

Charles A. Spain:

Civil Rights and Vexillology

By ANIETIE AKPAN

The Supreme Court just issued the second worst opinion in the Court's history," announced a young Baylor law student on the floor of his family law class on June 30, 1986, moments after the United States Supreme Court issued its historic 5-4 opinion in the *Bowers v. Hardwick* case, which upheld the constitutionality of a Georgia sodomy law.

That brave law student was Charles A. Spain from Houston, who up until that moment had spent his adulthood in the closet. In his youth, he vowed to be the perfect Eagle Scout and eventually became a professional Scout executive in Dallas until he left his position to attend Baylor Law School.

The *Bowers* decision sparked Spain's illustrious history as an LGBT activist, beginning as a founding member of the first organized group of lesbian and gay Baylor and other Waco area college students. After law school, Judge Spain continued to champion for LGBT rights, co-founding and chairing the first unitary State Bar LGBT section in the nation, overseeing legislative efforts to repeal Texas' "homosexual conduct" statute, and working at the national level to change the Boy Scouts of America's ban on openly gay youth members and adult Scout leaders. He was also appointed as an associate municipal court judge, becoming only the third openly gay male judge in Texas. His tireless efforts culminated in his receipt of the Judge Norman W. Black Award, the State Bar of Texas LGBT Law Section's highest recognition.

Although Judge Spain's civil rights efforts are impressive, he is also well known for one of his interesting and unusual hobbies: vexillology, the study of flags. "For me," shares Spain, "vexillology combines my interest in history and law."

As a young lawyer, Judge Spain traipsed his firm's law library, perusing seemingly infinite shelves of books. Eventually, he stumbled upon a copy of Gammel's ten volume *The Laws of Texas 1822-1897*, where he read about the laws creating the first national flag of Texas, referred to as the David G. Burnet flag. Thus

began his incredible journey of exploration, scholarly research and leadership in vexillology.

In 1992, Judge Spain published a comprehensive survey in the *South Texas Law Review* of all past and current laws affecting



Judge Charles Spain and Houston's former Mayor, Annise Parker, are flanked by seals and flags representing our city, state and nation.



Learning about the first national flag of Texas, known as the David G. Burnet Flag, spurred Judge Spain's interest in flags and seals, and the laws that govern them.

Texas flags and seals, and in 1993, he helped draft and pass a comprehensive revision of those laws. As chair of the Texas State Seal Advisory Committee, Judge Spain also led a successful effort to adopt official standard designs for the state seal and arms, which included removing the Confederate battle flag from the reverse of the state seal. He was recognized for his work with the Texas Historical Commission's Texas Award for Historic Preservation and commissioned as an Admiral of the Texas Navy.

Judge Spain has served as the president of the North American Vexillological Association (NAVA) and is one of only five individuals in the association's 50-year history to be named a Whitney Smith Fellow, NAVA's highest honor. Since 1997, he has also served as the Secretary General of the International Federation of Vexillo-

logical Associations (FIAV), where he has overseen scholarly flag associations around the world and helped organize week long International Congresses of Vexillology every other year.

Judge Spain states: "I've travelled the globe to conferences, becoming friends with so many brilliant people. Serving for almost two decades as the FIAV Secretary General, I've put my legal problem solving skills to work with people from all over. It's been a challenge, and I sure haven't made any money from it, but it makes me smile when I think, 'A kid from Sharpstown did that.'" 🏛️

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