

HISTORIC LANDMARK COMMISSION
DEMOLITION AND RELOCATION PERMITS
APRIL 3, 2024
PR-2024-020630; GF-2024-028864
5304 WESTERN HILLS DRIVE

PROPOSAL

Replace windows and siding, add a pool, add a patio, and add an accessory structure.

ARCHITECTURE

One-story Mid-Century Modern house with irregular plan, clad in vertical wood siding and rustic stone. Its deep overhanging eaves shelter inset porches and exterior walkways, and a large stucco chimney dominates the rear elevation. Fixed floor-to-ceiling windows adorn much of the building's exterior.

RESEARCH

The house at 5304 Western Hills Drive was built in 1962 for attorney Charles Alan Wright, along with his wife and five children. Wright, a University of Texas law professor, was an internationally recognized expert on constitutional law. He argued 13 cases before the United States Supreme Court and was “a quintessential friend” to Justice Ruth Bader Ginsburg.¹ As documented in Carl Tobias’ retrospective on Wright’s famous 54-volume *Federal Practice and Procedure*, Ginsburg remembered Wright as a “Colossus [who] stands at the summit of our profession,” declaring that “all who practice the lawyer’s craft profit from his prodigious production” and that Wright’s treatise is “by far the most-cited treatise in the United States Reports [and] the procedural Bible for federal judges and all those who practice in our federal courts.”²

Wright became a household name for many Texans when he served as legal defense for President Richard Nixon during the Watergate scandal. His New York Times obituary describes Wright’s role: “As a special legal consultant to Mr. Nixon in the summer of 1973, he argued unsuccessfully that the constitutional separation of powers between the executive and judicial branches protected the president from turning over White House tape recordings... Eventually, the tapes helped prove the extent of the conspiracy to obstruct justice.”³ However, in a memorial published by Geoffrey Hazard in the Texas Law Review, “the media focus on that engagement pained him, not only because it disregarded his other accomplishments as an advocate but also because of the implication that it was anomalous for an honorable lawyer to defend a person accused of dishonorable conduct. Charlie regarded such an engagement as merely a highly visible instance of constitutional procedure and professional practice.”⁴

Wright served as president of the American Law Institute and as a member of the Judicial Conference of the United States. In 1955, he founded the University of Texas Legal Eagles, an intramural football team, and coached them until 1990 when he became their athletic director, a position he held until his death in 2000.^{5,6}

PROPERTY EVALUATION

Designation Criteria—Historic Landmark

- 1) The building is more than 50 years old.
- 2) The building appears to retain high integrity.
- 3) Properties must meet two criteria for landmark designation (LDC §25-2-352). Staff has evaluated the property and determined that it meets two criteria for landmark designation:
 - a. Architecture. The building is constructed in the Mid-century Modern style.
 - b. Historical association. The property is associated with attorney Charles Alan Wright, a University of Texas instructor and internationally renowned expert on constitutional law and the federal courts famous for his role on the defense team of Richard Nixon during the Watergate scandal.

¹ “Memorial Tributes - Charles Alan Wright, 1927- 2000.” 2024. http://www.ali.org/ali/CAW_UKTRIB.htm.

² Tobias, Carl. “Charles Alan Wright and the Fragmentation of Federal Practice and Procedure.” Yale Law & Policy Review 19, no. 2 (2001): 463–68. <http://www.jstor.org/stable/40239571>.

³ *The New York Times*. “Charles A. Wright, 72, Legal Consultant to Nixon, Dies (Published 2000).” 2024. <https://www.nytimes.com/2000/07/09/us/charles-a-wright-72-legal-consultant-to-nixon-dies.html>.

⁴ Hazard, Geoffrey C. “In Memoriam: Charles Alan Wright.” UC Law SF Scholarship Repository, 2024. https://repository.uclawsf.edu/faculty_scholarship/967/.

⁵ Charles Alan Wright Papers, Tarlton Law Library, The University of Texas at Austin. https://txarchives.org/utlaw/finding_aids/00024.xml

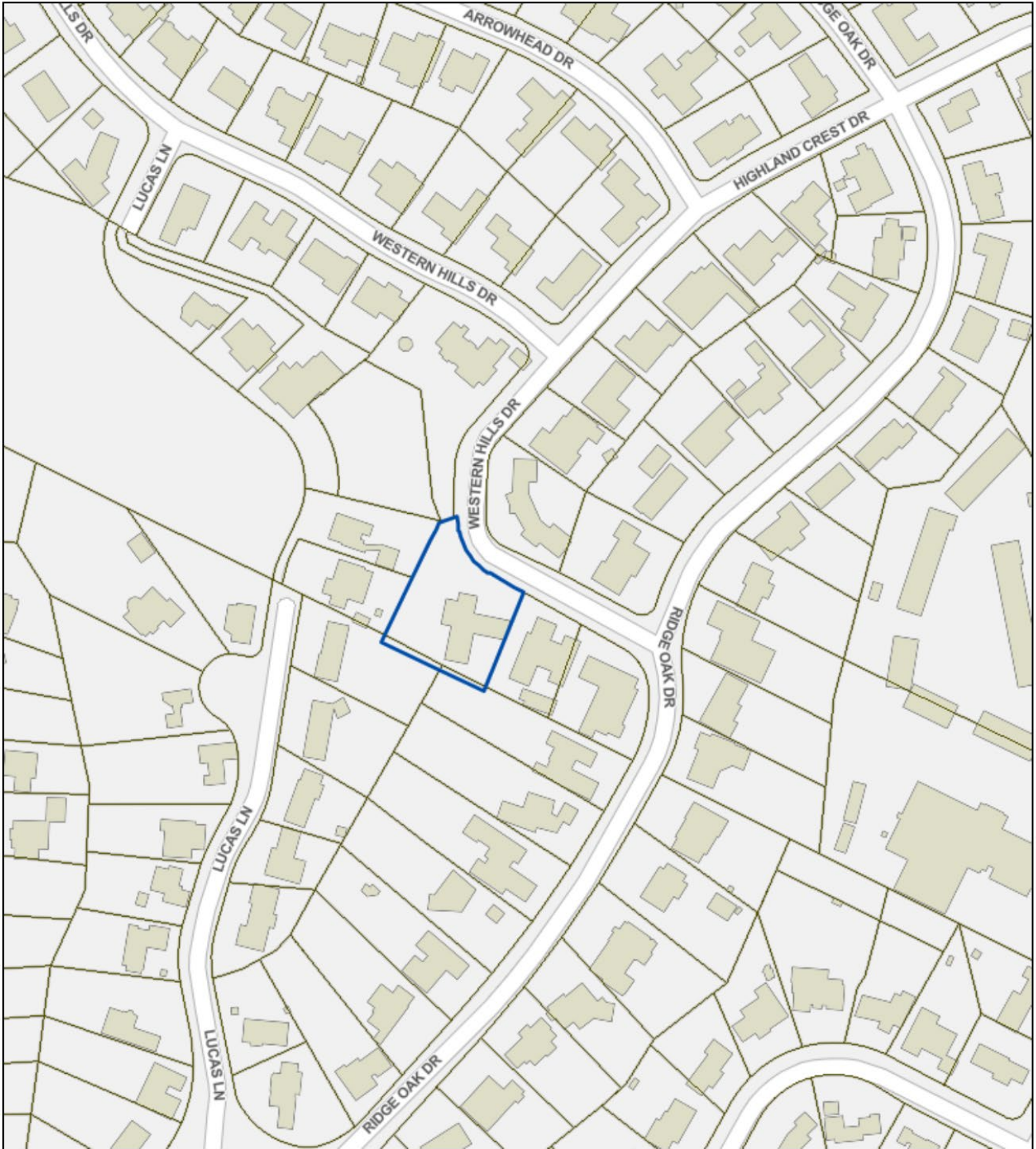
⁶ “Tarlton Law Library: Exhibit - Legal Eagles.” 2024. <https://tarlton.law.utexas.edu/legal-eagles>.

- c.* Archaeology. The property was not evaluated for its potential to yield significant data concerning the human history or prehistory of the region.
- d.* Community value. The property does not appear to 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 was not evaluated for its ability to possess a significant natural or designed landscape with artistic, aesthetic, cultural, or historical value to the city.

STAFF RECOMMENDATION

Approve the application, encouraging the applicants to limit modifications to the front windows and reduce the profile of the added bay. The proposed changes do not appear to preclude the building's future eligibility as a historic landmark, given that most replacements appear like-for-like.

LOCATION MAP



Lot Lines

Lot Line



1: 2400

GF 24-028864

5304 WESTERN HILLS DRIVE



3/19/2024

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

PROPERTY INFORMATION

Photos






Partial demolition and addition permit application, 2024

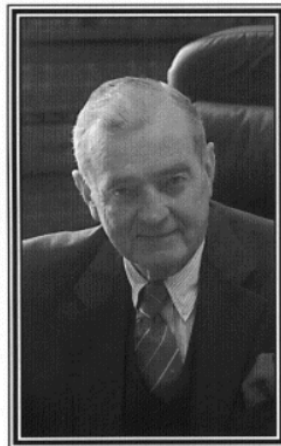
Historical Information



"Tarlton Law Library: Exhibit - Legal Eagles: 1950s," Utxas.edu, 2024.

Memorial Tributes - CHARLES ALAN WRIGHT 1927

 web.archive.org/web/20070108010052/http://www.ali.org/ali/CAW_UKTRIB.htm



President, The American Law Institute
1993- 2000
Memorial Tributes
to Charles Alan Wright
Delivered at the Reception of
The American Law Institute
in London, England,
on July 17, 2000

He had an amazing range of qualities that made him a magnificent companion, a distinguished mentor who had colossal knowledge of what really matters in the law, and of course he was a wonderful husband and father to his family. I am sure there are many here this evening who, like myself, used to obtain immense pleasure when they opened the Christmas card which came with those magnificent photographs of the continually expanding family. I can only say on behalf of his many — and there are a great many — friends and admirers among the British judiciary that we were shocked and saddened deeply by the news of Charlie's death. We send to Custis our warmest regards and affection.

We have magnificent memories of Charlie, as I have sought to say. I know Custis has many more. I am sure they must be a great comfort to her. Thank you very much indeed.

President Traynor: We had originally asked our speakers this evening, during the time of Charlie's illness, to come and make a few remarks for a videotape that could be sent as a greeting card for him to enjoy while he was in the hospital, and then he died, so I asked our speakers, and they very graciously said that they would, to make the remarks they made tonight.

If Charlie were here he would view it as a splendid occasion, with all the nice words that have been said in his memory. I would like to close with a simple toast to our great and splendid President, Charles Alan Wright. Thank you.

Professor Gareth Jones: It is always a pleasure, I think, to meet friends in gracious surroundings, but it is sad that on this occasion we meet to pay tribute to Charlie Wright, who conceived the idea of this social gathering and would have reveled in his role as a genial, welcoming host. It is tonight Hamlet without the Prince.

His death was a great personal sadness. We had known each other since 1973. Ron Degnan, a member of the Berkeley Law Faculty, wrote to tell me that Charlie was going to visit Cambridge and asked if I would look after him. I was about to leave for the U. S. and it was my wife who entertained him and Custis and his daughter, Henny. Shortly afterwards I met Charlie and we saw each other regularly on what were to become frequent visits to the "other Cambridge," as Erwin Griswold teasingly called my fair city. In Cambridge he made as many friends as in Austin and its law school, to which he was devoted and where he arranged my visit in the fall of 1993.

Charlie was a big man in every sense of that adjective, a formidable frame, a powerful intellect. His legal memory, constant recall, never ceased to astonish me. He was a courageous parent and citizen who believed passionately in a United States which should be free of ethnic discrimination. It was typical of the man that he took away his daughter from a school which refused to admit black students.

What are my personal memories of Charlie? He was first and foremost a companion whom one always looked forward to meeting, constantly challenging, never aggressively so, a correct but not pedantic grammarian who respected the proper use of the English language, a person who enjoyed material comfort, had an engaging sense of humor, and was a most hospitable host. "Let us now eat, drink, and be merry" can be, surely must be, one of his many epitaphs.

For Custis, his children and grandchildren, his death is an irreparable blow. He and Custis were such close companions that it is difficult to think of the one without the other. I am sure that you will join me in sending Custis and the family our deepest sympathy.

Let us then this evening give thanks for the life of Charles Alan Wright, a distinguished American and a devoted friend of this country.

President Traynor: Thank you so much. Charlie would have absolutely loved those words. And I see we now are lucky to have Lord Chief Justice Woolf with us. If you will say a few words, Lord Chief Justice.

Lord Chief Justice Woolf: Good evening, ladies and gentlemen. I had the great privilege of becoming a part of the membership of the Institute thanks to Charlie Wright. He spent a memorable year here, where he made a huge number of friends. At the last dinner, I believe, of the Institute in Washington I was able to speak. I said what I deeply believed, that your Institute had an institution as President. We would have loved to see more of him; whenever we went to the States we tried to do so.

culminating last year in his election to the British Academy.

He was a frequent visitor to Cambridge, most recently in February of this year. In 1984 he was a visiting fellow at Wolfson College, living in an apartment still known as the Charles Alan Wright flat (*laughter*). In 1991 he was the Arthur Goodhart Visiting Professor of Legal Science and he gave a memorable course on American constitutional law. In 1994 he joined the Board of Trustees of the American Friends of Cambridge University and he served in an advisory capacity at the Center for Public Law at Cambridge. Just as he was an adopted son of Texas but a proud Texan nonetheless, so he was an adopted son of Cambridge but a proud Cambridge man nonetheless.

Charlie's immense contributions to the law, in teaching, research, publications, practice, and service on state and national bodies are well known. He was one of the outstanding lawyers of the second half of the 20th century.

He will be remembered, not least in this country, as much for his personal qualities as for his professional achievements. To Custis and their children and their grandchildren he was devoted. To his friends and colleagues he was loyal. To his students he was committed, and he leaves a legacy of deep respect and affection.

On his 70th birthday I wrote that he demonstrated the wisdom of Harry Truman's belief that it was remarkable what you could achieve if you didn't care who got the credit, (*laughter*) for he constantly strove to ensure that others should be encouraged, that they should, as he stood back, enjoy their day in the sun. He was also a kind, generous man.

Only months ago, after he had been named as one of the most influential lawyers in the United States, he wrote that his life had been richly blessed. My response in my last letter to him in mid June was to add that he had been amply endowed, in the words of William Wordsworth, with

that best portion of a good man's life,
His little, nameless, unremembered, acts
Of kindness and of love.

President Traynor: Sir David, thank you for your eloquent memories of Charlie.

The American Law Institute is, in a sense, the academy of our profession. It is a great forum for judges, lawyers, and teachers to meet and share views without regard to clients or interests. It is fitting, therefore, that we call on another teacher of the law, a great teacher, to conclude the remarks tonight. I would like to call on Professor Gareth Jones.

The great man I once described as a Colossus standing at the summit of our profession was indeed to so many gathered here "the quintessential friend." We will miss not only his extraordinary scholarship and magnetic advocacy, but above and beyond those qualities, his caring concern for those who joined with him in striving to serve the legal system honorably.

President Traynor: Justice Ginsburg, thank you for those moving words for our friend Charlie Wright and for you and Marty joining us tonight.

Lord Lester of Herne Hill: Thank you very much. It is a great privilege to be able to say anything about Charlie this evening. I knew him much less well than Justice Ginsburg or many of you who are here this evening. I guess I've known him only for half-a-dozen years, but he was for me that very rare person, a citizen of the world, who was always interested in everything that he came across. He was, as Ruth Ginsburg said, an inveterate letter writer, with an insatiable curiosity, and I looked back at some of his letters.

He became particularly interested in what the British were doing about having a Bill of Rights or a Human Rights Act, and I suppose that's what first threw us together a few years ago. He came over and witnessed some of our debates in the House of Lords and then he began to bombard me with letters, asking me all kinds of questions, like, "What is the Salisbury Convention?" which I then tried to explain to him, to the extent that I understood it myself. In one of his replies, now two and a half years ago, he said that he had read the parliamentary debate, that he had read the notes on the Salisbury Doctrine. He said, "The note helped me to understand some of the things I had read earlier. I now see the difference between a wrecking amendment and a probing amendment. I found the debate extremely interesting. I can understand why by 9:45 p.m. on a day that began at 2:15 members of your House would be growing tired. I know that I would. It seemed to me that by about 5:47 some testiness entered the debate, and I expect that the time of day helped cause that." "Of course," he said, "I took great pleasure in seeing you and Nico" — that's Lord Browne-Wilkinson, who is, happily, here tonight — "and Robin Cooke" — that's Lord Cooke, who is also here tonight — "participating in the debate, and though I cannot put my finger on it, I think I recall that one speaker, perhaps you, refer to the fact that yet another Institute member, Lord Wilberforce, was in the House and listening to the debate. But," he said, "there is one" — this is very Charlie-like — "one little detail on which you could enlighten me. What is the significance of beginning an intervention by saying 'Before the noble lord sits down'?" And I wrote to explain what that meant. (*Laughter*) He then ended it with an appeal for funds for The American Law Institute. (*Laughter*)

It seems to me a particularly unkind cruelty of fate that Charlie, who organized all of this to celebrate this great gathering and the internationalism that unites us across the Atlantic, should not be present this evening, but, if I may say so, he is a noble lord who for me will never sit down. Thank you.

President Traynor: Thank you, Lord Lester, for that really wonderfully vivid picture you have given us of Charlie Wright.

Sir David Williams: Charles Alan Wright, whom I knew for 27 years, would have been especially pleased to be at this reception in London, both because he valued immensely his presidency of The American Law Institute and because he was a great friend of this country. Even in 1973, at the height of his involvement in the early unfolding of Watergate, he sought a brief respite in London and Cambridge and a special relationship was born,

With us tonight to help us celebrate Charlie's life and to mark the continuity of his life's work with a few words in his honor are Justice Ruth Ginsburg of our country's Supreme Court, Lord Lester of Herne Hill, Sir David Williams, and Professor Gareth Jones, and we may be joined by Lord Chief Justice Woolf.

I invite Justice Ruth Ginsburg to say a few words.

Justice Ruth Bader Ginsburg: Charles Alan Wright, as I wrote to Custis, was such a leader in the law, it is hard to think of the profession without the involvement of his bright mind. Among his many talents, he was a great writer of letters. Our correspondence goes back many years. He advised me on mystery novels worth reading. We had an ongoing exchange on the propriety of using the grammar-book word "gender" in lieu of the more stirring word "sex." I also sought his approval, despite his colleague Garner's view to the contrary, for retaining the word "shall" in the Supreme Court Rules when all other Federal Rules had changed over to the more blunt "must."

But in the main, we corresponded about opinions on procedure, from my early years as a law teacher, through my tenure on the D. C. Circuit, up to the current Supreme Court term. My letters were typically brief, like this one from February 24, 2000. Enclosing an opinion released that week, one on the authority of a federal court of appeals to instruct the entry of judgment as a matter of law, I asked, simply: "Did we get this one right?" Charlie made my day when he replied, "What a question! Of course you got it exactly right." He said something more, perhaps sensing that the year was a trying one for me: "You are turning out opinions at a great rate. I hope I am right in thinking that this is a very good sign about your health."

I will read from just one other letter, dated April 17, 1998, showing again the deeply caring side of Charlie Wright. I had written an introduction to a 1998 issue of the *Texas Law Review* honoring Charlie, and sent him a copy. Charlie wrote to say he was pleased and explained why. These are his words:

When Doug Laycock wrote the nice piece about me that you cite in several places, John Frank sent him a letter and sent a copy to me. John told Doug that he loved the article, but that he was surprised by two omissions, "both going to the core of the man." The first, [John Frank] said, was "the intense dedication to Custis and the family." And the other "is the extraordinary nature of his friendships. They have an intensity and a steadiness which most of us can't match." This is why I was so pleased [Charlie wrote] when in the very first line in which you talked about me you refer to "his cherished life partner, Custis Wright," and also that ... you called me "the quintessential friend."

President Michael Traynor: On behalf of The American Law Institute, we welcome you to our reception, arranged here at the Army & Navy Club with the help of Mima Turner. It gives me great pleasure as well to introduce our wonderful Director, Lance Liebman. Lance. (*Applause*)

Fifteen years ago The American Law Institute held a reception in London. Rod Perkins was then our distinguished President and is now our eminent Chair of the Institute's Council, and I am delighted to introduce Rod to you.

Chair of the Council Roswell B. Perkins: Thank you all for coming. I simply wanted to say that I have very happy memories from 15 years ago when so many of you were present. The sadness of the recent events concerning Charlie will be spoken of by others so I will leave that to others, but I do want to say how proud we are to have as his successor Mike Traynor, who has done a tremendous amount for the Institute, both as First Vice President and long before that. His election has just been confirmed, having been initiated last year when he became the President Designate, so a toast to Mike, and thank you all for coming.

President Traynor: Thank you, Rod, for your gracious remarks and for your continued wonderful service to The American Law Institute.

Rod was succeeded as President by the great Charles Alan Wright, who initiated tonight's event and who looked forward with keen pleasure to celebrating the millennium here. Charlie died, as you know, on July 7 after suffering complications from surgery.

In addition to his stunning achievements in the law, Charlie was an outstanding American, a wise and inspiring leader, a winning football coach for the Legal Eagles at the University of Texas, and an engaging correspondent. He was a mentor and friend. We once even exchanged letters about the obscure history of the stymie in golf, and he would grin with pleasure when I complimented him on his selection of tie and pocket square and when he playfully commented on my choice for that evening.

Charlie admired England. He appreciated its rich traditions and its language, and he enjoyed, with his wonderful wife, Custis, many English friends. England was an auspicious base for Charlie to build the Institute's international outreach and the participation of leading judges, scholars, and lawyers from other countries.

Charlie's masterful personality was unique, combining various memorable qualities: dignity accompanied by wit, resoluteness tempered by compassion, scholarship attended by practicality, and grand vision matched by precise attention to detail. Although he held strong beliefs, one of the strongest beliefs was that others should be free to think and express their own opinions, no matter how different. He was a brilliant, elegant, and vital man. He was a splendid man, to use a word that he would say in compliments to others. We sorely miss him.

In this historic city, a treasure of the common-law tradition, we honor him by remembering him here with these words and by renewing our dedication to the work of the Institute that he so effectively and so bravely led.

"Memorial Tributes - CHARLES ALAN WRIGHT 1927- 2000," 2024.
https://web.archive.org/web/20070108010052/http://www.ali.org/ali/CAW_UKTRIB.htm.

Charles A. Wright, 72, Legal Consultant to Nixon, Dies

 [nytimes.com/2000/07/09/us/charles-a-wright-72-legal-consultant-to-nixon-dies.html](https://www.nytimes.com/2000/07/09/us/charles-a-wright-72-legal-consultant-to-nixon-dies.html)

The New York Times

July 9, 2000

See the article in its original context from July 9, 2000, Section 1, Page 31

Charles Alan Wright, an authority on constitutional law and the federal courts who represented President Richard M. Nixon at a crucial moment in the Watergate scandal, died on Friday at the North Austin Medical Center in Texas. He was 72 and lived in Austin.

The cause was complications after recent lung surgery, his family said.

Mr. Wright was an expert on court procedure who argued 13 cases before the Supreme Court and was a leader of the faculty at the University of Texas Law School in Austin.

As a special legal consultant to Mr. Nixon in the summer of 1973, he argued unsuccessfully that the constitutional separation of powers between the executive and judicial branches protected the president from turning over White House tape recordings to the special prosecutor, Archibald Cox. Eventually, the tapes helped prove the extent of the conspiracy to obstruct justice and led to a movement toward impeachment by the House and Mr. Nixon's resignation.

In negotiations with Mr. Cox, and in arguments before Judge John Sirica of Federal District Court and later before a court of appeals, Mr. Wright insisted that the prosecutor's demands to obtain the tapes for a grand jury investigating the break-in at the Democratic Party headquarters in the Watergate Hotel were an intrusion by the courts into the powers of the presidency. He even suggested that Mr. Nixon would defy a judicial ruling against him. But after losing the court battle and failing to reach a compromise with Mr. Cox, who was fired in what became known as the Saturday night massacre, Mr. Wright announced that Mr. Nixon would comply after all. During the rest of the Watergate matter, Mr. Wright's role was less prominent.

While the Watergate case put Mr. Wright most squarely before the public, in legal circles he was well known as the senior author of a 55-volume treatise, "Federal Practice and Procedure." His "Cases on Federal Courts" is in its 10th edition and his "Wright on Federal Courts" is in its 5th edition. In a lighter vein, Mr. Wright occasionally reviewed crime novels for The Practical Lawyer, a publication of the American Bar Association and the American Law Institute.

The New York Times. "Charles A. Wright, 72, Legal Consultant to Nixon, Dies (Published 2000)." 2024.
<https://www.nytimes.com/2000/07/09/us/charles-a-wright-72-legal-consultant-to-nixon-dies.html>.

Charles Alan Wright and the Fragmentation of Federal Practice and Procedure

Carl Tobias[†]

Charles Alan Wright's preeminent treatise, *Federal Practice and Procedure*, is both an eloquent testament to his capacious intellect and an enduring legacy of the brilliant scholar.¹ Indeed, U.S. Supreme Court Justice Ruth Bader Ginsburg recently characterized Professor Wright as a "Colossus [who] stands at the summit of our profession" and declared that "all who practice the lawyer's craft profit from his prodigious production."² She also praised the 54-volume compendium as "by far the most-cited treatise in the United States Reports [and] the procedural Bible for federal judges and those who practice in our federal courts."³

Charles Alan Wright exercised a monumental command of the complex, dynamic, and arcane field that is federal practice and procedure. For one half-century, no corner of this sprawling, byzantine area was insufficiently significant to pique the scholar's curiosity or escape his enormous grasp. Throughout the field, ranging from the apparently least consequential features to the most compelling, intractable aspects, Professor Wright perspicaciously anticipated the manifestation and development of complications, facilitated comprehension of those problems that did arise, and crafted elegant solutions for the difficulties. Charles Alan Wright, therefore, richly deserves the encomium bestowed on the scholar's illustrious predecessor, Professor James William Moore, by Professor Robert Cover: "His treatise has kept before the profession a vision of the Federal Rules as a coherent structure; at the same time it has embraced the flexibility of application which lets

[†] Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas. I wish to thank Jay Bybee, Chris Bryant, Bruce Markell, and Peggy Sanner for valuable suggestions; Angela Dufva for processing this piece; and Jim Rogers for generous, continuing support. Errors that remain are mine.

1. CHARLES ALAN WRIGHT ET AL., *FEDERAL PRACTICE AND PROCEDURE* (1999). Professor Wright apparently edited every word in the treatise. Douglas Laycock, *Charles Alan Wright and the University of Texas School of Law*, 32 TEX. INT'L L.J. 367, 373 (1997); Interview with Steve Morris and Kris Pickering, in Las Vegas, Nev. (July 8, 2000).

2. Ruth Bader Ginsburg, *In Celebration of Charles Alan Wright*, 76 TEX. L. REV. 1581, 1586 (1998) (citations omitted). He served for eighteen years on the U.S. Judicial Conference Committee on Rules of Practice and Procedure and for three years on the Advisory Committee on Civil Rules. *Id.* at 1582.

3. *Id.* at 1583; see also *id.* at 1582 (stating that, were she limited to ten books on her "'see everyday' stand in chambers, *Wright on Federal Courts* would be among them"); Richard D. Freer, *Gladly Wolde He Lerne, and Gladly Teche*, 73 TEX. L. REV. 957 (1995) (book review) (praising the fifth edition of *Wright on Federal Courts*).

them serve so many ends."⁴

Charles Alan Wright carefully identified and assiduously attempted to clarify myriad, untidy complications in federal practice and procedure; the quintessential example of this effort is the proliferation of local procedures that govern practice before the appeals and district courts.⁵ In fact, three and a half decades ago, Professor Wright trenchantly denominated local strictures, especially provisions that conflict with the federal rules and congressional legislation, as the "soft underbelly" of federal practice and procedure.⁶ The mid-1960s timing of the scholar's description accentuates his prescience. Professor Wright's salient prediction of the problems that would result antedated the caseload explosion that has transformed the appellate and district courts over the last generation as well as preceded the steady expansion of local measures that gradually fractured and ultimately balkanized federal practice and procedure.

Charles Alan Wright (September 3, 1927 – July 7, 2000) was an American constitutional lawyer widely considered to be the foremost authority in the United States on constitutional law and federal procedure, and was the coauthor of the 54-volume treatise, *Federal Practice and Procedure* with Arthur R. Miller and Kenneth W. Graham, Jr., among others. He also served as a special legal consultant to President Richard Nixon during the congressional investigations into the Watergate break in and coverup, and for a time was the president's lead lawyer.

Wright was born in Philadelphia, Pennsylvania, on September 3, 1927. After graduating from Haverford High School at age 16, he earned his undergraduate degree from Wesleyan University in 1947 and law degree from Yale in 1949. Afterward, he spent a year as law clerk for Judge Charles Edward Clark of the United States Court of Appeals for the Second Circuit.^[1]

Wright taught at the University of Minnesota Law School from 1950 to 1955 and at the University of Texas School of Law from 1955 until his death in 2000.

Professor Wright was a popular, if somewhat eccentric, educator, conducting class without lecture notes or even a copy of the casebook. He had a photographic memory of the materials and would often answer student questions with a correct citation, by specific page, of a case different from the one the class was studying. He always refused to call on women students, unless they volunteered, considering the traditional Socratic approach ungentlemanly to women. In response to accusations of sexism, he simply stopped requiring any student to recite unless he or she volunteered. Professor Wright's icy reserve with students disappeared completely after they graduated and joined the Bar. Many of them were pleasantly surprised to experience his warmth, kindness, gentle humor and interest in their families.

He was elected a member of the American Law Institute at the age of 30, and served as its president for the last seven years of his life, from 1993 to 2000.

Professor Wright organized an effective boycott of the Faculty Club at the University of Texas at Austin when operators failed to live up to their promise that the club would not be racially segregated.

Wright was a Fellow of the American Academy of Arts and Sciences, a Corresponding Fellow of the British Academy and an Honorary Fellow of Wolfson College, University of Cambridge.^[2]

Wright represented President Richard Nixon on constitutional issues before the U.S. Senate Select Committee on Presidential Campaign Activities during its 1973 investigation into the break-in the previous year at the Democratic National Committee headquarters at the Watergate office complex in Washington, D.C., and the Nixon administration's attempted cover-up of its involvement in the burglary. In this capacity, in federal district court, he argued unsuccessfully that the constitutional separation of powers between the executive and judicial branches protected the president from having to turn over White House tape recordings to the Watergate special prosecutor, Archibald Cox.^[1] After the U.S. House of Representatives, incited by the "Saturday Night Massacre", initiated impeachment proceedings against Nixon, the president shuffled his legal team, and in January 1974, James D. St. Clair supplanted Wright as Nixon's lead attorney.^[3]

Wright was an active litigator before the U.S. Supreme Court (though St. Clair, not he, argued *United States v. Nixon* in 1974). Associate Justice Ruth Bader Ginsburg once described Wright as "a Colossus standing at the summit of our profession." A former student teasingly suggested the diminutive Ginsburg was actually referring to Wright's 6-3 height. The politically liberal Ginsburg also referred to Wright, a Republican, as "the quintessential friend." By the end of his life, Wright was on a first-name basis with all nine justices.

*Wikipedia Contributors. "Charles Alan Wright." Wikipedia. Wikimedia Foundation, July 8, 2023.
https://en.wikipedia.org/wiki/Charles_Alan_Wright.*

Guide to the Charles Alan Wright Papers, 1880-2004

 txarchives.org/utlaw/finding_aids/00024.xml

Historical Background

Professor Charles Alan Wright (1927-2000), a prominent professor, lawyer, and legal scholar, was born on September 3, 1927 in Philadelphia, Pennsylvania. Professor Wright graduated Haverford High School at the age of 16 and finished undergraduate work at Wesleyan University at the age of 18. He graduated from Yale Law School in 1949 and spent a year as law clerk for Judge Charles E. Clark of the United States Court of Appeals for the Second Circuit.

Following his clerkship Professor Wright taught at the University of Minnesota from 1950 to 1955. In 1955 Professor Wright moved to Austin and became a member of the faculty of The University of Texas School of Law. An internationally-renowned expert on constitutional law and the federal courts, Professor Wright's most well-known scholarly work is the multivolume treatise *Federal Practice and Procedure*. A successful lawyer, Charles Alan Wright argued 13 cases before the United States Supreme Court, winning 11, as well as many cases in federal courts of appeals and state supreme courts. Wright is perhaps most recognized for his involvement in the legal defense of President Richard M. Nixon during the Watergate scandal.

Professor Wright was active in several major professional organizations, most notably the American Law Institute (ALI) and the Judicial Conference of the United States. A member of ALI since 1958, Professor Wright became President of ALI in 1993. Wright was the first law professor to hold the position. As a member of the Judicial Conference of the United States, Professor Wright served on many of its Rules Committees, most notably the Standing Committee on Practice and Procedure.

Professor Wright was passionate about athletics, and served as an active member of the NCAA Infractions Committee. Additionally, Professor Wright founded the Legal Eagles, an intermural football team at the University of Texas School of Law, in 1955. He coached the Legal Eagles from 1955 to 1990 when he became their athletic director. Wright held the position of athletic director until his death.

An Episcopalian, Professor Wright served on the vestry of Good Shepherd Episcopal Church and on important committees of the Episcopal Diocese of Texas. He served repeated terms on the boards of St. Andrew's and St. Stephen's Episcopal Schools, and in the early 1960s, he took a leading role in desegregating those schools. He served on the boards of the Austin Symphony Orchestra, the Austin Lyric Opera, and the Austin Choral Union. He was a founder of KMFA, the classical music station, and chaired its board for 31 years.

Charles Alan Wright died on July 7, 2000 at North Austin Medical Center from complications after surgery. He was 72.

Contents of the Collection

Legal documents, correspondence, and other materials document the life and career of Charles Alan Wright (495 linear feet, 948 Boxes).

Charles Alan Wright Papers, Tarlton Law Library, The University of Texas at Austin. Charles Alan Wright Papers, Tarlton Law Library, The University of Texas at Austin. https://txarchives.org/utlaw/finding_aids/00024.xml

Charles Alan Wright

 cemetery.tspb.texas.gov/pub/user_form.asp



WRIGHT, CHARLES ALAN (1927~2000) Professor Charles Alan Wright, who held the Charles Alan Wright Chair in Federal Courts, died on July 7, 2000. Professor Wright had served [the University of Texas School of Law] and [the] University for 45 years, with great loyalty and extraordinary distinction. For many of those years, he was without question the best known and most respected member of the faculty of law.

He is survived by his wife Custis Wright, his son Charles Edward Wright, his daughters Eleanor Clarke, Margot Clarke, Henrietta Wright, and Cecily Fitzsimons, by six grandchildren, and by friends and admirers throughout the world.

Mr. Wright . . . was something of a child prodigy, and so the long career of Professor Wright got off to a very early start. Born in Philadelphia on September 3, 1927, he graduated from Wesleyan University in 1947 and from Yale Law School in 1949, clerked for Judge Charles E. Clark on the United States Court of Appeals for the Second Circuit, and assumed his duties as assistant professor of law at the University of Minnesota in 1950, just before his twenty-third birthday. He was promoted to associate professor in 1953. He joined the faculty of The University of Texas at Austin in 1955, at the age of twenty-seven.

Mr. Wright studied under the mid-century legal realists at Yale, and the best of legal realism is apparent throughout his life's work. A more momentous formative experience came in his clerkship with Judge Clark, who had been the reporter and chief draftsman for the original Federal Rules of Civil Procedure in 1938, and who continued to serve actively in the rulemaking process until 1955. During that clerkship in 1949-50, Mr. Wright and Judge Clark coauthored Mr. Wright's first article on procedure. The origins of Professor Wright's greatest work - a lifelong study of legal practice in the federal courts, principally organized around the various sets of federal rules - lie in this apprenticeship with Judge Clark.

Professor Wright's reputation rested first and foremost on his monumental treatise, *Federal Practice and Procedure*. This is the one indispensable reference work on procedure and jurisdiction in the federal courts. Begun in 1969, by the time of Professor Wright's death it had grown to 57 large volumes, with second and third editions of many volumes and frequent supplements to all the volumes. He recruited a team of distinguished coauthors; the volumes are variously credited to Wright; Wright & Miller; Wright, Miller, & Kane; Wright, Miller, & Cooper; Wright, Miller, & Marcus; Wright & Gold; Wright & Graham. Professor Wright was the one author common to all volumes, the leader and organizer of the whole project.

With one notable exception that is revealing of the man, Professor Wright read every word of every volume. The exception is that he did not participate in preparing the treatise's discussion of any case in which he had participated as counsel, and with respect to the cases in which he had represented President Richard M. Nixon, he did not even read what his coauthors wrote, lest they be influenced by fears of what he might think.

Professor Wright's coauthors have described an active collaboration in which they each worked on their own volumes but he worked on all the volumes. He sent them a stream of queries, suggestions, and new cases for possible inclusion. He reviewed drafts for substance, clarity, and style; he patiently debated substantive disagreements. When he and a coauthor could not agree on a point of substance, he insisted only that the treatise note that there were serious arguments for each position.

It is impossible to overstate the importance of this work. The treatise has been cited more than 50,000 times in on-line texts, periodicals, and judicial decisions (and there are some 10,000 additional on-line citations to his other writings). There are other luminary legal academics with famous treatises, but none that even come close in frequency of citation. His friend Bryan Garner believes, and it is probably true, that Professor Wright is the most-cited human ever to write about law in English. *Federal Practice and Procedure* is cited so often in part because it deals with procedure, and every litigated case potentially raises procedural issues. But more fundamentally, the work is cited so often because its persuasive authority is universally accepted, and because its explanations of complex matters are so lucid.

This remarkable set of books is but one of the more than 250 entries in Professor Wright's bibliography. He also maintained his casebook on federal courts through ten editions, and his one-volume hornbook on federal courts through five editions. Thousands of law students use these books, and nearly every federal judge keeps the hornbook near at hand. Before beginning his own treatise, he had rewritten seven volumes of an earlier treatise on federal procedure. He published several other books and vast numbers of reviews and occasional pieces. He also kept up an active correspondence with family and friends, and with scores of lawyers, judges, and scholars all over the United States and the English-speaking world.

Professor Wright's reputation also rested in part on his fame as a Supreme Court advocate. He personally argued thirteen cases in the Supreme Court of the United States, including a remarkable series of nine cases from 1968 to 1973. He won ten of the thirteen cases outright, won half his point in another, and lived to see his position substantially vindicated in the two cases he lost.

Professor Wright won two relatively minor Supreme Court cases in 1963, securing reversals on behalf of an injured railroad worker and a mentally ill criminal defendant. He won two more late in his career: in 1987, he successfully defended the free speech rights of a citizen who had been prosecuted for interrupting a Houston police officer, and in 1999, he won a unanimous reversal for a German company caught up in a highly technical jurisdictional dispute about where and whether it could be sued in the United States. Of course these cases were minor only as compared to the range of cases decided by the Supreme Court of the United States. At least four Justices thought these cases presented some issue of national importance or they would not have been decided in the Supreme Court at all.

Professor Wright's run of cases from 1968 to 1973 included three important wins on behalf of criminal defendants: two on the privilege against self-incrimination and one on the speedy trial rights of defendants incarcerated in another state. He successfully defended the power of circuit judicial councils to remove federal judges from active duty - perhaps the only meaningful check on a life-tenured judge who becomes mentally disabled or commits non-criminal misconduct. In his most spectacular success, he argued for reversal of a \$145,000,000 default judgment against Hughes Tool Co., winning on an issue that had been unsuccessfully appealed to the Supreme Court eight years before.

The remaining four cases were by any standard landmark decisions in substantive constitutional law: *Maryland v. Wirtz* in 1968, *Oregon v. Mitchell* in 1970, *Furman v. Georgia* in 1972, and *San Antonio Independent School District v. Rodriguez* in 1973. He represented the states in *Maryland v. Wirtz*, unsuccessfully arguing that Congress could not subject the states to the Fair Labor Standards Act or to suits to enforce the Act. His claim that the states were immune to such suits is now the law of the land; his claim that applications of federal legislative power are sometimes limited by the sovereignty of states is now one of the Supreme Court's guiding principles.

Professor Wright represented Texas in *Oregon v. Mitchell*, defending state power to set voting qualifications and challenging federal legislation that lowered the voting age to eighteen. This was his half win; with Justice Black casting the swing vote, the Court held that Congress could set the voting age in federal elections but not in state elections. It took a constitutional amendment to lower the voting age in state elections. *Mitchell* remains one of the leading decisions on Congressional power to enforce the Civil War Amendments to the Constitution, and here too, the Court has moved in Professor Wright's direction and even beyond. Recent decisions have restricted Congressional power to enforce those amendments further than he approved.

Furman v. Georgia was the case that was supposed to end capital punishment in the United States. Professor Wright appeared in a companion case, *Branch v. Texas*, decided in the same opinion, and so the consolidated cases became known as *Furman*. The Court chose to hear three of the many capital cases before it at the time; it chose *Branch* because of its belief that Professor Wright would represent Texas. To avoid any disappointment, Chief Justice Burger quietly let out the word that the Court wanted Professor Wright, and Texas obliged. Professor Wright lost in *Furman/Branch*; the Texas capital punishment statute was struck down. But as in *Maryland v. Wirtz*, the Court's view of the matter soon swung in Professor Wright's direction, and as everyone knows, capital punishment in Texas is again a matter the state can decide for itself. We do not know what Professor Wright thought of the way Texas uses that power, although we do know he cared deeply about the procedural rights of criminal defendants.

Finally, Professor Wright represented the defendant school districts in *San Antonio Independent School District v. Rodriguez*, successfully arguing that even extreme local variations in educational funding were beyond the reach of the Equal Protection Clause. This was a case that could easily have gone the other way and thus have triggered a generation of federal litigation over funding local schools. The facts were appealing for the plaintiffs, who attended a desperately underfunded and somewhat gerrymandered school district. The case was decided five to four, with two frequent swing votes (Justices Powell and Stewart) joining the five. This was an argument that mattered more than most.

Professor Wright's 48-page brief mentioned no law until page 25. The first half of his brief was devoted to a careful exploration of the complexities of school finance, and to a showing that the trial court had adopted the solution just proposed in a new book by three professors. Had the Equal Protection Clause really anticipated this newly-created academic theory? Did not the theory require some period of testing and experimentation before being imposed on the country as the only constitutionally permissible solution? He acknowledged that plaintiffs and their academic theorists had opened the eyes of the nation to a serious and previously unrecognized problem, but the search for a solution was just beginning; it could not be solved at a stroke by one Supreme Court decision. The Supreme Court declined to get involved; over a much longer time, and with much trial and error, the Texas courts and the Texas legislature have alleviated the problem.

Professor Wright's most famous and most difficult client was President Richard M. Nixon. Professor Wright represented the President on constitutional issues growing out of the Watergate investigations by Congress and the special prosecutor. For a time he clearly appeared to be the President's lead lawyer, but then there was a shuffling of responsibilities, and he did not argue the case in the Supreme Court. It seems clear that his client lied to him, and it seems equally clear that Professor Wright could not have saved the Nixon Presidency even if he had been given full control of the case. Professor Wright steadfastly refused to comment on his representation of the former President, resisting the temptation to clarify his own role at the expense of a client's confidences. Of all the many things he did in his extraordinarily full life, representing President Nixon was the one thing most visible to the non-legal public, and it became the centerpiece of many of his obituaries.

After *United States v. Nixon*, Professor Wright greatly reduced his role as an active litigator, although he continued to consult behind the scenes with other lawyers and wrote occasional friend-of-the-court briefs. The cases we have described include two business cases, one personal injury case, and eleven constitutional cases. In Professor Wright's view, these eleven constitutional cases were of a piece. Express civil liberties, federalism, and separation of powers were all means of protecting liberty. His clients might or might not use their liberty wisely, but power concentrated in Congress or any other central body might not be used wisely either, and centralized blunders and abuses were more dangerous than decentralized blunders and abuses. So whether he was defending the free speech rights of a street protestor, the self-incrimination rights of a professional gambler, a state's right to decide for itself about the death penalty or the minimum wage, or even a President's right to keep secrets from Congress and the public, he saw himself as defending the limitation and dispersal of government powers, and thus in the broadest sense, defending the liberties of the American people.

Another large piece of Professor Wright's work was his service to The American Law Institute, a select organization of lawyers, judges, and legal scholars that produces independent studies and summaries of American law. Professor Wright was elected to the Institute in 1958, when he was only thirty. From 1963 to 1969, he served as reporter for the Institute's massive *Study of the Division of Jurisdiction Between State and Federal Courts*. At the conclusion of that project, he was elected to the Council, the small group that reviews every draft document before its submission to the membership.

For the last seven years of his life, he served as president of the Institute. This required countless trips to Philadelphia for meetings on the Institute's many continuing projects; it required an active correspondence with reporters and members of the Council. And for a week each spring, he would preside over the annual meeting of the membership - hundreds of lawyers, many with strong and sharply divided views, some unwilling to give up when they had lost, some prone to talk too much in any event - debating book-length analyses of broadly defined topics from the whole range of American law. He presided with authority and aplomb, giving every member a reasonable chance to speak and then pushing the agenda on towards conclusion.

Other public service reflects his prominence, his skills, his expertise, and the range of his knowledge and interests. Professor Wright served for nearly 30 years, under appointments from three different Chief Justices, on various committees to propose revisions of the federal rules of procedure or the statutes granting jurisdiction to the federal courts. He was a frequent speaker at the circuit conferences of federal judges; some federal judges described him as their coach. He served eight years on the permanent committee to supervise the *Oliver Wendell Holmes Devise History of the Supreme Court of the United States*, seven years on the Commission on the Bicentennial of the Constitution, ten years on the Committee on Infractions of the National Collegiate Athletic Association (five years as chair), and two years as chair of the NCAA Administrative Review Panel.

Professor Wright also served his local community. He served on the vestry of Good Shepherd Episcopal Church and on important committees of the Episcopal Diocese of Texas. He served on the boards of the Austin Symphony Orchestra, the Austin Lyric Opera, and the Austin Choral Union. He was a founder of KMFA, the classical music station, and chaired its board for 31 years. He served repeated terms on the boards of St. Andrew's and St. Stephen's Episcopal Schools, and in the early 1960s, he took a leading role in desegregating those schools. He helped found The University of Texas Faculty Club, extracting a commitment that it would not be segregated, and then he organized a successful faculty boycott when the operators failed to honor their commitment.

Professor Wright served the University in many ways - on four presidential search committees, in multiple terms on the Men's Intercollegiate Athletics Council, as faculty representative to the NCAA and the Big 12, and on countless law school committees. He was a strong supporter of international programs, and his British connections were important to the creation of the law school's various exchange programs with British universities. In his last federal case, he was an active member of the legal team representing the University in its affirmative action litigation, *Hopwood v. Texas*. In this representation he encountered a dilemma that few lawyers are ever likely to face, and he resolved it with his own unbending standards of propriety. He participated fully in the drafting of the final round of briefs, but he took his name off the list of counsel, lest there be some hint of impropriety in his submitting a brief to a court that was about to give him an award for service to the federal courts.

Professor Wright was a popular and successful teacher, teaching large sections of Constitutional Law and Federal Courts year after year. And he taught his labor-intensive Supreme Court Seminar, open to exactly nine students, each of whom was assigned to assume the persona of one Supreme Court Justice for the semester, and to speak, vote, and write opinions in actual pending cases as he or she believed that Justice would speak, vote, and write. In 1980, he won the Student Bar Association Teaching Excellence Award.

And then there was his beloved intramural football team, the Legal Eagles. Professor Wright was the founder and longtime head coach; he promoted himself to athletic director in 1991. And he kept records. The Legal Eagles is the longest lasting and most successful intramural team in the history of The University of Texas. In 45 years, the Legal Eagles won 330, lost 44, and tied 5. Their longest winning streak was 40 games; their longest losing streak was 1 game. They won 27 of 35 Law-Grad Division championships, and 7 of 14 All-University championships. The tradition continues today in student hands; the team no longer has a coach.

Perhaps Professor Wright's greatest service to this University was simply that once he came to Texas, he stayed at Texas for the rest of his remarkable career. When he arrived in 1955, the law school was in many ways still a regional institution. It had its share of distinguished and productive professors with national reputations; national law schools regularly tried to raid the Texas faculty. But nearly the entire student body, and more surprisingly, nearly the entire faculty, had Texas roots. Professor Wright, a Republican and Episcopalian from Philadelphia, obviously did not come here in 1955 because of any preexisting affinity for the state.

Over the years he accepted visiting appointments at Harvard, Yale, Pennsylvania, and Cambridge; but he repeatedly turned down permanent offers and inquiries from other schools, instead lending his immense personal prestige to this law school's climb to greatness. Georgia once nearly lured him away with a well-endowed superchair, but he decided at the last minute that he could not leave Texas. His career at Texas single-handedly raised the stature of the law school; it signaled that a law professor with unlimited choices might choose to spend his career at Texas, and that there were no limits to what a member of this faculty could accomplish.

He of course accumulated many honors in his long career. Among the most significant were the Learned Hand Medal of the Federal Bar Association, the Fordham-Stein Prize of Fordham University, the Distinguished Alumnus Award of Wesleyan University, and the Lifetime Achievement Award from The University of Texas School of Law. He may have especially valued the Clarity Award for Clear Legal Writing, from the Plain English Committee of the State Bar of Michigan. He was a Fellow of the American Academy of Arts and Sciences; more surprisingly, he was also a Corresponding Fellow of the British Academy.

It is difficult to summarize Professor Wright's remarkable productivity in a few pages; it is even harder to capture the man himself in writing. He was devoted to his family and they to him. He had intense, lifelong friendships, nurtured by frequent correspondence and much travel. It is said that you learn much about a person's character by how he treats his secretary; his secretaries praised him beyond measure.

For anyone who first met him in the last 35 years, his reputation preceded him. Professor Samuel Issacharoff of Columbia University spoke for many when he said that he had never known any other human being who "so towered over his particular walk of life." Then when you did meet him, he was physically imposing: tall, broad-shouldered, erect in posture, impeccably dressed, formal in manner, precise in speech. One of his longtime secretaries described the overall effect as "The Aura."

Some, students and faculty alike, were too intimidated to proceed further. And if everyone had imposed on the kindness behind the imposing persona, then either that kindness or his remarkable productivity would have come to an end. But those who were not intimidated found him readily available. His phenomenal memory of cases and his familiarity with the vast store of information in his treatise made him an extraordinary resource for his colleagues. He was nearly always willing to do some new service for the people and institutions he cared about. He answered all his voluminous mail, even the ever-hopeful but often frivolous letters from prisoners, and on at least one occasion, his intervention led to release of an innocent man who had been wrongfully convicted.

Professor Wright had a lively intellectual curiosity that extended far beyond federal procedure or constitutional law. He defined a "true scholar" as one who "cannot stand idle whenever an answerable question remains unanswered," and he published tongue-in-cheek essays on such esoteric trivia as the proper spelling of the apocryphal St. Catherine and the merits of different complimentary closes to various kinds of letters.

Professor Wright was a creature of fixed habits. When in his own office, he ate the same series of lunches in rotation week after week. Every weekday morning, he sat in the same chair in the faculty lounge to read the *Wall Street Journal*. The chair was not reserved for him by any formal rule, but he always found the chair vacant at the appointed time. He had an extraordinary self-discipline and a prodigious capacity for work, and no doubt his fixed habits helped maintain his productivity.

He had a fully justified confidence in his own abilities; there was no false modesty about him. But behind all the enormous achievement and the grand demeanor, he was at heart a shy man. He generally loved technology but called the telephone "the invention of the devil." He preferred to initiate communications in writing - in long letters, in brief hand-delivered notes, by fax machine, or by e-mail. His formal manners and sometimes idiosyncratic conventions were partly just who he was, a manifestation of authentic self, but they were partly a way of routinizing and easing human interactions that seemed to remain a bit daunting for all his greatness. His formality, once you understood it, became an endearing touch, a hint of deeply human vulnerability in a living legend who was larger than life.

Source: Excerpt of *In Memoriam: Charles Alan Wright*. This memorial resolution was prepared by a special committee consisting of Professors Douglas Laycock (chair), Roy Mersky, and L. A. (Scot) Powe, and was accessed from the Faculty Council Website at <http://www.utexas.edu/faculty/council/2000-2001/memorials/Wright/wright.html>.

Texas State Cemetery. "Charles Alan Wright [7810]." *Texas.gov*, 2024.
https://cemetery.tspb.texas.gov/pub/user_form.asp?pers_id=7810.

Permits

Charles A. Wright 530⁴/₇ Western Hills Dr.
 370 3 -
 Ridge Oak Park
 Frame Residence & Att. CP & Stg.
 86021 11-16-62 50,000.00
 O. W. Hatfield 25
 w E 3220⁴ s 387⁴/₉
 RESIDENCE
 No more than 2'0" overhang on 5'0" siding