

The one great rule
of composition is to
speak the truth.

—THOREAU

The Observer

We will serve no
group or party but
will hew hard to the
truth as we find it
and the right as we
see it.

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BEACHES BILL BECOMES LAW

AUSTIN

Using strategically timed warnings of burning a senator in his home district, refusing to support an inadequate bill, and delivering a speech attacking House Speaker Waggoner Carr, Rep. Bob Eckhardt of Houston extracted an "open beaches" bill from a conference committee which started out voting against him, eight to two. Both houses of the legislature then enacted it into law.

Sens. Bob Baker, Houston, and Jimmy Phillips, Angleton, co-sponsors of the Senate beaches bill which became the vehicle for the final anti-fences legislation, joined Eckhardt and Rep. W. T. Oliver, Port Neches, in the tense last-day fight in the closed conference committee sessions.

Together these four then prevailed upon the other six conferees to approve a law which Eckhardt said contained all the important provisions of the original House-passed bill he authored. The entire Texas coast along the open Gulf is declared open to the public, with no exemption for Padre Island.

"This bill will protect the rights of the people to the beaches and at the same time will preserve property rights of the littoral (adjacent) owners," Eckhardt told the House, which passed it, 140-5. In the Senate only Dorsey Hardeman voted no.

The bill tells the courts that the legislature recognizes the public's rights to use the beaches and declares it to be "an offense against the public policy of this state" to build fences to keep the public out.

Three of Lt. Gov. Ben Ramsey's five Senate conferees had favored the House bill on a test vote—Sens. Baker, Phillips, and Bruce Reagan, Corpus Christi. The other two, Sens. Hubert Hudson, Brownsville, and George Parkhouse, Dallas, had voted in favor of a conference committee.

Three of Carr's five supporters, Max Smith, San Marcos; Sam Bass, Freeport, and Ben Glusing, Kingsville, voted against final passage of the Eckhardt bill. Only two, Eckhardt and Oliver, were on the side that had prevailed, 97-45.

The first test vote in the conference came on whether to work on the House or the Senate bill. Eckhardt argued the Senate bill, which originally recognized the public's rights to "state-owned beaches," only protected for public use the wet sand between low and mean higher high tide. The conferees voted 8-2 against Eckhardt and Oliver, deciding thus to work on the Senate vehicle. All the senators voted to work on the Senate bill, as did Smith, Glusing, and Bass.

Eckhardt vs. Hudson

At this point Eckhardt became convinced that there was not much chance of a bill emerging he would favor. According to several reports, he told Hudson that if nothing was to emerge but a bill describing rights the public already could urge in court, or limiting the public's present rights, he, Eckhardt, would take steps in Hudson's district. He also told the conferees he would not agree to a bill that was nothing but a hollow shell. Upon adjournment of the conferees Tuesday evening he addressed several members of the press, and Wednesday morning stories were pessimistic about a beach bill passing.

Wednesday morning, when Carr was preparing to defend himself against impeachment rumors (page 3), Eckhardt let it be known he had prepared a speech accusing Carr of designating beach conferees 3-2 against the temper of the House. Events in the conference committee then obviated this speech's delivery.

Tuesday Eckhardt had asked the conferees to extend the beach to be protected for public use from the Senate bill's 12- to 15-foot strip over which the tide plays to the House concept of the sandy beach back to the vegetation line.

When the committee reconvened Wednesday, Rep. Sam Bass, Freeport, and Baker had incorporated this provision in a re-draft they presented. Eckhardt began to make substantial gains in language: for instance, theretofore the public's rights to the beaches had been limited, in the wording, to areas where they had already obtained "a prescriptive right," but new wording extended their rights to all the beaches the
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The Gas Issue Jells

AUSTIN

While conference committees appointed by Lt. Gov. Ben Ramsey and House Speaker Waggoner Carr played out the role of negotiations and the underlying issues filtered to the surface, the second called session ended in a multi-million dollar tax deadlock. Growing personal bitterness alternated with high hilarity as a close majority in the House of Representatives continued a six-month rebellion against its own leadership and the Texas Senate.

For the record, the deadlock continued when the House late Thursday refused to suspend rules to consider a conference report dating back to the first session, a one-vote majority not sufficing under a two-thirds rule. Earlier in the day, the House had rejected 83-66 another, though quite similar conference report that in turn paralleled a third report rejected, 81-64, last Saturday (see page 6). All three reports closely followed Senate approaches to the tax problem embracing a three-to-one ratio of sales to business taxes and no tax on interstate gas pipeline companies.

Behind these statistical summaries swirled an increasingly complex battle that turned on the critical issue, whether the House can force the Senate to accept a natural gas tax on the interstate pipelines or whether the Senate can force the House to accept a levy on gas producers in Texas.

Slanting off from this issue are fiery tangents—slumbering animosity, somewhat personal, between conservative House members and Speaker Waggoner Carr (see page 3); a deepening of the gulf between House liberals and the Speaker, until now there is almost no cooperation between them; the beginning of rumblings in House floor debates that Lt. Gov. Ben Ramsey is "protecting"

the interstate pipelines; the alliance between House liberals and the Texas Independent Producers and Royalty Owners Assn. against any gas tax that falls on Texas producers; and, finally, the varying stances of Governor Price Daniel, who advocates a pipeline tax but asked House members to accept a bill without it in order to end the fight until he calls a

to delay naming conferees until the House could reconsider its Saturday vote. "That is not true," Carr said.

Hughes then issued a press release saying:

"From reliable sources it is fairly common knowledge that the Senate did not appoint a conference committee today at the request of Speaker Waggoner Carr. It is also obvious that the Speaker intends to fight the conference committee which he himself appointed ... Apparently he intends to force us into a special session if he cannot have the tax bill exactly the way he wants it—that is, without a tax on the natural gas pipelines."

Roaring mad, Gov. Daniel's House tax sponsor, Rep. George Hinson, held forth to reporters. "I've taken every damn thing off Carr that I'm going to take. ... To come out here and boldly admit he didn't appoint us in good faith. ... It's getting high time that we the people of this state begin to fill these galleries that've been filled by some of the natural gas lobbyists. ... Try to make an ass out of me by appointing me in bad faith. ... The issue as between a general sales tax and natural gas pipeline taxes will be a very lively and spirited one next summer, I assure you."

The Gas Issue

After House liberals and 30 moderate-conservative allies had prevailed against the Senate tax bill on the next-to-last day of the session, the gas issue suddenly flared into prominence when Rep. Don Kennard, Fort Worth liberal, moved the House instruct its new conferees to seek a 2.4 mills per thousand cubic feet pipeline tax (for \$27 million) in lieu of a one percent well-head tax on Texas producers (for \$12 million).

Rep. Wesley Roberts, Lamesa conservative and one of the Speaker's floor leaders, offered a
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THE SITUATION

The legislative situation now: Gov. Daniel launched a third special session with renewed requests for his program including \$40 million from the gas pipeline companies. House tax committee hearings, with witnesses held to a minimum, begin Monday; a bill may be ready for House debate by midweek. The gas tax issue, as described by House tax panel chairman Bo Ramsey: "The lines are drawn. It's just a question of who's gonna pull the strings tight enough to pass it." If the issue is not settled by Aug. 15, said Gov. Daniel, old age pensioners' checks may be delayed; if not by Sept. 1, all state money "will be cut off." In a seven page memo to members, TIPRO in effect said a gas tax is inevitable and should be on pipelines, not producers.

teachers' pay - tax - the - pipelines session, as he would be generally expected to do.

The Speaker, over the weekend, said he appointed a liberal-dominated conference committee to give "the obstructionists" a chance. On Monday the Senate failed to appoint conferees to meet with the House committee (a development which stretched into a 48-hour delay), and tempers flared against Carr in the House.

Rep. Charles Hughes asked Carr if he had asked the Senate

Compulsory Fee Bill Clears

AUSTIN

After arguments as to whether students, professors, or natural gas companies should pay, the college fee bill okaying mandatory charges to students at state-supported college finally passed the House and was sent to the Governor. The vote was 74-72. The bill passed the Senate last week, 16-15, after a holdout speech by Sen. Henry Gonzalez of San Antonio.

The bill authorizes minimum compulsory fees for student services that may be levied by college governing bodies. The practical effect of the bill may be to raise the annual cost per student from between \$12 (estimated by proponents) to \$65 (estimated by opponents).

Arguments swirled around whether or not the bill was a play whereby funds, slashed from the appropriation bill, would be partially made up by levying heavier student fees. Raising the point, Rep. Don Kennard of Fort Worth

said, "I'm not going to vote to put an additional burden on students and let natural gas off the hook. Let's see what's in that appropriation bill before we vote on raising fees."

Wesley Roberts of Lamesa countered, "What do you mean 'take care' of higher education? If you 'take care' of them too much, some of us will vote against that appropriation bill. People are concerned about taxes, too."

The debate had a heavily liberal vs. conservative cast throughout, with liberals contending that the fee increase was designed solely to permit a cut in appropriations for the colleges and conservatives favoring it on grounds the college presidents themselves were backing it because they needed more funds.

There were exceptions in the lineup, notably Jamison, Denton liberal who spoke for the bill on grounds that the more the appropriation bill was cut, the more urgently the colleges needed the

money. "You say you don't want this money to come out of the pockets of students; do you want to take it out of the salary checks of the faculty?" Jamison asked.

Rep. Bill Kilgarlin of Houston said, "This bill violates one of the fundamental principles of American society, the Jeffersonian principle that education should be for the masses rather than for the Hamiltonian thesis that education should be for the elite. ... We're talking about a concept of free public education. In effect the authors of this bill are saying the state of Texas cannot afford to support education, so we'll take it from the students."

Rep. Brownie Dewey of Bryan said he saw no connection between the fee bill and the appropriation bill. "One small college president told me if this bill was not passed, they were going to have to abolish football."

Oscar Laurel of Laredo replied, "If freedom is the promise, I ask you not to impose a penalty on those who seek the truth."

Huebner's Remarks

AUSTIN

Rep. John Huebner, Bay City, whose amendment limiting public beaches to 300 feet was superseded in the final bill, engaged in the following colloquy with Rep. Bob Eckhardt with respect to his conflict of interest as co-owner of 15 miles of open Gulf beach:

Huebner: "I worked with you in some cases on an amendment, and against you in other cases. I think you'll agree none of them were vicious amendments."

Eckhardt: "All your work with me, John, has been courteous and cooperative to build a good bill."

Huebner: "While I did not qualify myself as an interested party before the House, I did appear before committee as an interested party, and not as a member of the legislature. Do you agree I was qualified to represent a class, not as an interested landowner?"

Eckhardt: "Why, surely."

Huebner, who also had voted for certain amendments to the bill Eckhardt had opposed as gutting amendments, voted in favor of the bill on final passage and for the final version reported by the conference committee. Eckhardt said the bill as it emerged preserves the public's beaches.

THE GAS ISSUE JELLS

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substitute motion that House instruct its conferees not to accept any gas tax at all. The Roberts motion was defeated, 108-40. Debate began on the Kennard motion, and many of the behind-the-scenes issues spilled out into public debate.

Said Kennard: "We have reached a point where every man in this House knows natural gas is going to be taxed. And surely, we all know that, if not in this session, then in another special session, that gas tax will be put on the interstate pipelines that bleed and suck this gas out of Texas and into the East. That this obvious decision has not been made yet is due in great part to the reluctance to tax pipelines on the part of the leadership of the House, the Lieutenant Governor, and the Texas Senate. If we're going to place a great burden of selective sales taxes on our Texas people, the least we can do is raise part of the revenues from the long line gas companies. If natural gas is to be taxed—and we all know it is—for God's sake let's not tax the producers of this state, let's tax the pipelines that suck this gas out of this state."

Rep. Menton Murray of Harlingen pointed out that Kennard's motion would delete a one percent tax on producers and substitute what amounted to a two percent tax on pipelines. "Do we need that additional \$15 million?" asked Murray.

"There is no question that we do," said Kennard. "The chairman of the appropriations committee was on the House floor this morning wringing his hands because there was not enough money to meet our needs for higher education and the mental hospitals."

Bill Jones, Dallas conservative, hurried to the back microphone to ask Kennard, "How do you know what the Lieutenant Governor wants?" Rep. Tony Fenoglio chimed in, "He doesn't even know what the Governor wants." Kennard, in the well of the House by the press table, yelled "I'll tell you what Ramsey doesn't want, he doesn't want a pipeline tax."

Rep. Dick Cory of Victoria, one of the Speaker's floor leaders, spoke against the Kennard motion. "If a severance beneficiary tax hit the long pipelines only," he said, "I would vote for it willingly. But it hits every user of natural gas, brickyards and places like that—industrial users, chemical companies, all your industry in your hometown."

"In my district, the Aluminum Company of America has a new plant," and their man told the tax committee they had expansion plans that would produce jobs for 400 more people in Calhoun County, Cory said. "He said they would have to forego these expansion plans if the gas tax were increased. What happens in Calhoun County will happen all over Texas. The industrial climate will be hurt."

Rep. Jack Woods, Waco conservative, also spoke against the motion to instruct. "You do not want to instruct the House conferees. What you are actually trying to do is instruct the Senate conferees; you're gonna slap 'em in the face and then expect 'em to sit down and talk to you."

This was greeted by some cheers, and Rep. Zeke Zbraneck, liberal from Liberty, yelled, "Let's do that, that's what the Senate needs."

Then, as the House settled into a low murmur and the packed galleries leaned forward, the vote was called on Roberts's motion tabling Kennard. The board flashed 75 ayes to table, 74 noes, all 150 members present with the Speaker not voting. This would have killed the move to instruct. Kennard called for a verification: it showed that Rep. George Hinson, sponsor of a pipeline tax, had voted "aye" by mistake. This reversed the result. The vote then recurred on Kennard's motion, which carried 76-72.

Atwell Try Fails

Rep. Ben Atwell, Dallas conservative, then proposed additional instructions — that the House conferees support a package containing a ¼ of one percent severance tax, a one percent corporate net income tax in lieu of the franchise tax currently collected, and a "one percent luxury sales tax with the \$50 deductible provision." In opposition, Rep. Joe Chapman of Sulphur Springs said he was glad Atwell made his motion, "It's a general sales tax, and we can now vote on the general sales tax." The vote was 11 ayes and 128 noes against the Atwell motion.

One more curious scene remained to be played out. Without appointing the conference committee which had just been instructed, the Speaker began accepting motions for noon recess. All of them were defeated. The word whipped around the press table, "They're going to hold him here until he appoints new conferees."

Whereupon Carr announced he had no business on his desk that couldn't wait until 2:30, declared the House "at ease," and walked off the rostrum. The move drew scattered applause from some and catcalls from others. Chapman moved the House elect its conferees, but Cory, taking over in the Speaker's chair, declared the motion out of order "in the absence of the Speaker." In an obvious reference to the impeachment hassle the day before, Reps. Zbraneck and Kilgarlin moved the House appoint a committee of ten members to "go get him and escort him back to the chair."

Ronald Bridges of Corpus Christi stepped to the microphone and yelled, "Who are the obstructionists now?" On the floor, Jim Turman of Gober asked, "Is the House at ease or is the Speaker at ease?" Houston's Charles Whitfield replied, grinning, "I reckon the House is more at ease than the Speaker." L.G.

OPEN BEACH BILL IS FINALLY PASSED

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courts hold they have a right to use. An amendment by Sen. William Fly, Victoria, had seemed to limit access to the beaches to the narrow, tide-wetted strip, but this was expanded to the entire beach.

The Major Issue

The major issue then took form: Eckhardt wanted a provision that the fact that the sandy beach to the vegetation line is what it is shall be "prima facie evidence" that the landowner cannot prevent the public "from using the area for ingress and egress to the sea" and that the public has "a prescriptive right or easement ... for ingress and egress to the sea." When Eckhardt said he would support the bill if this were included, Phillips and Baker argued strongly for this provision, and the Senate side finally agreed.

Hudson and Eckhardt had a second round. Hudson said Eckhardt had said the evening before that he would go down to Hudson's district and try to defeat him. Eckhardt said that, to the contrary, he had intended to convey that making the bill ineffective would make a man vulnerable in his district, and Eckhardt meant to make known what had happened, in such an event, in Hudson's district.

All ten legislators signed the conference report.

The bill as finally passed provides the public has "free and unrestricted right" of access to the Gulf beaches to the line of vegetation if the public has acquired a right to such area "by prescription, dedication, or has retained a right by virtue of continuous right in the public." It is an offense against public policy to bar the public from such beaches. A provision says nothing in the law is to affect the title of the owners or the continuation of fences for livestock control across sections of beach not accessible to cars "by public road or by beach." This wording may inferentially validate driving along the beaches.

"The vegetation line" is defined to provide that where there is no such natural line, the public beach extends no more than 200 feet from low tide mark; where the natural vegetation line is consistently more than 200 feet from this mark, the 200-foot line is the limit of the beach until the courts decide where it is. Nothing in the law, says another provision, shall "reduce, limit, constrict, or vitiate the definition of public beaches as defined from time immemorial in law and custom." R.D.

Pundits Pile On Butler

AUSTIN
The pundits piled into the Lyndon Johnson-Paul Butler dispute, generally on Johnson's side, while Johnson complained of an attempt to "smear Congress" and Butler reiterated his warning the Democrats cannot win in 1960 if they "ape the Republican Party."

In an exchange with Sen. Dirksen in the Senate, who had asked for "an armistice between the Democratic Advisory Council and the Democratic leadership in Congress," Sen. Johnson snapped that there was an "organized campaign" going on to "smear Congress." He conceded Democrats have differences but said he would not talk about division if he had been elected by a 20-14 vote, as Dirksen was.

Butler said that "We can't win the elections in 1960 if we are to ape the Republican Party and try to outdo the Republican Party in some of the things it stands for." He said he is "prodding," not "attacking," congressional leaders, and confining himself to "gentle suggestions."

Sen. John Sparkman, Alabama, wrote Johnson Butler is unfair and has betrayed his duty and ought to work for party unity or resign. Sen. James Murray, Montana, wrote Butler that Johnson is the best majority leader the party ever had in the Senate. Sen. Thomas Hennings, Missouri, said he doesn't always agree with Johnson, but Johnson is "forthright and dedicated to making an honest effort" to harmonize elements in the party. Sen. Sam J. Ervin, Jr., North Carolina, said Butler's criticism was "totally unwarranted" and that the party does not want their legislators to dance like mannequins on a string pulled by Butler.

In Texas, party chairman J. Ed Connally, Abilene, said Butler was "a political arsonist" sabotaging and causing irreparable damage to the party. The Austin Statesman said he is "arrogant, antagonistic, and dictatorial" and ought to be ousted.

As for the pundits: Walter Lippman: Johnson "de-

fers to the President so much on bills dealing with expenditures" because "This being a presidential system of government, only the President can govern." Passing bills Eisenhower would veto would be "a mistake." But Johnson fails to "hold the confidence of the new generation of Democrats" by "thinking and talking like the Old Guard Republicans" instead of preparing the people for the 1960's, which will be an era of great expansion of public activities.

Roscoe Drummond: Butler believes the country is further left than Johnson or the majority of Congressional Democrats believe. One effect: Butler seems to be disallowing the senatorial candidates for president. Conclusion: "... it is eminently logical: a Johnson nomination based on a Johnson legislative record."

Joseph Alsop: Johnson and Sam Rayburn mean to pass labor reform, civil rights, school construction, and minimum wage bills. But they have decided that spending is to be held down, and their reforms will be "extremely moderate" by "Democratic left wing" standards. They are right in their judgment of the public temper in this respect.

James Marlow: Butler "fired on his own troops," and has also had a case of double-think, reversing a promise he made in 1954 to a Georgia politician he would not try to make segregation a national issue.

Robert E. Baskin (the Dallas News): Does Butler think of himself as the servant or the boss of the party? as "a Moses who will lead Democrats out of the wilderness of moderation into the green fields of left-wing liberalism"? His is "a totalitarian attitude."

Congressional Quarterly polled 182 senators and representatives and 73 state party officials and found that among the congressmen, 53 percent favor Johnson's policy and 38 percent Butler's, while among the state officials, 60 percent favor Butler, 39 percent Johnson. State leaders from the South backed Johnson 9-7; those from the North favored Butler, 37-19.

Behind Closed Doors

AUSTIN
Twice the last two days of the second special session House conferees favoring a severance-beneficiary tax designed to fall on long line gas companies sat down with senators, and twice they could get no agreement. But the second time they hinted the senators had "weakened."

Saturday Speaker Carr, angry about the defeat of the Senate-version tax report (see page 6), appointed Reps. Joe Chapman, Mauro Rosas, Jerry Sadler, George Hinson, and Byron Tunnell to the conference committee. The first four favor severance-beneficiary instead of production taxes on gas; Tunnell opposes the production tax and also votes against the severance-beneficiary.

Sunday these five met at Sadler's house and agreed 4-to-1 to substitute a \$27 million pipeline tax for the \$12 million production tax, cut the cigarette tax from three to two cents, cause the franchise tax to fall more heavily on interstate corporations, and take other steps.

Monday the Senate simply failed to appoint conferees to meet with the House side. Not until Wednesday were five conservatives named — Sens. Weinert, Hardeman, Lane, Phillips, and Reagan. After this 48-hour delay, Sen. Hardeman explained that there would be time for "no major changes" before the end of the session Thursday midnight.

As they went into session, Sadler said "We're just as flexible as Cousin Tessie Bell's garter." As

the door closed on the press, who are barred from conference committees, Weinert told the House boys to sit on the left side of the table. "That's the cleanest side," he said, laughing.

Hardeman arrived late. A cameraman asked if he could go in and take some pictures before they started. "Hellll, no!" Hardeman replied, and slammed the door behind him.

Except for two minor changes, the bill the conferees reported later Wednesday was the same one the House defeated Saturday. All five House conferees voted against it, though Chapman, Hinson, and Sadler signed it to permit the House to vote on it.

Hinson said the senators refused to consider severance-beneficiary "about five times." He said only Hardeman actually refused to accept it, but all five of them were in accord.

Governor Daniel had phoned him, Hinson said, saying "he hoped to God we could get together."

After the House slammed the report to the mat again, five new conferees were instructed, 76-72, to fight for the \$27 million pipeline tax. Carr named Reps. Jerry Butler, Jim Cotten, and Joe Cannon, who had voted for this instruction, and Ray Bartram and Charles Ballman, who voted no. The Lieutenant Governor named the same conferees as before. Thursday afternoon they met for an hour and a half. The senators argued that the severance tax would be unconstitutional. When

one senator said Comptroller Calvert would not certify it, Cannon went to Calvert and won his assurance that he would—that he does not look behind laws to their constitutionality. But there was no agreement on the issue.

Butler proposed the \$50 deductible general sales tax to the senators, but Cannon said it would lose in the House, and Weinert agreed.

They also discussed a three-cent tax on hotels and motels. As they broke up, Sen. Wardlow Lane asked the House boys to cease and desist in their speeches against the Senate, which caused some of the House side's optimism.

Weinert told the Senate that agreement would have been "probable" if they had had a little more time, but there was not enough time; the Senate discharged them forthwith. Cotten told the House prospects for agreement were "bright" but there had not been time to finish.

"I think they would take a small percentage on severance-beneficiary to test it," Cotten told the Observer. However, some on the House side suspected the senators may have seemed amenable because they knew there was not enough time left to pass a bill.

Finally the fourth set of House conferees for the session were named—the same ones on Carr's first committee, all supporters of the Senate approach. For the third time the House killed the Senate-styled bill, and the new special session was assured. R.D.

Carr Calls Impeachment Talk: It Vanishes

AUSTIN

In a low-key, at times hushed-voice talk that lasted ten minutes, Speaker Waggoner Carr confronted impeachment rumors that had blossomed into newspaper headlines. He told an assembled House of Representatives, "If it be your desire to oust me, then be at your work," retired from the chamber, and was minutes later welcomed back by a standing ovation from roughly a third to a half of the members.

The drama, enacted on Wednesday morning, drew a variety of reactions from the membership, none of which the Observer was able to record for "on the record" quotes.

Carr's prepared address opened, "Yesterday (Tuesday) it was reported that several of you secretly met together for the purpose of

devising a plan to oust me as Speaker of the House of Representatives. The plans devised in this secret meeting were carried in all the newspapers throughout the state last night and today. In most instances, the newspapers carried large and bold headlines proclaiming that some members of this House met at this secret rendezvous and planned my removal."

In an interview with news reporters, Carr blamed the impasse on taxes on "an alliance between liberals and sales taxers." "When I say liberals, I don't mean all liberals, many are conscientious, I mean the radicals—the far left group," he said.

The House was besieged by "personal privilege" speeches after Carr returned to the chair. Rep. Charles Whitfield, Houston liberal, paused to salute Carr "for the classic manner you met the challenge," then criticized Carr's statements to newsmen that the impeachment rumors were the work of "a left-wing liberal." Said Whitfield, "Nothing could be further from the truth, Mr. Speaker. As a matter of fact, the original suggestion came from a member of the rock-ribbed East Texas conservative group, but we all talked about it."

The day before, when impeachment rumors were common talk in downtown Austin hotels as well as on the House floor, newsmen, following speculation as to who started the rumors, questioned Rep. Jerry Sadler of Palestine. Asked if there was anything to the rumors, the veteran East Texas conservative told newsmen, "Where there's smoke, there is the possibility of a gorgeous flame. Nine million people are involved in this tax fight, it's bigger than the political ambitions of any one man."

Rep. Hughes of Dallas rose on personal privilege after Whitfield. He criticized Carr's "secret" inference in an indirect way, saying he and "another member of the House signed a letter inviting members to discuss the tax bill—not personalities, not parliamentary procedures concerning anyone in this House." Hughes criticized the subsequent press coverage, particularly a story appearing in one paper which he did not identify, as "one of the poorest examples of journalism I've ever seen. There was no connection between the headline and the story, no names, just inferences. That story was just an example of what poor journalism can do to this Democratic body."

He suggested the House get on with the tax problem.

On Secrecy

Rep. Byron Tunnell, Tyler conservative, spoke as chairman of the East Texas delegation. "We have conservatives, moderates, and liberals in the East Texas delegation," he said. "But we share two beliefs—in segregation and in states' rights. Now this rumor may have come from someone who was geographically located in East Texas, but it was not an effort of the East Texas delegation. In any event, there was a member of the press at that meeting, and if that's private, man, everything is private," Tunnell said.

Jerry Butler, Kenedy conservative, said he had a secret meeting with three representatives "last night on Bob Bowers's boat in the middle of Lake Austin. ... If we can't meet secretly ... then we'd better take the locks off the doors to the Speaker's office."

Sadler rose briefly to say he was "not aggrieved ... but I don't want anybody pushing me around, and I know the members of this House don't either."

Sadler and Carr had tangled two days earlier after the Speaker named the East Texan as one of five House tax conferees. Carr was quoted in the press as saying he was going to "let the obstructionists see what they can do." Sadler had promptly responded in a speech to the House condemning Carr for "branding 80 some odd of us as 'obstructionists' because we did not agree with you. I am happy and proud to be appointed to that committee whether they call me a rebel, an obstructionist or what. We (con-

feres) agreed on a tax bill in thirty minutes that can pass this House. ... Whether a third special session is necessary depends on the Senate, the Lieutenant Governor, and the Speaker of the House." That speech, made by Sadler on Monday, got a cheering ovation from about half the House.

'Anonymous Challenge'

Carr's prepared address read in part: "These headlines, together with the radio and television broadcasts, have caused grave concern and worry among members of my family and my friends. ...

"I have the unusual honor of having ruled on many close points of order and presided through many closely fought debates without even in one single instance having my decisions appealed or challenged. This is a record which can be claimed by very few Speakers in our modern history.

"Although I have had strong convictions as to what would be the fairest and most equitable way to levy the new tax burden on our people, I have now for weeks exerted every minute of every day and on weekends in trying to find areas of agreement among the various warring factions existing in this House on the tax question. This session I have not been to my hometown one single time. I have gone three weeks without seeing my wife and son for no other reason than that I felt it my duty to remain in Austin to find a satisfactory solution to this problem.

"These efforts have now been rewarded by some sort of anonymous challenge from some of you

that I should be ousted and publicly condemned before the people of my beloved state. I have been in politics long enough to expect such attacks. I recognize that this move has been prompted by those who seek the opportunity to politically kill me because they envision me as a possible state-wide candidate some day who does not share their political philosophy.

"If it be your desire to oust me, then be at your work. If you feel that I am the reason we have not passed a satisfactory tax bill to date ... then move and move now. The people of Texas, my friends, my wife, and ten-year-old son have a right to know whether in your opinion I am worthy of the trust you have placed in me. ... I am going to the Speaker's office and I am going to remain there alone until you have made your final decision."

No One Makes A Move

Rep. Max Smith, San Marcos conservative, took the chair and after a long pause during which no one moved to impeach the Speaker, Rep. Joe Burkett, Carr's opponent in the Speaker's race, moved that a committee of ten be appointed to welcome Carr back to the chamber. Smith appointed them, they fetched Carr, and part of the membership gave him a standing ovation when he returned.

One moderate, apparently stunned by the starkness of these events, confided to this reporter, "Gosh, I was at that meeting, I didn't know anything was going on. All I heard them talk about was taxes and women." L.G.

Negro Named 'Texas Admiral'

AUSTIN

A Negro farmer has been named an Admiral in the Texas Navy by Gov. Price Daniel, Rep. Jimmy Day of Atlanta, who nominated him, confirmed to the Observer.

Day submitted a list of about 30 nominees from his district, including Willie Melton, a farmer at Kendelton and past master of the Masonic lodge, to Gov. Daniel. Day's list did not specify Melton as Negro. Daniel named all 30 admirals as a routine matter.

"I was very serious," Day said. "He has done an outstanding job in helping the Negro population in that area through welfare work. He has been one of the county health officers of Fort Bend County grand jury. I certainly felt that any person who had done as much as he has for the population of Fort Bend County should certainly deserve the honor."

Day is a segregationist but said he "varied from 'em" on several House votes.

George Christian, aide to Gov. Daniel, said, "We don't know who these people are. We just run 'em through." He said there is a "blanket invitation" for people to "join the Navy"; often they write in and ask to be commissioned, and are commissioned by mail. "I don't think we've ever turned anybody down," Christian said. Admiral, he said, is "the only rank."

'The Way a Rumor Can Change'

AUSTIN

"The way a rumor can change!"—thus sums up Rep. Jerry Sadler the course of the rumor he started.

Although substantial hostility has developed toward Speaker Waggoner Carr in some quarters in the House of Representatives, it is the Observer's clear impression there has never been a serious recall movement.

How, then, did this week's Carr brouhaha come about? Several representatives agreed that it started with a remark by Sadler at a party and meeting of 50 or so representatives at Rep. Don Kennard's West Avenue house Monday night.

Although Carr alluded to press reports that the meeting was "secret," some 90 members of the House had been invited by typed invitations laid on their desks Monday, Kennard said. He and Rep. Bob Hughes, Dallas, were the hosts. House members who voted for the Hinson tax bill the first called session or against the Carr-backed conference report last Saturday were included.

What, exactly, had Sadler said at the party? "What I said exactly was, 'If they made a motion to reconsider a vote on H.B. 18 (the tax bill), that the way to kill it was to make a motion to reorganize the House.' The way a rumor can change! Of course, what I was thinking about was a new revenue and tax committee," Sadler said.

A POKER GAME was in progress the same night at the Driskill Hotel. As the Observer has it, Rep. Browning Dewey of Bryan left the West Avenue party and dropped in on the game long enough to report a move to oust Carr. All Dewey would say about this: "I knew where one was (the

poker game) and I went there and told the rumor I had heard." Dewey didn't join the game and left at once.

Rep. Doc Blanchard of Lubbock, a close friend of Carr's, was playing in the game, but he denied a report that he left to call Carr about the rumor.

Carr was attending a function of beer lobbyist Homer Leonard's to present legislators of ten years' service or more with tie stickpins. A legislator present said Carr, evidently receiving the word of the rumor about him, left the meeting and did not return.

In any case, "the fat was in the fire." The rumor spread to such an extent, reporters were greeted with it when they walked into the Capitol Tuesday morning. Ernest Bailey of the Scripps-Howard papers reported in his afternoon editions that Carr "may be removed" and that about 50 House members held "a secret meeting last night to discuss such action." This, of course, made black-type headlines.

THE REPORTS upset Carr. He approached at least two liberal representatives to ask them about the talk of his impeachment.

Rep. Bob Eckhardt, Houston, confirmed on inquiry that Carr had approached him to talk about "this business about my impeachment." He said Carr had said to him, "Why don't we get together and decide on a time when this vote can be taken."

Eckhardt continued: "I said, 'I don't think there has been anything definitely formulated.' Both parties laughed during the interview, and it ended with the Speaker towsling the back of my head."

Rep. Kennard was another Carr approached.

"I was at the front desk talking to Read Granbery (the House

parliamentarian) and Waggoner called me over and laughingly discussed it with me," he said. "He just wanted to know when the impeachment proceedings were going to be. I said 'What?' 'The impeachment proceedings,' he said. 'It's a mystery to me,' I said. 'Do you mean the reorganization of the House?' He said, 'Well, in order to reorganize the House, you'd have to impeach me.' 'Waggoner, I've heard nothing serious about that,' I told him. He said, 'Well, we might as well get down to it.'"

"This was Wednesday morning," Kennard said. "I think he was being facetious—but I'm not quite sure, and I don't think he was, either."

Later that morning Carr challenged the House to impeach him or endorse him.

ALLEN DUCKWORTH of the Dallas News stumbled in on the Monday night confab after the conferring was over. This fact gave Bailey extended delight, since Duckworth had not had a story about the impeachment talk. Duckworth was inclined to regard Bailey's story as an overgrown rhubarb. Forthwith the Observer interviewed Duckworth, who said:

"It was a very secret meeting. The first I heard of it, I was at the Driskill Hotel and heard a disturbance. I thought there was a riot, but I found there was nothing happening except the Texas-Oklahoma game. Rosas (Rep. Mauro Rosas, El Paso) poured me a beer out of the keg. We couldn't get it out of the keg fast enough, and he poured one out of a pitcher. We discussed the relative merits of keg and pitcher beer, and the thighs of (a representative's) date. Women, whiskey, that was discussed. End quote." R.D.

The Week in Texas

● The Texas Supreme Court upheld the constitutionality of the state urban renewal law which lets cities contract with the federal government for slum-clearing and private redeveloping of low-cost housing. Main question: Can land be condemned for this use when the Constitution prohibits condemnation except for "the use of the state"? The Court, in a unanimous decision written by Justice Joe Greenhill, ruled that legislative intent made clear the private low-cost development of the condemned land was "public use."

● Firemen with water hoses put down an outbreak in Bexar County jail by prisoners protesting discontinuation of a "floor boss" system which gave some prisoners privileges.

● La. Gov. Earl Long came to Fort Worth on a vacation, held forth on various subjects to a

ga-ga press, said he'd like to see Gov. Daniel and address the Texas legislature, was not invited, and drove off toward the West.

● William Blakley, 1958 U.S. Senate candidate and three-month interim senator, suffered "a massive coronary occlusion similar to the attacks which struck President Eisenhower and Sen. Lyndon B. Johnson," his doctor said. He was reported "doing fine" after a period of critical danger.

● Two men identified as members of the International Assn. of Machinists Union in Dallas which struck Security Engineering March 19 have confessed being involved in plans for vandalism against workers at the firm. One of them and another man not in the union admitted they were paid off by an "unknown person" for vandalism, including a fire bomb tossed in a driveway.

The Gas House Gang Of 1959

The people of the state may thank and re-elect 76 members of the House of Representatives, the Gas House Gang of 1959.

Eight years have passed since their predecessors outstayed the Texas Senate and the gas lobby to pass a severance tax on the natural gas that is pumped out of the state by the Eastern majors.

To be valid the 1959 gas tax must be protected against provisions which favor Texas users of natural gas over out-of-state users. Written to apply evenly to Texas and interstate beneficiaries of gas contracts, the bill will be constitutional and still obtain fair revenues from the Eastern oil companies.

Who is weakening in the legislature? From 71 votes, the House members in favor of the pipeline tax have increased to 76. A poll by Rep. Malcolm McGregor showed 82 pipeline taxers. The variables affecting this week's vote—pressure to quit and some reluctance to instruct conferees on any subject—argue that the Gas House Gang will increase beyond the present 76 members.

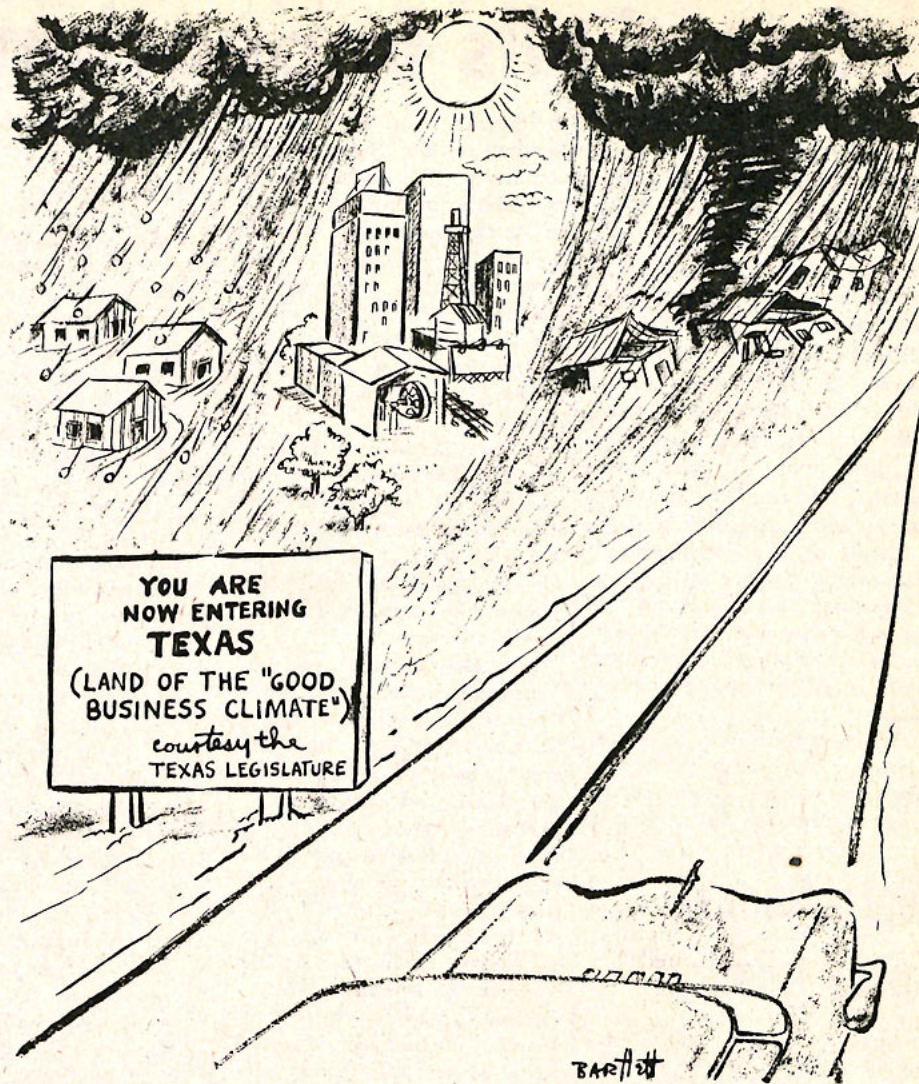
Sen. Charles Herring believes now that if he can get another vote on the Senate floor, he can carry the day there for the pipeline tax. Whether this turns out to be correct or not, it is evidence that the Senate is weakening.

Three sessions now the Texas House has refused to give in to the Carpetbaggers across the aisle. Three sessions the majority of the Senate purportedly representing Texas people voted for taxing the things Texans buy and against taxing the companies trying to buy Texas. Three sessions—betrayed by their own Speaker, deserted by some of their colleagues, jeered by the Carpetbag Business Press, tempted by the socially skillful lobby, traduced by a few but vocal reactionaries in their home districts—these men have looked up into the gallery, studied the men hired from the East sitting there, and turned back to their desks and voted for their own people.

They are not all pure men, they are not all idealists, some vote right for the wrong reasons, some may not care enough—but these 76 are as good a group of men who ever pulled together for the enrichment of our common heritage.

The gas tax is not a final solution to the state's problem, but it will help expand our continuing public endowment to replace the natural riches being sucked away from the state through the pipelines. Politics have meaning in the way the world is. The Gas House Gang are called to their duty now when the people need them.

The people are stirring. This



Bartlett Appears Exclusively in the Texas Observer

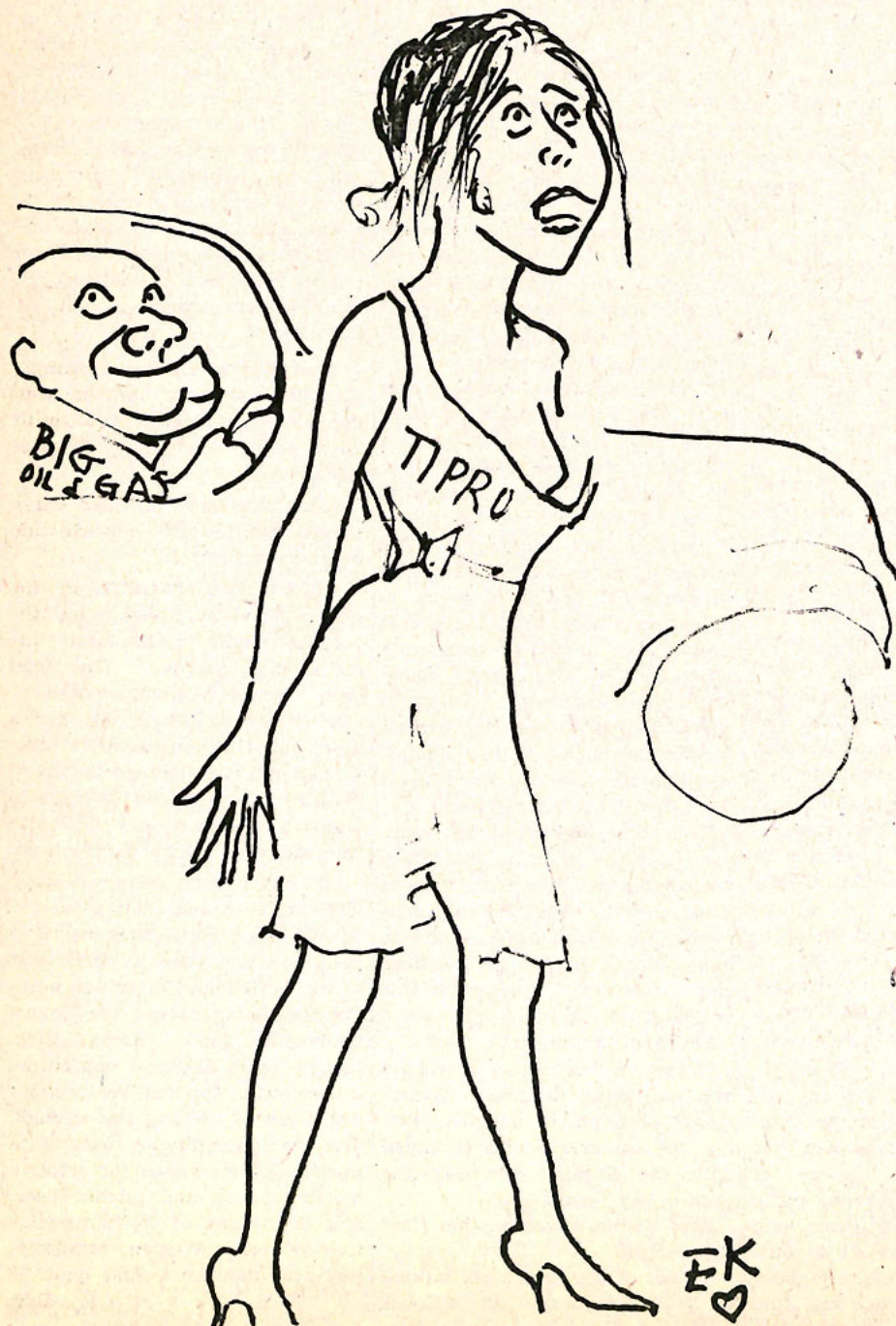
week one member asked another who had not been sure, and he replied he was voting against the Senate—for another session—because he had been home and “no matter what the papers are saying, the people know the House is right.” Senator Lane implored one set of House conferees not to make any more speeches against the Senate. They must run for re-election, too: their feet are to the fire!

In 1939 fifty-six men saved Texas from a general sales tax. Governor O'Daniel was against them. Governor Daniel's vacillation now is at any rate essentially favorable to the 76 who are standing firm for some taxation by ability to pay. We may hope Governor Daniel remembers his historic models and recovers his ideals before he is shrouded in their desertion. But whether he does or not, will not matter. These men of the Texas House, this new Gas House Gang, heard him say, Give Up, and did not. They are men for the books. Let us call their names then, and join them in the ancient combat for political justice:

- James V. Adams, Mount Pleasant.
- James S. Bates, Edinburg.
- A. J. Bishop, Jr., Winters.
- Stanley Boysen, Yoakum.
- Ronald W. Bridges, Corpus Christi.
- Steve Burgess, Nacogdoches.
- Jerry Butler, Kenedy.
- Joe Cannon, Mexia.
- Max D. Carriker, Roby.
- Joe N. Chapman, Sulphur Springs.
- Jamie H. Clements, Crockett.
- E. J. Cloud, Rule.
- Criss Cole, Houston.
- Harold H. Coley, Conroe.

- Sam Forse Collins, Newton.
- James M. Cotten, Weatherford.
- John T. Cox, Temple.
- Roger Daily, Houston.
- B. H. Dewey, Jr., Bryan.
- Virginia Duff, Ferris.
- Bob Eckhardt, Houston.
- Wilson Foreman, Austin.
- Don Gladden, Fort Worth.
- W. W. Glass, Jacksonville.
- Howard Green, Fort Worth.
- Lloyd M. Guffey, El Campo.
- D. Roy Harrington, Port Arthur.
- George T. Hinson, Mineola.
- Bill Hollowell, Grand Saline.
- J. C. Hooks, Livingston.
- Reagan R. Huffman, Marshall.
- Charles E. Hughes, Sherman.
- Maud Isaacks, El Paso.
- Robert C. Jackson, Corsicana.
- Alonzo W. Jamison, Jr., Denton.
- Dean Johnston, Houston.
- Obie Jones, Austin.
- Don Kennard, Fort Worth.
- Bill Kilgarlin, Houston.
- Rufus U. Kilpatrick, Beaumont.
- Tony Koriath, Sherman.
- Yale Lary, Fort Worth.
- Truett Latimer, Abilene.
- Oscar M. Laurel, Laredo.
- H. A. Leaverton, Evant.
- George W. McCoppin, Texarkana.
- Frank B. McGregor, Waco.
- Malcolm McGregor, El Paso.
- Grainger W. McIlhany, Wheeler.
- Abe M. Mays, Jr., Atlanta.
- Clyde Miller, Houston.
- Bob Mullen, Alice.
- Ted W. Myatt, Burleson.
- Harold B. Parish, Taft.
- C. W. Percy, Jr., Temple.
- W. H. (Bill) Pieratt, Giddings.
- George Preston, Paris.
- Mauro Rosas, El Paso.
- Charles Sandahl, Jr., Austin.
- Sanford Schmid, Brenham.
- O. H. Schram, Taylor.
- Will L. Smith, Beaumont.
- Franklin S. Spears, San Antonio.
- Ted Springer, Amarillo.
- Vernon J. Stewart, Wichita Falls.
- W. A. Stroman, San Angelo.
- L. C. Terrell, De Kalb.
- James A. Turman, Gober.
- Murray Watson, Jr., Mart.
- H. G. Wells, Tulia.
- Bob Wheeler, Tilden.
- J. Charles Whitfield, Jr., Houston.
- George Truett Wilson Newcastle.
- Joe Ed Winfree, Houston.
- Herman Yezak, Bremond.
- J. C. "Zeke" Zbraneck, Liberty.

'Mama, It Happened Again'



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We will serve no group or party but will hew hard to the truth as we find it and the right as we see it. We are dedicated to the whole truth, to human values above all interests, to the rights of man as the foundation of democracy; we will take orders from none but our own conscience, and never will we overlook or misrepresent the truth to serve the interests of the powerful or cater to the ignoble in the human spirit

How Independent Are the Independents?

AUSTIN

The rebellion of the Texas Independent Producers and Royalty Owners Association from the oil and gas majors is one more illustration that our provincial politics is gradually emerging from entangling chaos, i.e., based less on myth and more on reality. The first public evidence of TIPRO's awakening is detailed in the tax story on page 6. A more detailed—and less public—explanation of TIPRO's new position is contained in a lengthy memo "to all members" sent out under the TIPRO letterhead and endorsed by the association's president, Harry Jones, and executive vice president Earl Turner.

Any discussion of TIPRO in the liberal press should be preceded by a review of certain underlying facts: (1) TIPRO membership is by and large staunchly conservative and prefers a general sales tax as a solution to the tax problem. (2) The realization that the only large body of friends TIPRO has in the legislative tax fight on natural gas are the liberals has come as a distinct shock to casually informed TIPRO members. (3) The growing strength of Texas liberalism, as manifested by the increased liberal representation in the House, inevitably will prove educational to many members of the Texas business community who have heretofore assumed that the election of a "conservative" automatically protects their tax interests. (4) The amorality of the organized lobby in Austin, long characterized in the liberal mind as a corrupt, almost frightening condition,

On Eckhardt

(With his permission, we reprint a statement by Editor George Carmack in the Houston Press on the beach bill, Rep. Eckhardt, and values in politics.—Ed.)

We have been very critical of this session of the legislature—chiefly on the grounds that the always influential lobbyists have been even more influential this time.

But there is one member of the Legislature who has done a job for the people that we think is outstanding.

We're talking about Representative Bob Eckhardt of Harris County and the fight he has made to protect the right of the public to access to Gulf of Mexico beaches.

We realize that superlatives are dangerous—

But we cannot recall a legislator since World War II who has done a single job that matches this one by Representative Eckhardt.

He has been both skillful and courageous—both uncompromising in principle yet diplomatic in maneuver—he has done the necessary home work to know what he is talking about and yet he has not draped a cloak of "superior knowledge" around his efforts and has not hesitated to seek advice from Gov. Daniel, Attorney General Will Wilson or wherever he could get it. . . .

We were particularly impressed by Representative Eckhardt's tenacity. A man of less determination would have quit long ago and one of less shrewdness and knowledge of his subject would have been snowed under. . . .

The fine fight Representative Eckhardt has made for this bill demonstrates something else—something that Labor, Big Business and just the ordinary citizen should consider every time a ballot is cast. That is how foolish it is to cast a ballot solely on the basis of whether the candidate is a "Conservative" or a "Liberal."

Certainly a candidate's political philosophy is important. Every voter wants to support someone who holds views similar to those held by the voter himself.

But even more important than that is what a candidate is—is he smart—capable of being effective after he gets in office?

And particularly—is he a man of integrity?

is becoming increasingly apparent even to the most complacent conservative as more of the mythology is stripped away. (5) As a result of these developments, liberals will share, with other Texans, in the progress accruing, but they may expect little long-run political advantage for themselves.

FROM THIS perspective, TIPRO'S break with the oil and gas majors—which of course threw the Texas independents into alliance with House liberals—may be viewed somewhat dispassionately. The immediate reasons behind the break are plain. The lobby of the Eastern majors, under a legislative assault aimed at taxing the long line gas transmission companies, enlisted TIPRO's aid in an "industry solidarity" front against any tax on natural gas. Once this gambit had succeeded in overturning the House majority on the question of a pipeline tax, the majors then double-crossed TIPRO through the lobby's foremost Austin appendage, the Texas Senate, by assenting as the Senate placed a one per cent natural gas tax on Texas producers, i.e., TIPRO members, and let the pipelines escape free. TIPRO rebelled and was able to persuade enough conservative House legislators to join the pipeline tax-inclined liberals so that the lower chamber rejected the Senate bill.

Why did the majors, through their senatorial puppets, place a tax on Texas producers, once they had escaped the pipeline tax? Because, with another session due this fall to raise uncounted millions to finance the Hale-Aikin school improvements, pipelines would be the overwhelmingly obvious tax target unless they could claim that "the natural gas industry" had already been taxed once this year.

This is not a new play: the majors have historically—and with incredible success—been able to avoid taxation in Texas by hiding behind the skirts of Texas producers. As of this day in 1959, producers pay a seven per cent tax on their natural gas production; pipelines pay no percent. And the higher profits, brethren, are in the distribution and sale of gas, not in its production. For years now, legislative efforts to tax the majors have always subsided after a slight addition was made to the production tax.

With the House and Senate both overwhelmingly conservative and lobby-oriented, TIPRO had no alternative but to stay uneasily on the team, welded there by the "industry solidarity" theme of the majors, and take their lumps. But now, with the liberals steadily growing in strength and resolutely sighting in on their historic foes, the oil and gas monopolies of the majors, TIPRO decided it had been raped by its "friends" long enough and tossed in with the liberals to defeat the Senate bill.

IT IS a temporary decision. One has to talk to an average TIPRO member away from Austin less than ten minutes before the realization sinks in that these people have no real grasp of who really runs Texas. After a lifetime of suspecting people's motives in the business world, the average Texas oilman I have talked to directs most of his conversation toward finding out "what's in it for the liberals." That a political observer would favor a pipeline tax because the absentee owners of Texas' natural resources have been raiding the state treasury for years, and oppose a production tax because it is an expedient disguise behind which the majors operate untouched—that a man could reach such a conclusion logically, without some sort of personal angle, is beyond the mental grasp of many of our most affluent, and naive, citizens.

One suspects TIPRO's leadership will hit this brick wall frequently in the months ahead when they try to acquaint their membership with the facts of life in Austin. I am not in-

clined to think they will succeed. For one thing, the majors can exert direct and indirect economic and political pressure on TIPRO (the word "independent" in the TIPRO title is really one of the classic anachronisms of contemporary Texas politics) to bring the natives back in line. Secondly, public relations men, of whom there has never been a noticeable shortage in the ranks of the majors, can be expected to play upon the conservative prejudices of Texas producers. The independence of the independents may, therefore, be short-lived. To be free, it is still necessary, even in this corporate age, to think, and past experience offers little hope Texas producers are going to start thinking.

In continuing to oppose the majors' lobby, TIPRO would find themselves standing beside "liberals." The average Texas oilman could never fail to heed that emotional storm signal. To do so, he would have to agree with say, Bob Eckhardt. And to do that,

the oilman would have to read the Eckhardt oil and gas bills.

The only oilmen indulging in such literary endeavors are the lawyers of the major companies. After one anguished reading, they doubtless hired a few extra PR men on the theory the local boys can, in their provincial ignorance, be rocked back to sleep.

One is on sound ground in agreeing with the majors in this interpretation. History is on their side. As one of my old compadres from the oil business said to me earlier this week, "Who is this fellow, Eckhardt, anyway—I thought he was the one who was worrying about the beaches." I decided then to test him: "Oh, he's just a labor lawyer," I replied, "probably gets his signals from the AFL-CIO." My oilman friend, nodding quickly, put his mind to rest.

The future of TIPRO's freedom rests on such thought processes. No wonder they have been such easy pickings for the majors. L.G.

RING-AROUND-IKEY

MARSHALL

When the President vetoed Lyndon's veto-proof housing bill, he put Messers Johnson and Rayburn in a box and closed the lid, just as Edgar Bergen does Charlie McCarthy and Mortimer Snerd when they presume too far. All the pish tosh about getting a constructive program through Congress by appeasing the Republicans went in the box with the chagrined pair. Even Lyndon's Errand Boy Mansfield looked thoughtful about his earlier onslaught on Chairman Butler for foretelling the natural result of the footsie-playing of those supposed to be Congressional leaders of the Democrats with Ike, *et al.* Milk Toast Mike lamely remarked that if there were not intra-party fighting, we would not be Democrats. What some of us want to know is when there is to be some extra-party fighting for the liberal principles of the Democratic Party by its congressional satraps?

Small wonder that Chairman Butler and the true liberals of the party at last cried aloud against the Johnson-Rayburn ring around the rosie, squat little Josie routine. With the plain mandate of the 1958 elections from the liberals yet resounding in their ears, this pair decided to out-moderate the greatest moderate, President Eisenhower, who is so moderate he has had no viable ideas during his entire period in office. He accused the Democrats in Congress of being "spenders," and the Lyndon-Sam response was "taint so"; even though each must have known that government of any sort must spend, and that this is the primary function of Congress. Instead of pointing to the unbelievable ineptitude of the Eisenhower Administration and its complete negativism, so help us this twosome from Texas began to sing that they were more negative than Ike, an assertion that it was hopeless to seek to prove. Granted, they have been as negative in approach as anyone in the U.S.A. except Ike, but to out-Herod Herod—don't be silly.

IT IS NOT a matter of hindsight to complain that Congress should have been organized so as to have removed some of the fine Southern fossils from posts of responsibility. It was said at the time. The constant threat of these who have somehow, like the bowfin or dogfish, outlived their geological age, has been one of leaving the party. Well? I am reminded at this point of an actual courthouse occurrence.

There is often a town halfwit, harmless but unpredictable, who at-

tends court proceedings in many East Texas counties. Such was my friend Dub, a mongoloid who always managed to sit on the front row for all murder trials, no matter how crowded the courtroom. In the trial of a particularly hard case, the leading criminal attorney of the bar was making an impassioned appeal for acquittal. "Should you, gentlemen of the jury, convict this man," he began, and paused long for effect, "I will go to my office when the verdict is in, close the door, turn the key to lock it, and quit the practice of law." During the next, and more prolonged pause, Dub sang out in his falsetto voice, "Well quit now, who gives a damn?"

Indeed, the party would be far stronger for the immediate exodus of these perennial bolters. They are out of sympathy with its principles, and vote conservative with the Republicans when the chips are down, anyway.

NEXT, WHAT was to prevent Lyndon from coming back from outer space when Congress opened, and meeting the challenge of moderate negativism with a positive program of expansionism, by which alone we have become powerful and prosperous? Why couldn't he have pointed to the constipation of thought and action inherent in the cry of "Don't spend"? Why he could even have identified Henry Ford's eight-hour day with five-dollar minimum wage as the answer to statics in economy and politics, as indeed a priest and scholar has done in Life Magazine. Has not some moderate character always cried out against political or economic change in any direction?

The present congressional policy of the Democratic Party has justly been called one to master the immediate. It seems founded no more on principle than the discourse of Talkative of Prating Row, son of Saywell, as given in Bunyan's immortal *Progress*:

"I will talk of things heavenly, or things earthly; things moral, or things evangelical; things sacred, or things profane; things past, or things to come; things foreign, or things at home; things more essential, or things circumstantial; provided that all be done to our profit."

Yes, undoubtedly. Talkative was the first moderate. What a pity his seed remain among us.

FRANKLIN JONES

THE REASONS WHY THE HOUSE SAID NO

AUSTIN

Hours after last week's Observer went to the press on Saturday, the House of Representatives insured a tumultuous finish to the second called session by rejecting, 81-64, the tax bill agreed upon by the House-Senate tax conferees appointed by Lt. Gov. Ben Ramsey and Speaker Waggoner Carr.

A closer result had been expected, as several representatives who had earlier supported the Governor's program—Reps. Jo Ed Winfree of Houston, Bill Hollowell of Grand Saline, Howard Green of Fort Worth, and Sanford Schmidt of Fayetteville—had indicated they would reluctantly support the conference report, which was 74 percent sales taxes and the rest business taxes.

However, the ranks of the anti-sales taxers were swelled by the addition of some of the House's staunchest conservatives from districts in which live many independent oil and gas producers. Joining the Daniel-liberal group for the first time were Reps. Byron Tunnell and Ben Jarvis, both of Tyler, Ben Sudderth of Comanche, Truett Latimer of Abilene, and three members of the Dallas delegation who had consistently voted on the Speaker's team: Ben Atwell, Bill Jones and Bob Johnson. Bob Hughes of Dallas, Ben Lewis of Dallas, and Granger McIlhane of Wheeler in the Panhandle, who had from time to time supported both sides, also voted "no."

Had these ten votes been cast for the conference report, it would have been approved, 74-71, and the bill would have become law. Governor Daniel the day before announced his "reluctant" approval of the bill as "the best that can be enacted at this time."

Thus the tax bill, behind which Waggoner Carr had rallied his supreme effort to muster a House majority, died because of a split between the major oil and gas companies and the Texas Independent Producers and Royalty Owners Assn.

The rebellion of the independent oilmen was triggered by the Senate's inclusion in the tax bill of a one per cent production tax on natural gas after the independents had stood firm with the major companies in opposing the severance beneficiary tax on pipelines. The pipeline tax, approved by the House in the first called session, was defeated in the

second session by a 72-71 vote with independents providing the majors with the decisive votes.

'No Tax on Gas'

The TIPRO point of view was laid down quite bluntly in the House debates Saturday by Rep. Tunnell, heretofore a sales tax advocate from Tyler in the heart of the East Texas oil field. Said Tunnell, "I have more producers per square inch in my district than any man in this House."

Apparently addressing his remarks only to House conservatives, Tunnell continued, "You asked us to stay with you—the cry was 'no tax on gas'—when the House was considering the severance beneficiary tax. And we did." Gazing toward the right hand side of the gallery where the gas lobby habitually sits, Tunnell said, "There are telegrams in this House today urging us to vote for this bill, and the same man who sent the telegrams is the one who said, 'no tax on gas.' There are good men in this House, and what I'm about to say about one of them isn't intended to be derogatory. He is a good friend, one of those who said, 'no tax on gas'—I can hear his voice ringing now—and yet he now wants us to vote for this bill with a one per cent production tax. That man is Wesley Roberts" (conservative from Lamesa, member of the revenue and tax committee, and prominent floor leader on Speaker Waggoner Carr's team).

Raising his voice, Tunnell said, "No tax on gas" when they're talking about a severance tax; they enlist the aid of my producers. But now, when the bill contains a tax on producers, the same man sits in the gallery and does nothing to help."

Tunnell's remarks summed up two hours of the most explicit debate on the tax question since the session began in January. Some old timers called it the finest sustained flow of oratory they had ever seen. Fourteen speakers paraded to the microphone to give their reasons for and against the conference report, with the 81-64 vote flashing on the board minutes after the last one, Tunnell, sat down.

Among the new recruits to the opposition was Rep. Jack Woods, Waco conservative, who provided an interesting variation on the Tunnell theme. Said Woods, "I have little to add to the fine words of Mr. Tunnell. I, too, am for a general sales tax. But I am

not voting 'no' just to hold out for a general sales tax. I respect the opinions of the House, repeatedly expressed on that question. Frankly, I intended to vote for the bill, but yesterday I got indoctrinated. I saw the organized lobby at work. I saw professional businessmen in Waco respond to calls from I know not who in Austin, and they sent me telegrams urging me to vote for this bill. It is a sad day when the organized lobby can manipulate professional businessmen in Waco and produce a flow of telegrams in here to a representative. ... I'm going to vote 'no.'"

Another response to the shifting pressures in Austin materialized in the address in support of the conference report by Hollowell, a heretofore staunch backer of the Governor's program. "I have voted for the severance beneficiary tax on natural gas every time it's been before this House," said Hollowell, "but I am going to vote reluctantly for this conference report."

Addressing himself to the liberals, Hollowell said, "We started off with 80 votes for the severance tax and the last time it was put to this House, you got 59 votes. You think it's going to get any better? I tell those of you who are for the severance tax, you are walking into a trap. The AFL-CIO is leading you into that trap. You reject this bill and in the next session, you're going to face the last three or four days of August, and they're going to drop it in your lap—a general sales tax or close the schools. You say, we'll beat them. Have you won yet? You had 80, now you have 59. I'm with you, and I'll still be with you, but we've got to pass a tax bill. If you're for a general sales tax, you'll kill this bill."

Such talks produced some odd spectacles in the House: tax committee conservative Jack Richardson grabbing the microphone to publicly congratulate Hollowell, and liberals pausing to shake hands with Woods and Tunnell.

'A Sop'

With all this, the debate's high point was probably provided by Dallas's Bob Hughes, who made a quiet, urgent plea for rejection of the conference report. His indictment of the tax bill left conservatives grumbling and liberals startled.

Said Hughes, "I have probably cast more bad votes than any man in the House, depending on how you view these issues. I voted for 727 in the regular session; I voted for the Hinson bill (the severance tax); I voted for the Seeligson bill (the general sales tax); I

worked in a compromise coalition; and now, at the end, we have this bill, which the House rejected 60 days ago."

Hughes quickly ran through the bill: "boat motors ... a poorly drawn section; (hi-fi and TV) component parts ... unfair; private clubs ... discriminatory and inept; utilities ... an alleged business tax that is a tax on every family budget in the state.

"We have seen in this House two warring camps—some believe you should spare business and let the little man pay the bill; some want business to pay it all and let the people enjoy the services of the state free. Somewhere between these two theories is a tax structure we have not even touched. ... This bill is a sop to both sides that does not do the job." He got an ovation when he sat down.

Both sides realized the decision hinged on the "swing vote" in the middle, and all oratory was directed at that group. No one directed remarks to the hard core of gas taxers on the one hand or sales taxers on the other.

Following Hughes to the microphone was his Dallas colleague, Rep. Tom James, to endorse the opposite view. "I'm going to vote for this bill though it hits my district hard. It hits boats, and we have a big boat company. It hits air conditioning, and we're pretty well air-conditioned. It hits corporations, and we've got a few of those. It hits producers, and we've got plenty of them. But it's not a question of whether we're going to do what's best for the people back home but whether we're going to do anything at all. It is not a perfect bill but it is one on which reasonable men can agree."

The debate opened at 10 o'clock Saturday morning with Rep. Menton Murray of Harlingen explaining the bill on behalf of the House conference committee which he chaired. "No use kidding ourselves," he said, "there are two groups in the House, those who want a general sales tax and those who want a severance beneficiary tax. Both groups have tried to sell their view to the House and failed. Let's face it, the only way we're going to get a bill is one that doesn't have either one in it."

Murray was questioned on the microphone about the gas tax. Rep. Bob Eckhardt of Houston, author of several plans to tax pipelines, said, "This gas tax seems to fall wholly on the producers. Did the conference committee consider the relationship between the price of gas between producers and pipelines?" Murray replied, "we considered your severance beneficiary tax but didn't get anywhere with it."

"Well," said Eckhardt, "I wasn't speaking necessarily of a severance beneficiary tax, there are several ways of taxing pipelines." Murray responded, "We didn't need to go into that. I'm not going to argue with you. I'll answer your questions about the bill itself, explain the bill, but I'm not going to argue with you."

"If the speaker doesn't want to

say what his thinking is on the subject—we weren't there, the press wasn't there—then I guess my questions are at an end," said Eckhardt, abandoning the microphone.

'Hurt The Least'

Concluding his explanation, Murray admonished the House to "forget about those two controversial features. Get a bill that hurts the least number of people. I think many of you who have opposed this bill three months ago can accept it now as an alternative, and just as an alternative." Murray then moved that the House accept the conference report.

Rep. Mauro Rosas, El Paso liberal, offered a substitute motion that the House reject the report and appoint new conferees to work out another solution with the senators. Said Rosas, "With all due respect to the House conferees, I must say the report they signed is substantially the same as the report of last session—70 percent sales taxes. This is called a compromise. In the name of compromise are we to compromise our duty? We have heard much about broad based taxes—this one is so broad based it amounts to a general sales tax with selective exemptions."

Rep. George Hinson of Mineola, House sponsor of Gov. Daniel's tax program which drew liberal support, rose to make a plea against the conference report and in behalf of Governor Daniel who had "reluctantly" endorsed it. Hinson said he couldn't go along with the Governor on the bill, but he respected the Governor's opinion. Addressing the liberals, Hinson said, "many of you who have criticized him for his statement of yesterday should consider the position he is in. ... As our great Governor, it is his responsibility to see that the schools open and the other services of the government are provided for." Hinson then attacked the conference report as "not the right solution," and said he was going to vote against it.

Joe Ed Winfree of Houston made the closing arguments in behalf of the report. A member of the Daniel-Hinson team and a supporter of the Hinson package in earlier sessions, Winfree was one of the House conferees. He had praise for Governor Daniel, Speaker Waggoner Carr, and every member of the conference committee except Frates Seeligson, whom he omitted in reviewing the individual contributions of the conferees. Of the Speaker, he said, "I have been practicing law for 50 years and I know people and if ever a living human tried to do the right thing, it was Waggoner Carr, and I salute you." Winfree paused, regarded the unresponsive members, and continued, "I have always said this House is the salvation of our state. But I want to say now that the senators worked ably and conscientiously. ... We came out of there with a good bill. It is a good bill because (1) it will raise the money and (2) we must have a minimum of \$315 million for the next biennium. In other words, if you vote for this tax bill, you will have the money."

Rounding out the speaker's forum on the conference report were Obie Jones of Austin (for); Joe Chapman, Sulphur Springs (against); J. G. Bristow of Big Spring (for); Jerry Sadler, Pericilla (against); and Jack Connell, Wichita Falls (for). L.G.

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An Archbishop Rebukes A Legislature

(A report by our Laredo correspondent, Ramon Garces, on a speech by San Antonio Catholic Archbishop Robert E. Lucey at the recent GI Forum convention in San Antonio.—Ed.)

Archbishop Robert E. Lucey of San Antonio, speaking to 400 members of the American GI Forum of Texas in their annual convention, asked for a "little Wagner Act" for Texas, and sharply criticized the Texas legislature for its conservative attitude toward a state minimum wage law, legislation favorable to labor, and laws protecting migratory workers.

The high Catholic official asked for state laws favorable to labor. "Workers must be organized," he said. "If they are not organized nobody will take care of them."

Archbishop Lucey urged voters to interest themselves in the work of the legislature and named abolition of the poll tax, a minimum wage law, migratory labor laws, the bracero program, and education as crucial areas.

He deplored the action taken by the legislature in asking that control of the bracero program not be taken away from the state. "If you know of any state that has done anything (for) migratory labor, I'd like to hear from that state," the Archbishop said.

He charged that "certain agricultural associations practically control the legislation of the state." He further charged that legislators are "responsible to that group or they won't get elected again."

Condemning a recent case of discrimination in Lubbock, in which two women employed in the Mexican consulate were refused service in a beauty shop, the Archbishop accused Lubbock officials of being aroused not by the act of discrimination but because the area would lose bracero labor.

Baker Is Scored By Young Demos

AUSTIN

Sen. Bob Baker, Houston, has received a very unfriendly letter from the president of the Harris County Young Democrats, David A. Gibson, in effect telling him he is not invited to a Young Democrats' dinner honoring Houston legislators in September. Asked about the letter, and whether he is going to the dinner, Baker said, "I haven't been invited."

In Gibson's letter to Baker, copies of which he sent to the eight members from Houston in the House of Representatives, he said:

"... At the June 28th meeting of the Young Democrats, a resolution was presented to exclude you as an honored guest due to your 'selling out the citizens of Texas by your carpet-bagger voting record.' This motion was temporarily tabled as it was felt by some that you still had a chance to redeem yourself and your heinous voting record in the current special session.

"... unless some drastic alteration of your course takes place, you will have to have your dinner at the Shamrock with the Oil and Gas Lobbyists footing the bill instead of young citizens of the State who refuse to aid and abet one who has apparently sold out to big money pressure groups. After all you can't have your 'dinner' and eat it too."

He said he had talked to a legislator about getting more money for aid to dependent children. The legislator told him there was no money. The Archbishop asked him where the money for aid to aged persons was coming from. "Oh, well, they have a vote," he said the legislator answered. "So," said the Archbishop, "the

aged have a vote and they get aid, but the children don't have a vote, so they starve. It's pretty savage!"

He said education was another problem for the legislature. There are 400,000 children between 10 and 15 years working for pay in agriculture during the summer, 315,000 of them still at work when

school starts, he said. "And we sometimes wonder why we have juvenile delinquency."

Most of these children, he pointed out, are Spanish-speaking children. "How do you expect families to develop? It doesn't make sense," he said.

He added that "only good legislation can correct this." He suggested that workers must organize to compete with the highly paid lobbyists and "elect better men to the legislature."

"My final word is this: never vote for a candidate who is an idiot or an imbecile, always vote for a high grade moron for the legislature," he said.

RAMON GARCES

LEGALS

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Alfonso Jones, living, and if he be dead to his unknown heirs and legal representatives. Defendants, in the hereinafter styled and numbered cause:

You (and each of you) are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 10th day of August, 1959, and answer the petition of plaintiff in Cause Number 113,943, in which Columbia S. Jones is Plaintiff and Alfonso Jones, and if he be dead his unknown heirs and legal representatives, and Margarita Coats and husband H. P. Coats, Dorothy Dillow and husband Rex O. Dillow, and Alberta Barbour and husband Luther T. Barbour, Jr., are defendants, filed in said Court on the 6th day of May, 1959, and the nature of which said suit is as follows:

Plaintiff Columbia S. Jones alleges that she is the sole owner of the title to the following lands in Travis County, Texas:

A part of Outlot No. Twenty-eight (28), in Division "O", of the Government Tract adjoining the City of Austin, Travis County, Texas, and more particularly described by metes and bounds as follows:

BEGINNING at the Southeastern corner of said Outlot No. 28; Thence Northward with the Eastern boundary line of said Outlot No. 28, 130 feet; Thence Westward on a course at right angles to the said Eastern boundary line, 86.4 feet; Thence Southward, parallel with said Eastern boundary line of Outlot No. 28, 130 feet to a point in the Southern boundary line of said Outlot No. 28, 86.4 feet to the place of beginning.

Lot No. Thirty-six (36) in Block No. Two (2) Lakeview Addition, a subdivision of Outlot No. Seventy-seven (77) in Division "D", City of Austin, Travis County, Texas, according to the map or plat of record in Vol. 2, Page 199 of the Travis County Plat Records, to which map or plat reference is hereby made for better description.

A tract of 1.6 acres more or less in the T. J. Chambers Survey in Travis County, Texas described by metes and bounds as follows: BEGINNING at an iron stake in the line between the T. J. Chambers and the A. L. D. Benham Surveys N. 75° 25' W 30 feet from the southwest corner of the tract conveyed by Emmett Shelton, et ux, to R. Burt Dyke, et ux, by deed recorded in Vol. 631, Page 568, of the Travis County Deed Records, and the north-west corner of the tract of land conveyed by Emmett Shelton, et ux, to Weldon Hart, et ux, by deed recorded in Vol. 1070, Page 287, of the Travis County Deed Records, and N 75° 26' W 499.2 feet from the west corner of that tract conveyed to W. H. Watson, et ux, by deed recorded in Vol. 812, Page 75, of the Travis County Deed Records; THENCE N 75° 26' W 440.6 feet along the line between the Chambers and the Benham Surveys; Thence S 18° 20' E 271.1 feet to an iron stake in the north line of a road; Thence S 74° 00' E 160 feet along the said road to an intersecting road; Thence N 44° 29' E 266.9 feet along the west line of the said intersecting road to the place of beginning; containing One and Six Tenths acres (1.6) of land, more or less.

That such lands and premises, and also all other property in her possession including money, her bank and savings accounts and her earnings, are and constitute her separate property and estate; that defendant, Alfonso Jones, who is plaintiff's husband and the unknown heirs and legal representatives of said Alfonso Jones if he be dead, and the other defendants have no right, title and interest therein; and that plaintiff is entitled to judgment of the court under the Declaratory Judgments Act decreeing that all such property, real and personal, is her separate property and estate and that defendants have no right, title or interest therein, for which she prays. Plaintiff also prays for costs of court and for general relief.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 23rd day of June, 1959.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas.

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Attieuse Hagood Hattell, Defendant, in the hereinafter styled and numbered cause:

You (and each of you) are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before 10 o'clock A. M. of Monday the 10th day of August, 1959, and answer the petition of plaintiff in Cause Number 114,445, in which Mary Lou Hausman is Plaintiff and Lionel Lyle Hausman is Defendant, filed in said Court on the 23rd day of June, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that the conduct of the Defendant was such as to render their living together as husband and wife insupportable; that defendant was harsh, unkind and tyrannical toward plaintiff; that there were no children born of this marriage and there was no community property accumulated during this marriage; plaintiff desires to have her former name of Thelma Scott restored.

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes.

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 23rd day of June, 1959.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas.

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Alfonso Jones, living, and if he be dead to his unknown heirs and legal representatives. Defendants, in the hereinafter styled and numbered cause:

You (and each of you) are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 10th day of August, 1959, and answer the petition of plaintiff in Cause Number 114,437, in which Esther Mae Hattell is Plaintiff and Attieuse Hagood Hattell is Defendant, filed in said Court on the 22nd day of June, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against defendant for divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that on divers occasions while plaintiff lived together defendant was guilty of excesses, cruel treatment and outrages toward plaintiff, and that defendant was unkind, harsh and tyrannical toward plaintiff; that there was no community property nor were there any children born or adopted by them during their marriage; Plaintiff further prays for relief, general and special.

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes.

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 22nd day of June, 1959.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas.

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Freddie Paige, Defendant, in the hereinafter styled and numbered cause:

You (and each of you) are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 10th day of August, 1959, and answer the petition of plaintiff in Cause Number 114,455, in which Thelma Paige is Plaintiff and Freddie Paige is Defendant, filed in said Court on the 23rd day of June, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that the conduct of the Defendant was such as to render their living together as husband and wife insupportable; that defendant was harsh, unkind and tyrannical toward plaintiff; that there were no children born of this marriage and there was no community property accumulated during this marriage; plaintiff desires to have her former name of Thelma Scott restored.

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes.

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 23rd day of June, 1959.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas.

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Lionel Lyle Hausman, alias Harry E. Cunningham, Defendant, in the hereinafter styled and numbered cause:

You (and each of you) are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before 10 o'clock A. M. of Monday the 10th day of August, 1959, and answer the petition of plaintiff in Cause Number 114,445, in which Mary Lou Hausman is Plaintiff and Lionel Lyle Hausman is Defendant, filed in said Court on the 23rd day of June, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that the conduct of the Defendant was such as to render their living together as husband and wife insupportable; that defendant was harsh, unkind and tyrannical toward plaintiff; that there were no children born of this marriage and there was no community property accumulated during this marriage; plaintiff desires to have her former name of Thelma Scott restored.

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes.

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 23rd day of June, 1959.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas.

and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that defendant commenced a course of unkind, tyrannical and harsh conduct toward Plaintiff, and that defendant was guilty of excesses, cruel treatment and outrages against defendant, making living together insupportable; Plaintiff and Defendant accumulated no community property and no children were born or adopted of said marriage; Plaintiff prays that her maiden name of McKinney be restored to her;

All of which more fully appears from Plaintiff's Original Petition on file in this office, and which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 23rd day of June, 1959.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas.

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Jose Bracamontes Defendant, in the hereinafter styled and numbered cause:

You (and each of you) are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 3rd day of August, 1959, and answer the petition of plaintiff in Cause Number 114,364, in which Frances Z. Bracamontes is Plaintiff and Jose Bracamontes is Defendant, filed in said Court on the 15th day of June, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges that defendant, shortly after marriage, began a course of unkind, harsh, and cruel treatment toward the plaintiff that continued until they separated in February, 1958. Plaintiff's petition alleges that plaintiff was not guilty of any act bringing about or causing herein described acts, omissions and conditions of defendant's part. There were no children born of this marriage, and there is no community property in issue. Plaintiff prays that her maiden name, Mosqueda Zapata, be restored to her;

All of which more fully appears from Plaintiff's Original Petition of file in this office, and to which reference is here made for all intents and purposes;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 15th day of June, 1959.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas.

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Marion McDonald Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 17th day of August, 1959, and answer the petition of plaintiff in Cause Number 114,597, in which Myrtle McDonald is Plaintiff and Marion McDonald is defendant, filed in said Court on the 30 day of June, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges cruel treatment on the part of Defendant towards her of such a nature as to render their further living together insupportable; Plaintiff further alleges that three children were born to said union, ages nine, five and three years; Defendant is the proper person to have their care, custody and control and for which she prays judgment and relief; Plaintiff further alleges that defendant is able to contribute a reasonable amount

D. Anderson, an individual of Travis County, Texas, doing business under the firm name of W. D. Anderson Company, intends to incorporate said firm without a change of the firm name on June 1, 1959.

W. D. Anderson, Owner

TO WHOM IT MAY CONCERN:

Notice is hereby given that the partnership lately subsisting between H. G. Keaton and Grady Acuff of Howard County and Dawson County, respectively, under the firm name of Foster

toward the support of said children and for which plaintiff prays judgment; Plaintiff further alleges that no community property is in issue; Plaintiff further prays for relief, general and special;

All of which more fully appears from Plaintiff's Original Petition on file in this office and to which reference is here made;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 30th day of June, 1959.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas.

By GEO. W. BICKLER, Deputy.

NOTICE OF INTENTION TO INCORPORATE WITHOUT CHANGE OF NAME

TO WHOM IT MAY CONCERN:

Notice is hereby given that George J. Christy, doing business under the name of SOUTHERN ENGINEERING & CONSTRUCTION COMPANY, at Houston, Texas, will qualify a corporation and continue to do business as a corporation under the name of Southern Engineering & Construction Company, and in compliance with Article 1307, Revised Civil Statutes of the State of Texas, will post this notice one day each week for four (4) consecutive weeks in a newspaper in Austin, Texas, and in a newspaper in Harris County, Texas.

GEORGE J. CHRISTY, dba Southern Engineering & Construction Company.

NOTICE OF INTENTION TO INCORPORATE WITHOUT CHANGE OF NAME

Notice is hereby given that Gershon Ettinger and Aaron B. Goodman, partners doing business under the name of Regal Janitor Supply & Paper Co., at El Paso, Texas, will qualify a corporation and continue to do business as a corporation under the name of Regal Janitor Supply & Paper Co., Inc., and in compliance with Article 1307, Revised Civil Statutes of the State of Texas, will post this notice one day each week for four (4) consecutive weeks in a newspaper in Austin, Texas, and in a newspaper in El Paso County, Texas.

GERSHON ETTINGER and AARON B. GOODMAN, partners d/b/a Regal Janitor Supply & Paper Co.

THE STATE OF TEXAS COUNTY OF TRAVIS

In the name and by the authority of the State of Texas

Notice is hereby given as follows:

To: Ada Richards Simmons and husband, W. M. B. Simmons, Robert D. Richards and wife, Lillian Richards, Mrs. Bonita Richards Guarjardo and husband, F. M. Guarjardo, John Richards, Sallie Louise Dodd and husband, C. M. Dodd, Mary Ann Richards, Bonita Louise Paxson, Richard Wilbur Dodd and wife, Jewell Alice Dodd, Alvine Flury, Stella Mae Richards, Norine Richards, Mary Evelyn Richards, Shirley Louise Carroll and husband, J. D. Carroll, Jacob Graham, Mary L. Cannon, and the unknown owner or owners of the property herein after described or any interest therein; the heirs and legal representatives and the unknown heirs and legal representatives of each of the above named and mentioned persons who may be deceased; and the corporate officers, trustees, receivers and stockholders of any of the above named or mentioned parties which may be corporations, defunct or otherwise, together with the successors, heirs and assigns of such corporate officers, trustees, receivers, and stockholders, and any and all persons, including adverse claimants, owning or having or claiming any legal or equitable interest in or lien upon the following described property delinquent to Plaintiff herein, for taxes, or parcel of land lying and being situated in the County of Travis, State of Texas, known and described as follows: The East Forty-five feet (E 45') of Lot Ten (10), in the subdivision of Outlot Forty-one in Division "B" according to the map or plat of said subdivision recorded in Volume 1, page 7 of the Plat Records of Travis County, Texas, which tract fronts Southerly on East Twelfth Street Forty-five (45') and extends back between parallel lines One Hundred Fifty feet (150'), together with all improvements thereon situated.

Which said property is delinquent to Plaintiff for taxes in the following amounts: \$522.59, exclusive of interest, penalties and costs, and there is included in this suit in addition to the taxes all said interest, penalties and costs thereon, allowed by law up to and including the day of judgment herein.

You are hereby notified that suit has been brought by the City of Austin as Plaintiff, against the above named persons, and the

Gin Company, was dissolved by mutual consent on the last day of May, 1959. All debts owing to the said partnership are to be received by the said H. G. Keaton and Grady Acuff and all demands on the said partnership are to be presented to them for payment.

H. G. Keaton Grady Acuff

TO WHOM IT MAY CONCERN:

Notice is hereby given that K. H. McGibbon, an individual of Howard County, Texas, doing business under the firm name of K. H. McGibbon Oil Company, intends to incorporate said firm without a change of the firm name on June 1, 1959.

K. H. McGibbon, Owner

TO WHOM IT MAY CONCERN:

Notice is hereby given that K. H. McGibbon, an individual of Howard County, Texas, doing business under the firm name of K. H. McGibbon Oil Company, intends to incorporate said firm without a change of the firm name on June 1, 1959.

K. H. McGibbon, Owner

State of Texas and the County of Travis and the Austin Independent School District, as Defendants, by petition filed on the 13th day of March, 1959, in a certain suit styled City of Austin vs. Ada R. Simmons, et al for collection of the taxes on said property and that suit is now pending in the District Court of Travis County 53rd Judicial District, and the file number of said suit is 113,353, that the names of all taxing units which assess and collect taxes on said property hereinabove described not made parties to this suit are, NONE.

Plaintiff and all other taxing units who may set up their tax claims seek recovery of delinquent ad valorem taxes on the property hereinabove described, and in addition to the taxes all interest, penalties, and costs allowed by law thereon up to and including the day of judgment herein, and the establishment and foreclosure of liens, if any, securing the payment of same, as provided by law.

All parties to this suit, including Plaintiffs, Defendants, and Interveners, shall take notice that claims not only for any taxes which were delinquent on said property at the time of this suit was filed but all taxes becoming delinquent thereon at any time thereafter up to the day of judgment, including all interest, penalties, and costs allowed by law thereon, may, upon request therefor, be recovered herein without further citation or notice to any parties herein, and all said parties shall take notice of and plead and answer to all claims and pleadings now on file and which may hereafter be filed in said cause by all other parties herein, and all of those taxing units above named who may intervene herein and set up their respective tax claims against said property.

You are hereby commanded to appear and defend such suit on the first Monday after the expiration of Forty two (42) days from and after the date of issuance hereof, the same being the 17th day of August A.D., 1959 (which is the return day of such citation), before the Honorable District Court, 53rd Judicial District of Travis County, Texas, to be held at the courthouse thereof, then and there to show cause why judgment shall not be rendered for such taxes, penalties, interests and costs, and condemning said property and ordering foreclosure of the constitutional and statutory tax liens thereon for taxes due the Plaintiff and the taxing units parties hereto, and those who may intervene herein, together with all interest, penalties and costs allowed by law up to and including the day of judgment herein, and all costs of this suit.

Issued and given under my hand and seal of said court in the City of Austin, Travis County, Texas, this 1st day of July A.D., 1959.

O. T. MARTIN, JR. Clerk of the District Court Travis County, Texas

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Juanita Solis Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 24th day of August, 1959, and answer the petition of plaintiff in Cause Number 114,227, in which Abel Solis is Plaintiff and Juanita Solis is defendant, filed in said Court on the 2nd day of June, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges cruel treatment on the part of defendant towards him of such a nature as to render their further living together as husband and wife altogether insupportable; Plaintiff further alleges that no children were born of said union and no property was acquired; Plaintiff further prays for relief, general and special;

All of which more fully appears from Plaintiff's Original Petition on file in this office and to which reference is here made;

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved.

Witness, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

Issued and given under my hand and the seal of said Court at office in the City of Austin, this 7th day of July, 1959.

Blacklist Reverberations

AUSTIN

Officials of some Texas towns on the Mexican blacklist for discrimination have taken steps to make amends so they can again qualify to receive bracero workers, but others are never likely to do so.

According to Henry LeBlanc, chief, farm placement bureau, Texas Employment Commission, of the 20 Texas cities on the June 24 "Mexican national blacklist," as he calls it, seven are in areas which rely on braceros, two use some but do not rely on them, nine do not use braceros, and two have given up using them since they were blacklisted.

The list decreased to 19 towns last week when Pecos made penance and was removed by Mexico City.

LeBlanc, whose office must certify that farmers cannot hire domestic workers before they can get braceros, says the blacklist was very active in 1952 and 1953 but atrophied after 1954 because county-blacklisting was done away with by a U.S.-Mexican agreement that year. Last August or September Mexico reactivated the list by counties again, "and the braceros stopped," but not for long, because they were still listing areas by counties contrary to the agreement and had to yield to a U.S. protest. The June 24 list, the first one naming cities, therefore was the first effective blacklisting in Texas since 1952-'53. Since June 24 the blacklisted towns have not been able to get braceros.

In Mexico City, a foreign ministry spokesman said that "the situation has improved a great deal. In the not too distant future I think the picture will be quite different." The Mexico City newspaper Excelsior said braceros in the U.S. will take home about \$40 million this year.

Lubbock uses only 3,000 to 5,000 braceros in its farming area, but their loss would be financially serious to the farmers. Already, Douglas Birch, an inspector for the British West Indies Central Labor Organization, has confirmed that firm orders have been placed for 70 B.W.I. workers for West Texas ranches. He spent ten days inspecting 30 West Texas ranch facilities for workers. Minimum wage for workers from the B.W.I., he said, would be \$120 a month plus room and board.

The Lubbock ban is expected to be lifted shortly. The requisite representations have been made to Mexico City by Lubbock officials, and the Dallas office of the Bureau of Employment Security indicated it expects Mexico City to respond accordingly.

Several towns on the list evidently were blacklisted for reasons not related to the use of braceros. Marshall, in East Texas, is one of the proscribed towns, and LeBlanc says of this, "I never heard of one (bracero) up there—they don't even know what they are." Seguin, too, he said, "never heard of one."

Pecos Uses 25,000

● Pecos, as the only town which has been removed from the list since June 24, is proof of the potency of the Mexicans' anti-discrimination system in areas that need braceros. Pecos uses braceros as cotton pickers, ranch hands, and vegetable workers. In the peak cotton season the Pecos area has 25,000 braceros. The regular labor supply out there is only 200, and domestic migrants will not go out there because it's off their beaten path.

Austin consul Rafael Linares recalled that some years back in Pecos a Latin-American native

was refused admission to a privately owned swimming pool. There has also been a more recent incident of discrimination which was processed through the Trans-Pecos Labor Assn., but that association's manager would not discuss its nature.

Cecil Cochran, mayor of Pecos, said that were Pecos to lose the braceros, the repercussions would be serious for the farmers but also for the Mexican nationals and Mexico's income from them.

To get their town off the list, Cochran, the sheriff, and the chief of police wrote the Mexican consul in El Paso "promising our cooperation," Cochran said.

'A Lot of Dang Papers'

● Sonora, another West Texas town, uses braceros mainly for cattle, sheep, and goat ranching. Local and migrant domestic workers won't go to the ranches. As LeBlanc says, "it's a pretty lonesome life, way out in the middle of nothin'."

The mayor out there, Alfred Swinney, has responded accordingly: "We've signed a lot of dang papers." That is, the sheriff, marshal, county judge, and Swinney sent off a request to find out the nature of the alleged discrimination "so," says Swinney, "we could go ahead and correct it."

Swinney thought maybe the trouble had to do with ranchers leaving their ranches for a few days, coming back, and the question coming up whether to take the Mexicans' word on how many hours they had worked while the ranchers were away.

Was Sonora going to get off the list? "Oh yes, you bet—if they'll let us know what it is," Swinney said.

Imperial, another West Texas town, is in an area which uses braceros for cotton picking and feed crops. W. D. Glenn, Imperial's constable, (there is no mayor.) says of the town's blacklisting, "I understand that some of the city officials had some stenographers, and they refused 'em in the beauty shops and the cafes, stuff like that." He thought there were several shops involved.

"Maybe they've loosened up a little," he said of the shops excluding Mexicans, and he thought they might loosen up some more "when they see what type of jam they're getting in to."

What would they do around Imperial without braceros?

"Well," he said, "they'd just have a big job trying to get what locals they could—and get some

of those mechanical machines."

Two Texas cities, Port Lavaca and Three Rivers, evidently are on the blacklist to stay (as may be the other towns which do not use braceros and thus have no economic incentive to get off).

A Back Wage Claim

● Port Lavaca, LeBlanc said, had a back wage dispute with Mexico for braceros in 1949. The Mexican government sent a claim to the Texas Governor for \$1,410,000 in back wages due braceros and wanted the Governor to collect. The matter was referred to the Attorney General, who decided the state could not collect and returned the claim to Mexico. Ever since Port Lavaca has been on the list. They haven't had any braceros since, and "I don't guess they ever want to see 'em again," LeBlanc said.

Frank E. Kinsey, acting mayor of Port Lavaca, said that "the workers were guaranteed a certain wage, according to the Mexican government, and they'd get 'em in here and have a heck of a time with 'em. They couldn't even get enough work out of 'em to justify payin' 'em that much."

Since the cotton crop must be picked when it's ready if the farmer is not to risk considerable financial loss, some farmers around Port Lavaca at once invested in mechanical cotton pickers. For example, Otto Marek, a cotton farmer who had had 33 braceros in 1949, bought a share in one machine in 1950. As of now "most all the farmers around here own machines. It's quite industrial—everything big machinery now," Kinsey says. The blacklisting "actually started it," and the farmers "converted here because they couldn't wait."

'They Ought To'

● Three Rivers has been on the blacklist ever since January, 1949, when the manager of the Rice Funeral Home there refused to inter Felix Longoria, a Latin-American war veteran who had been killed in action on Luzon.

"The whites wouldn't like it," the manager said. During the ensuing investigation at the chamber of commerce building at Three Rivers, Dr. Hector Garcia of Corpus Christi recalled to the Observer, a barbershop next door refused to cut Mexicans' hair.

Longoria was finally buried at Arlington Cemetery; Three Rivers was blacklisted. Says LeBlanc: "It looks to me like they'll stay on there forever, and they ought to. They certainly are discriminatory, as far as I'm concerned." R.D.

25,000 Under State Care

AUSTIN

Twenty-five thousand Texans now come within the control of the state hospitals as mental patients of one kind or another in a given year. The average legislator has only a passing acquaintance with the medical and social issues involved in their care and treatment and their return to a free life. The Texas House has now taken a step which Rep. Malcolm MacGregor believed could give the legislature "a living contact" with the state's programs for these people.

Rep. Max Smith, San Marcos conservative, fought the resolution for the third time (the first two times he had beaten it down). He said it would produce "a lot of recommendations that will never be read" and "do more harm than good."

"We've given them a world of money," Smith said of the state hospitals and special schools. There has been a building program of \$5 million per year since

1949, he said. "I think they're doing a good job."

Rep. Don Kennard, Fort Worth, asked when Smith had last visited a state mental hospital. "I haven't visited all of 'em ever," said Smith, who, until this session, has held the powerful chairmanship of the House appropriations committee. His last visit was two years ago, he said. Had he been to Rusk? "No." Terrell? "Yes, not recently." Wichita Falls? Smith did not say. Gatesville school for boys? "A good many years ago." "Well you know," Kennard said, "they have 1200 boys there with facilities for 800."

MacGregor's resolution said the concept of state mental care is changing from mere custody to treatment and training for restoration to society. Five representatives will be appointed by the Speaker to observe and study the hospital system, consider improvements, and make recommendations to the 1961 legislature. The resolution was adopted 72-65.

Houston's Guns Found; Man 'Mad at the Race'

☆ The Corpus Christi city council is considering two possible ways of eliminating the smell at the Oso Sewer Plant. One is to burn up the odors; the other, extend the discharge line into Corpus Christi Bay.

☆ Texas Rangers and the Walker County sheriff's department recovered five guns that belonged to Sam Houston and had been stolen from the Houston mu-

seum at Huntsville. Two young men had sold the guns to a Dallas gun dealer, who reported to the police.

☆ An attorney for half a dozen news vendors who have been arrested for selling magazines the police think obscene has demanded Mayor Cutrer in Houston consider establishing a city censorship board, and Cutrer has agreed to do so. The lawyers said deal-

ers are so nervous in Houston now, they have taken Peyton Place and Andersonville off racks, and some have taken down 60 percent of their magazines. "If they were selling that many dirty magazines, their stands should be bare," the mayor retorted.

☆ A former mental patient, I. W. Stieckels, 35, tossed a gasoline-filled tequila bottle in a Corpus Christi bar, injuring two. Why? "Let me tell you something, mister," he said. "I just got damned mad at the whole human race, so I blasted it. I wanted to see those people burn. Then maybe they'd send me to the electric chair." He jumped into the bay, swam a way, and finally came out to surrender to police.

☆ Two deputy sheriffs in Travis County have resigned on request as a result of a grand jury report and the sheriff's belief that they had been "too closely associated" with persons connected with prostitution. The county's four brothels have been padlocked.

The Way of Life

Unions and Religion

CORPUS CHRISTI

Is a labor union like a religion? The Corpus Christi Ministerial Alliance heard Texas AFL-CIO secretary-treasurer Fred Schmidt maintain that many of labor's objectives are identical with those of organized religion. Schmidt asked them if religion ought not be more concerned with "the big question of poverty."

Labor and the clergy joined forces the 1959 legislative session, Schmidt said, for abolition of capital punishment and against the segregationists' legislation. Since the labor movement started in Texas in 1900, he said, labor has fought for free textbooks for children, requiring school attendance nine months a year, tuberculosis hospitals, preventing the state from hiring out orphans at the Corsicana State Home to work in cotton mills, and preventing child labor and convict labor.

Asked about gangsterism in unions, Schmidt asked for a fair hearing for the unions and said

abuses were the exception, not the rule.

"I would like to chide you on a moral question," Schmidt told the Corpus clergy. "You have taken stands in wet-dry elections and against gambling. How about the big question of poverty?"

"In Texas over 100,000 of our citizens have to leave our state to live like gypsies. They find small satisfaction in being displaced from their homes by imported braceros. Another 147,000 people of Texas cannot be happy with having to accept federal food. The average education of our three southernmost counties is not above the third grade. Is this not more than a struggle for better wages and hours? It is a moral issue," Schmidt said.

Schmidt was asked if union leaders actually speak for only a small number of their membership. He replied that apathy is one of the leading problems of labor. "I assume churches have the same problem, with the minister frequently the only one speaking out," he said.

Remarks on Bedichek, Austin

(We excerpt a column by Al Melinger in the Baytown Sun on the Bedichek issue.—Ed.)

We are, thanks to the thoughtfulness of Dick Manne, in belated possession of one of the most remarkable epitaphs yet printed in Texas, the June 27 issue of The Texas Observer which devotes its entire 60 columns to the exclusive subject of the late Roy Bedichek. . . .

The net result is not only an amazingly intimate portrait of a many-faceted individual but incidentally a glowing picture of the town whose life he enriched for many decades. . . .

There was J. Frank Dobie whose fantastic difficulties with hay fever while trying to read Chaucer aloud during a sophomore English course are as unforgettable as his later choleric attention to the patriotic doggerel of Governor W. Lee O'Daniel.

Also Charles W. Ramsdell, son of one of Bedichek's faculty intimates, who once brought back from Mexico a live fiddle player who could not speak a word of English or read a note of music. I am sure that the melancholy Latin scrapings often offended the visiting Bedichek's ears as they

did mine just across the narrow graveled driveway.

And Hubert Mewhinney, the erudite arrowhead fancier, who, as did Bedichek, combines compatibly a love for the classics with an appreciation of the primitive.

Plus John Henry Faulk who once introduced this writer to Henry Agard Wallace and later entertained the Yankees by singing folk tunes over a New York radio station.

There was as much divergence and versatility in the score or more by-lines which studied the Bedichek edition as there was in the personality of the subject himself. But each essay, regardless of angle, was marked by the common ingredient of sincerity. There wasn't a phony word in the whole twelve pages. . . .

Austin's post-war growth has resulted in fewer oak trees and more shopping centers but the Austin point of view nourished and articulated by men like Dobie and Bedichek still persists. That it will survive is evident from the quality and character of comment which signalized the end of the Bedichek era and the beginning of its legend.