Goldstein none

Building permit to Joe Greenhill for an addition (1957)