JULY 22, 1966

The Texas Observer

A Journal of Free Voices — A Window to The South — 25c

FORUM ON REFORM

Governors and Universities

J. R. Parten

Probably the surest way to injure a university is to misgovern it. We have had our ups and downs at Texas over the years due directly to pressure or control by the governor. The Texas statutes provide that a board of regents of nine members shall control and direct the affairs of the University. Regents serve terms of six years and appointments are staggered. Three retire and three are appointed at the beginning of each two-year elective term of the governor. Of course, the appointees of the governor must be confirmed by the Senate but are seldom rejected. So at the start of his second two-year term, the governor will have appointed his sixth regent representing a two-thirds majority of the board of nine, which often means control. This procedure has, at times in the past, resulted in a great deal of trouble. As examples of such resultant disturbance, directly due to this procedure, I would like to discuss briefly two cases.

Once a retiring governor of Texas, facing unemployment, got the board of nine Regents, of whom he had appointed six, to elect him the president. Of course, there was faculty revolt, but fortunately the fast and effective work of Mr. Will Hogg of Houston, a distinguished alumnus [and the son of ex-Gov. James Hogg—Ed.], prevented the president-elect from taking office. This ended the misconduct of this board.

J. R. Parten, or "Major Parten," is a powerful figure in Texas affairs, but keeps in the background. A Houston oilman, he contributes to the candidacies of many liberal candidates for office. He has played a variety of roles in national committees having to do with federal oil and gas policy. He was a regent at the University of Texas from January, 1935, to February, 1941. In this engrossing reminiscence, which he delivered recently to a convocation in Los Angeles on "The American University," Parten recalls, for those who do not know about, the Homer Rainey affair at the University of Texas, gives some new insights into that affair, and proposes a reform to prevent such things from happening again. Parten is a director of the Fund for the Republic, whose principal endeavor has been the Center for the Study of Democratic Institutions.

In the 1930's, when I had the honor to serve on the Texas board, there developed a well organized campaign to effect the dismissal of several economics professors because, it was claimed, they were teaching socialism, and particularly because they taught the Keynesian theory of national economy control, then regarded by some as communistic. One of my colleagues of the time related to me that his employer, a prominent businessman of Galveston, had persuaded the then governor to appoint him for the specific purpose of getting a certain senior economics professor dismissed from the faculty. He asked my advice, as board chairman, how to do it. His candor was refreshing, but I'm happy to relate his efforts failed. However, it was not insignificant that the board divided six against but three for his formal motion to dismiss this professor without a hearing and contrary to the rules.

TWO YEARS LATER, the governor did an unusual thing, at least for Texas. In January, 1941, among the three regent appointees there were two prominent Republicans. Difficulty on confirmation was encountered in the Senate. This you may better appreciate by knowing that there was not a single Republican in the Senate at the time. As a retiring regent, my help was solicited to urge several of my personal and more liberal friends in the Senate to recant and support confirmation. This I did cheerfully, for certainly there is no sound reason for political preferment in the selection of university regents. After a few weeks the governor's appointees were confirmed.

But I soon discovered that I had made a grave mistake. The organizers were again on the prowl. These two regents had banded with others and taken final action, over the protest of the president, to dismiss three economics teachers on a complaint from Dallas. Investigation by the American Association of University Professors developed that these teachers had been discharged improperly. Pressure from the AAUP and a recommendation from the president forced an offer of reappointment to these three teachers. But, before long, an incensed board of regents discharged the president, having worked up a public campaign based upon the following facts:

(1) The president had advocated for Texas the establishment of graduate education for Negroes, a step to implement "the doctrine of separate but equal."

(2) The book, *U.S.A.*, by John Dos Passos, had been discovered on the shelves of the University library; and

(3) The president's previous administration at Bucknell University had been criticized by a federal district judge of Pennsylvania who volunteered a letter of condemnation to the new regent from Dallas, who had become chairman of the board.

It was peculiar that, while several Texas newspapers reported fully the regents' charges against the president, no statement of the president's defense was ever reported. Particularly, no Texas newspaper picked up the current news reports from Washington, D.C., showing that the certain federal district judge of Pennsylvania, who had given a testimonial against the president, was then indicted and actually being prosecuted for malfeasance in office, or that he was later convicted. Moreover, the Texas Quality Radio network, owned by three large Texas newspapers, refused to sell radio time at commercial rates to the president in order that he might place his case before the public.

Thus ended the administration of President Homer Price Rainey within six years after his election by unanimous vote of the regents, supported by the unanimous approval of a faculty advisory committee and the unanimous approval of an alumni advisory committee and after installation with great expectations. Dr. Rainey had literally fought in defense of the faculty to his presidential death, but it will long be remembered that he successfully protected his teaching faculty. Not a single member remained discharged.

THESE INCIDENTS and facts are discussed in a spirit of neither rancor nor emotion. At this time, they are important only as they may serve to guide us against mistakes in the future.

It is readily admitted that governor control of the state university on occasion has been materially beneficial. I recall that Governor Huey P. Long, of Louisiana, not

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Observations

Abreast Behind the Eight-Ball

Austin

It's too early to get excited about Tower vs. Carr. Let those two time-tested reactionaries do the best they can to persuade the more enlightened voters to their side; they've got plenty of time and plenty of room. The longer they jockey for the support of liberal folk the better, since all either of them can do is move left—if either moved any further right he'd fall off the cliff.

There's a rancor in the arguments on the subject among liberals. The hotsies for Tower seem to think that to be for Carr is a blend of selling out and mental deficiency. The apologists for Carr regard liberals for Tower as bitter and mindless. Neither sees the other's side, but each has a side, and a good one.

The case against both Carr and Tower is completely persuasive. Considered, in the vacuum the idea either of them creates, as public servants, they are devious right-wing politicians. It used to be said and thought that Tower was a rightist, yes, but a rightist of purist principle. As he crawfishes even on being a Republican and gives out with the announcements of those new federal grants for the natives, while making all the hay he can out of Vietnam and the issue the pollster told him would make votes, inflation, that once so pleasing idea of him goes whistling for a taker. No one has ever mistaken Carr for the kind of politician who would rather be right than re-elected, so the net result of the tarnishment of Tower as a pillar of principle is that both men stand abreast behind the eight-ball.

WHAT, THEN, is the case for Tower, and what is the case for Carr?

Charles (Chuck) Caldwell, formerly of Senator Ralph Yarborough's staff, now area COPE director for seven northern states, makes the case well for Tower. That case rests mostly on the benefits of the two-party state, which Texas is not and is not likely to become within the next six years if Tower loses.

"One-party domination has created a closed society in state government," Caldwell says. In Texas, he says, "the Connallycrats borrow Republicans in the spring primaries to beat the liberals, and then they borrow the liberals they just beat to beat the Republicans in November." Thus there is no way "to get at 'em" to make them account for their policies.

In California, Caldwell continues, they used to have a cross-filing system under which candidates could run as members of both the major parties. Republicans had most of the money, and thus you had the advent of Bill Knowland to the U.S. Senate as the nominee of both parties in California. Changing the system to a two-party system, Caldwell says, resulted in Pat Brown as governor and the formation of the California Democratic Clubs. True, Ronald Reagan may beat Brown this year, but there has been a liberal governor for eight years, and there is the fine California delegation in the U.S. House. The voters of industrial two-party states have real, viable alternatives when they go to vote.

In Florida the first semblance of a two-party system has resulted in the first semblance of a liberal governor, Robert King High, Caldwell continues. The very liberal Democratic nominee for governor in Pennsylvania could not be nominated in a one-party state, since Republicans vote with the non-liberal Democrats in the one-party state's primaries.

As Caldwell sees the two-party question in Texas, there was not much of a Republican Party here before 1957, but that year lanky Thad Hutcheson, the personable Houston Republican, ran a dedicated, vigorous campaign for the U.S. Senate and finished a respectable third in an absurdly large field. Ralph Yarborough won because Martin Dies, the conservative Democrat who ran second, was deprived of the Republican votes Hutcheson got. That year, for once, Caldwell says, "Dallas didn't kill us."

In 1958 the Republicans held a primary for the first time, simultaneously with the Democratic primary, and while a mere 16,000 Texans voted Republican, most of them were in Dallas. Caldwell figures that the GOP's primary shaved Yarborough's margin of defeat in Dallas that year by 11,000 votes.

Texas Republicans gained ground in the 1960 presidential year. Then in 1961 the tory Democrats put up Cowboy Bill Blakley, a devoted foe of federal aid for anything but his own airline, for the Senate, and this caused division among the Democrats. "Many of us decided we had other things to do election day, and John Tower was elected. Many of us who were not exactly unhappy when that happened," Caldwell said, "believed that Tower's election would provide the drawing card for conservatives to move into the Republican Party."

The "resignation rallies" began—rallies at which tory Democrats announced they were going over to the GOP. The matter came to a head again with the November, 1962, question between Republican Jack Cox or Democrat John Connally for governor. The liberals were divided whether to be for Cox, Connally, or not to vote; Cox got 46% of the vote, but Connally was

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elected.

Although, fixated on the Goldwater nomination, the Texas Republicans by 1963 had locked themselves on the course that was bound to derail them nationally, they were planning mass resignation rallies in December, 1963, and January, 1964, and they had set a goal of 400,000 voters in the spring Republican primary. Those 400,000 votes, Caldwell says, would have come "off the top" of the Connallycrats' votes. Caldwell remembers that a Bo Byers poll in the Houston Chronicle published the morning of November 22, 1963, showed Don Yarborough and Connally in a dead heat for governor, "and that was *before* the added impact of what was getting ready to be pulled off." But then, Johnson the President, the picture changed. Johnson was for Connally and soon made it clear he would function, in Texas, through Connally. This not only discouraged the liberals; it made it obvious to any of the conservatives who might have been money-hungry that the trail to the bank did not wind through Republican primaries. As Caldwell, without explaining what he means, says, "That bullet changed things pretty drastically in this state, as well as in the world, for that matter."

Last May, despite the urgings of many Republican leaders, the Republican voters could not be kept in their own primaries. Thus have we arrived at the present question. Caldwell is glad, he says, to go back to "two-party land," because they can elect more liberals, not because of the candidates or the voters, "but because of the system." He asks, "Do you really want a two-party system and are you willing to think and act boldly enough to have a two-party system and a liberal Democratic Party in Texas?"

EDGAR BERLIN of Beaumont, formerly a state representative, made a case for Carr to the Texas Liberal Democrats' summer convention in Austin. He voted for Blakley, and he was not particularly proud of that, but, he said, he was proud he hadn't voted for Tower. Those voting for Tower, he said, would be in "the same type of political position that Allan Shivers engaged in when he advocated Democrats for Eisenhower."

Berlin contended voting for Tower would not contribute to a two-party system. Under presidential pressure, he said, Carr would give the President and the Democrats some votes, while Tower would give none. Berlin reminded the liberals of the 1961 argument that Tower would be a one-termer, easy-to-beat. He said Tower's re-election would be a slap at the President.

"We've been nice long enough," said Janet Massey of Midland—she's for Tower. Moses Leroy, Houston Negro leader, said that if the Democratic organization proposed to endorse Tower, "I'd have to oppose it—not that I'm not gonna vote for him." Carr, getting Democratic committee assignments, might do more harm than Tower, LeRoy reasoned. Chris Dixie, the T.L.D. president, said, "If other things are equal, you vote for the two-party system. There's no point at all voting for a two-party system by voting for the Democrat if he continues to be a carbon copy of John Tower's philosophy," in which case, Dixie said, "we're going to vote for John Tower, in my judgment." But, Dixie said, if Carr "gives us reason to believe there's a difference between them, then it's a new ball game. What would you do if you found John Tower wanting to escalate the war and you found Waggoner Carr identifiably closer to a dove's position?" Bob Wheeler, formerly a liberal representative, accused Carr, as Speaker of the House, of turning down the liberals every time they wanted him to help them fight back the legislature's 1957 segregation bills. Ed Polk, Sr., of Dallas, spoke out a point that has much weight with many Texas liberals—that if Carr is a senator, "traditional seniority will be reversed. Senator Yarborough will merely be *called* senior senator." Mike Ethridge, the brass-voiced loyal Democrat who convulses and sometimes deeply stirs gatherings he speaks to, said he'd always been a loyal Democrat, and if Tower was defeated "you are going to bury the two-party system in Texas and it shall never raise its head. I hope every one of you will continue to be a loyal Democrat, but never bury the two-party system." (And with that he left them to figure it out.) Hartsell Gray, Houston campaigner for Bob Eckhardt for Congress, charged, "Waggoner Carr came to Houston twice to campaign for Bob Eckhardt's opponent," Larry McKaskle.

T.L.D. finally decided to say that neither Carr nor Tower represented the national principles of the Democratic Party and that nothing should be decided, and Carr should be watched. Carr has been meeting with liberals and members of minorities he can get to meet with him, arguing that from their point of view he's not as bad as Tower. Tower has been trying to quiet the damaging reactions against his reactionary, let-'em-eat-cake remarks about the farm workers' strike. On Vietnam, Carr had been saying good for the generals, and let's hope for the best, and I don't mean this but I don't not mean it, either—he had been trying to get liberals' appreciation by saying nothing in various ways, hoping that even nothing would contrast with Tower's tomahawkery. But last week he approved the recent step-up in the bombings.

WHEN THE SET of the stage is Texas, Tower's election seems to serve progress best because it serves change best. A two-party system *would* result in the nomination of more liberals by the Democrats and the election of more of them than we now elect in our Novembers. Tower's re-election would be a step toward a two-party system here, and some liberals are now trying to talk the Republicans into contracting that if Tower gets back in, they, the Republicans, will go all-out in Republican primaries for statewide offices in the spring of 1968, thus giving the liberals a serious chance at statehouse control that November. (Of course, if Tower lost, the Republicans would have to try to do the same thing, anyway, but with Tower in, this theory goes, they'd have a better chance of succeeding two years from now.) Nor is the play just about Texas when its set is Texas, for there is the Texas delegation to be considered, and there is the ability of a conservative Democratic senator being able to entrench himself for life, whereas, by 1974, someone like Bob Eckhardt might be able to defeat Republican Tower.

But six more years of Tower is not a prospect idly to be contemplated. He has attained powerful military committee assignments, and his being a Republican senator from Texas gives him a national platform that he has already used for Goldwater's launching pad and would use the next six years for war and more war. He is fundamentally a Goldwater extremist, and to enhance his standing in the country by giving him a second term is a very, very serious thing to do to the country and the world.

The best case for Carr, among liberals, resides in his opportunism. Shifting his context from this state's politics of big business to Washington's politics of the main chance, his colors will change somewhat. Coming under direct pressure from Johnson, he will give the Democrats some votes on domestic reform, how many no one can say, but surely more than Tower would. He has given no one any reason to believe that he would do other than follow Johnson uncritically on Vietnam and similar questions, if we live so long. With liberals critical of the war, this is a minus in itself; figured against Tower's blatant, ceaseless warmongering, it's part of the case for Carr, but even this point for him is severely weakened by his statement last week "heartily" endorsing the bombings near Hanoi and Haiphong. Setting no limits on his support of the President in Vietnam, he is simply a me-tooer on the subject.

Once in, Carr might never be got out. If Johnson chose to deal with Carr on patronage to Yarborough's detriment, this state's best senator in this century would be hurt for re-election and in his standing with his followers. Nor, barring some improbable change of the *modus operandi* by Johnson by himself, would there be any hope for a two-party Texas as long as Johnson is president. The Texas Establishment is a quite real force, and its leaders make their plans in real places, at real times. They quite explicitly fear a two-party system. Governor Connally told Rea Nesmith, the architect for a University of Texas project whom Connally had nixed because Nesmith is a Republican, that there isn't going to be a two-party system in Texas, and one naturally assumes from Carr's associations as Speaker and attorney general and from his policies that he goes along with Connally on this.

It's a sorry choice. But it is not a simple choice, nor is there a hurry about making it. Maybe many liberal people never will make it; there's talk of a big fishing party, up around Buchanan Dam, next election day.

R.D.

(Continued From Page 1)

only gave the university a new site of more ample space, but, in addition, gave it a new and a modern plant. This was good. But we must remember that Governor James E. Ferguson, of Texas, in the year 1917, vetoed the entire University appropriation because he did not approve the program of the administration. You will also recall that the governor of Arkansas, in the 1930's, was actively involved in the dismissal of President J. William Fulbright, now the distinguished senior senator from that state. While we may say that governor control may give us a good board or a bad board, it is safe to say that, in the long run, pressure and interference from the statehouse is more often destructive than constructive and should be abhorred.

I wish to make it clear that nothing I've said here is intended to be critical of the present Texas University board of regents. I think it is a good board. It has effectively advanced the plans of a sound educational program in this era of rapid growth, of which I am proud.

However, I am deeply aware that the changing nature of governor control can and will, in time, plunge the university again into upheaval and turmoil. It is therefore, clear to me that great improvement would be realized from a statutory amendment that would forever forestall the appointment of a majority of the regents again by any governor. This could be accomplished for example as follows:

(1) By enlargement of the board from nine members to 15 members;

(2) By lengthening of terms to 15 years, and probably with provision for no reappointment and compulsory retirement at age 70; and

(3) Provision for one member to be appointed and one retired each year.

This would mean that a governor could not again appoint the majority of regents until his fourth two-year term, which is unlikely.

Such a plan is recommended to those states where the governor is allowed to exert pressure that can amount to control of the university governing board. □

Data Is 'Filed,' but Where?

Auto Rates and Other Mysteries

Austin

In most other states it is not so, but in Texas the rates which insurance companies must charge for automobile liability policies are not competitive but are set by three men named by the governor, with the Senate's consent, as the state's insurance commissioners. The law which tells the commissioners how to make these rate schedules instructs them that "Due consideration shall be given to the past and prospective loss experience within and outside the state, to protection hazards, if any, to expenses of operation, to a reasonable margin for profit and contingencies and to all other relevant factors, within and outside the state."[1]

Last month the three Texas insurance commissioners, several hundred insurance agents, insurance home-office men, insurance lobbyists, two labor leaders, three or four politicians, and a full contingent of the Capitol press crowded into the warm, dim auditorium in the basement of the Highway Department building for the annual ceremony of the changing of the rates. This year the trend was up 6%. Although the amount of the increase had not been predicted, the fact that the rates would go up had been announced by William Hunter McLean, chairman of the insurance board, many weeks before the supporting data had been collated for the public. (However, six days before the hearing, McLean's staff was telling the press that electronic data processing hangups had stalled the collation of figures for the board's use.[2]) This signal alerted some old enemies of the ratemaking process and, perhaps, helped create a powerful new one in the person of Dallas lawyer Oscar Mauzy, Jr., who won his district's Democratic nomination to the state Senate by talking of little other than car insurance, even as someone was stencilling red hammer-and-sickle emblems on his billboards.

For the press and the opponents of the rate increase, the June hearing opened in a discomfiting manner, with Angus McDonald, the chief of the auto policy actuary division of the insurance board's staff, droning through the new rate book page by page. This took an hour and five minutes, and as McDonald turtled along, the room got hotter and the smoke got thicker. At one point, he advised all present to lock their cars when they parked them, confiding, "Most of the thefts are invited by leaving the motor running." Later, he referred to the board's "making rates." Then he backtracked: "We used the term . . . 'The board makes rates.' That's not true. The board *computes* rates on the basis of accidents occurring and insured. The formula we use has been upheld by courts here in Travis County as late as last year."

The three-man board does make rates, and the section of Texas insurance law which empowers the board to do so is labelled simply, "making of rates." But ratemaking apparently is not a public matter. At the hearing, the new rates were there, neatly mimeographed by the board, which accepted limited disputation over the schedule which it was to adopt later, meeting in private. Briefly put, the board's attitude that day was that the rates must change in the way that the claims paid change and in such a way that a "reasonable profit" is possible for every insurance company doing auto business in the state.

At the hearing, the board's new schedule was warmly received by David Irons of Dallas, who represented the Texas Automobile Insurance Service Office, an agency with a unique symbiotic relationship to the insurance board. Following the approach which is now the official line of the big insurers, McLean, Gov. John B. Connally, and many of the state's big newspapers, Irons laid the rate jump to a decline in traffic safety and, discounting in advance the criticism which was to follow, said, "No amount of wishful thinking or witch-hunting will solve the situation on our streets and highways." He recommended that the new rates be followed "in every particular."

THE THIRD WITNESS, and the first hostile one, was to be Hank Brown, president of the Texas AFL-CIO, who had been promised an early hearing by the board. His statement had been prepared in advance, and copies were sent to the commissioners' table just before he was to speak. The commissioners read the statement and then called a 15-minute coffee break before having him testify.

Brown's major thrust was in the direction of the vaguest phrase in the ratemaking paragraph in the insurance law—the matter of "other relevant factors," which, he said, (as the AFL-CIO had argued unsuccessfully in court last year,) should include the matter of the income which the insurance companies receive from investments they make out of premium dollars. McLean and fellow commissioners Durwood Manford and Ned Price cast alternately bored and baleful glances at the labor leader as he told them:

"It would appear that this board is the insurance companies' representative in state government. As I look around this room, I do not see too many people who represent the public. Whenever a citizen appears before this board to protest an increase in automobile insurance rates, he is interrupted and literally cross-examined by the members of this board. I would remind you gentlemen that you do not sit up there in a judicial capacity. You are there to protect the interests of the public in the purchase of an insurance policy. . . .

"I would submit . . . that you are misleading the public you are supposed to represent when you say the insurance companies are losing money and you do not tell them about the investment income. If they were losing money, they wouldn't be in business."

Brown's explanation of the auto insurance business goes like this:

The companies invest a certain percentage of their premium dollars and give the profits from those investments to their stockholders. The percentage invested is so high that, year after year, the amount retained for the payment and processing of claims will fall short of what is needed. As a result, Brown has argued, the companies are able to go before the board and argue for increased rates on the basis that the old rates did not cover the cost of paying the claims. Brown put it this way, "It's as though I invested half of my paycheck in stocks every week and then went to my boss and told him I couldn't live on what he was paying me."

After Brown was finished, McLean said in an arctic tone, "In view of your announced sensitivity to them, Mr. Brown, there are no questions." He then went on to read a statement which he apparently had prepared during the coffee break. Last year, working with Dallas lawyer Bert Bader, who also was present at the June hearing and critical of the rate increase, the AFL-CIO had sought in district court to force the insurance commissioners to consider investment income during the ratemaking procedures. The suit failed, and the opinion written by Judge Charles Betts has given comfort to both sides in the dispute. This particular morning, McLean reminded Brown, "The court said that investment profits were not within the scrutiny of the board." As Bader told the commissioners later that morning, the judge also had said that the question of considering investment profits was a valid one, but one which the legislature, rather than the courts, would have to deal with.

When McLean finished his statement, Brown sought clarification on a point, and McLean snapped, "If I didn't question you, I don't expect you to question me." The insurance men in the auditorium greeted the commissioner's *mot* with prolonged applause and cheering. When it died down, Brown said, "It looks like the people here are in your corner, and you are in theirs, just as we said at the outset. We'll see you in the legislature."

"That's fine," McLean said. "We'll enforce the law any way you write it."

Then Cmsr. Manford, after telling Brown that his statement had been "an eloquent, but immoral, deviation from the truth," announced that the AFL-CIO could consider the commission's books open for inspection.

Afterwards, outside the auditorium, Brown told the Observer that lobbying any kind of insurance reform through the legislature would be a rough job because of the dearth of statistical data on the operations of the companies which do business within Texas. In preparing the court fight which the union lost, $25,000 was expended on research, including the services of a full-time insurance expert, he said. All that was discovered, Brown said, was that the information on file with the commission says little or nothing about the profitability of writing car insurance in Texas. "But the auto insurance business is a profit-making business," Brown said.

TO LEARN MORE about ratemaking, the Observer telephoned Joe Eddins, the chief auto actuary working under McDonald, and secured an interview. When this reporter arrived at Eddins' office later that afternoon, his door was closed and his secretary reported that he would be "in conference" for the rest of the day, but that McDonald would be happy to help. When McDonald was asked by the Observer whether Eddins would be available for an interview before this story was written, McDonald did not respond.

In an earlier, four-hour interview with a reporter from the Houston Chronicle, Eddins had said that the rates are figured each year on the basis of data supplied by the insurance companies. The loss experience of all companies is lumped together and is displayed by geographical areas (26 in the state) and by classes of policy (eight now).[3]

When the Observer asked McDonald who on his staff compiled loss reports, he replied that the work is done, not by the state, but by statistical agencies which are

The public is shown a completed rate book . . .

approved by the insurance commissioners. The three major agents are the National Bureau of Casualty Underwriters, the Mutual Insurance Rating Bureau, and the National Association of Independent Insurers.

The insurance code of the state of Texas requires every company writing automobile coverage in the state to file each year "a report showing its premiums and losses on each classification of motor vehicle risks written within the state."[4] When asked where these could be perused, McDonald replied that these reports were not given to the insurance board or its staff at all, but to one or another of the approved statistical agents, where they are, he said, available for inspection by members of the insurance board and its staff.

The law requires that the operations of such statistical agents be checked out every five years by the state, but not if a thorough audit has been prepared reasonably recently by another state. McDonald said that the state of New York and the National Association of Insurance Commissioners are now investigating the operations of the National Bureau of Casualty Underwriters. Texas never has prepared such an audit on its own.

A source within the insurance industry has told the Observer that the staff which works on auto policy rates consists, other than Eddins and McDonald, of "three clerks who earn $380 a month." McDonald told the Observer that in preparing the new schedule each year, he had the services of "14 or 15" workers, counting himself, Eddins, their staff of three, and staff members borrowed from other offices within the agency.

Once the new rates are set, they are printed, not by the board, but by the Texas Automobile Insurance Service Office, which is a lobby and service organization owned and operated by many insurance companies. McDonald said that the TAISO "gets a hearing" before the board, as anyone would, and confirmed that the Office has, in the past (the last time was two years ago), submitted to the board its own complete rate book, based upon figures supplied by the insurance board through its statistical agents. This year, he said, the Service Office had made suggestions, but not in every category of coverage.

McDonald said that he considers it proper for the TAISO to print and sell the rate book—"the Auto Bible," as it is called—because "the farther government stays out of business, the better."

Similarly, he approves of the collation of ratemaking statistics by the bureaus owned and operated by insurance companies. "There's the expense the state must go to to set up these kind of agencies . . . you have to pay the employees. We people who deal with rates are figure-happy . . . except that you have to draw the line somewhere between practicality and expense."

THUS IT IS that, asking for figures which would seem to be necessary in making rates according to article 5.14 of the Texas Insurance Code, those interested in the problem are told that the figures are held elsewhere, and that there is no single compilation showing the operations of all the insurance companies in Texas in the auto field. McDonald told the Observer that the board holds no information showing the total premiums paid in Texas last year for auto coverage, nor the total claims paid out. Similarly, the board's staff professes ignorance of such factors as the percentage of the premium dollar expended in claims processing, a cost which the board allows the companies to figure in with claims paid. In the AFL-CIO suit, Eddins estimated that factor at a little under 13%.

Houston Chronicle reporter Dave McNeely reported last month that last year, the insurance companies in Texas took in $417 million in auto policy premiums and paid out some 56% in claims. He said that the total figure accepted by the board as the companies' auto losses in Texas was $13 million. According to the figuring accepted by the board, dividends to stockholders are subtracted from premium income, and total claims costs thus come to 71%.[5]

A man within the insurance industry told the Observer that the standard breakdown of the auto premium dollar, fairly constant nationwide, brings expenses to about 33.8%—20% for agents' commissions, 3.8% for state tax on premiums, 10% for home office expense.

"If you have 66.2% in losses, that would let you break even," he said, adding, "Month in and month out, year in and year out,

the business is *very* profitable if losses are below 66.2%. They usually are. It's rough when your industry starts believing what it's putting out itself. Many companies have an automobile loss ratio that's not over 55%."

Whether any of these estimates is correct or not, it is clear that, if they are available to the board, they are not available to the public through the board and that such basic breakdowns of the policy dollar are not discussed by the ratemaking board in the public hearing which is supposed to deal with the subject. Rather, the public is shown a completed rate book which is accepted later in a closed meeting, and it is difficult to discover where the board and its staff take into consideration the factors specified in the insurance code.

SOMETHING MAY COME of the unhappiness generated by this year's rate hearing. The Service Office has proposed a plan creating 250 classes of drivers for rating purposes, but the insurance agents recoil from this as a statistical nightmare. Gov. Connally has joined with insurance lobbyists who yawned at safety legislation last session to call for new traffic laws and strict enforcement of them. The insurance board, pursuing the notion that only the drivers are at fault, has ordered developed a new version of the old merit plan under which drivers were penalized for accidents and tickets.

But there are politicians who are unlikely to settle for this approach. Sen. Aaron (Babe) Schwartz of Galveston is reported ready for some changes, Mauzy (if elected) can be expected to fight the insurance companies relentlessly, and Sen. D. Roy Harrington of Port Arthur was among the complainers at the rate hearing, and in the House, Rep. Skeet Richardson of Fort Worth has called for an investigation.

L.L.

NOTES:

1. V.A.T.S. Ins. Code Art. 5.14.
2. Dallas Times Herald, June 10, 1966, page 30A.
3. Houston Chronicle, June 26, 1966, Sect. 2, page 3.
4. V.A.T.S. Ins. Code Art. 5.01.
5. Houston Chronicle, June 26, 1966, Sect. 2, page 3.

A Conflict of Duties?

Connally, Texas, and HemisFair

Austin

The sixth section of the fourth article of the Texas Constitution says:

"Sec. 6. *Governor to Hold No Other Office, Etc.* During the time he holds the office of Governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession or receive compensation, reward, fee or the promise thereof for the same; nor receive any salary, reward or compensation or the promise thereof from any person or corporation for any service rendered or perfomed during the time he is Governor or to be thereafter rendered or performed."

The words of this section before the first semi-colon appear to stand on their own. After the first semi-colon, the section prohibits the governor from practicing any profession or receiving any pay for doing so or from any person or corporation for any service. Read as plain English, the section says the governor shall not hold "any other office, civil, military, or corporate," practice a profession, or be paid for same.

In a news story in 1965 on Governor John Connally's impending designation as commissioner general to HemisFair 1968, San Antonio's proposed international exposition, the San Antonio Express said his acceptance of the position "immediately raised questions about the governor's future political plans. . . . If he retires from public office, he would be able to devote all the time necessary to the HemisFair post, without conceivable conflict. If Connally seeks and wins re-election as governor, the question of conflict of duties might be raised."[1]

Connally did seek and win re-nomination, and the question of conflict of duties has been raised.

THE LEGISLATURE, under Connally's urging, earlier in 1965 had appropriated $4.5 million in state funds to finance a Texas pavilion at the fair. Last January Connally, speaking at an afternoon press conference at Hemisfair headquarters, revealed plans for a $10 million permanent Texas Institute of Living Culture as the state's official HemisFair exhibit and spoke with enthusiasm on the imaginative possibilities of such a place. He said that he will ask the legislature for another $5.5 million for this. As for critics of HemisFair's requests for state and federal funding, Connally said, "They don't understand. They don't have the vision to see the good of this project. I am unsympathetic with those who throw roadblocks in the path of those with daring and dreams. Since the money is coming from all Texans, this exhibit will honor and benefit all Texans and even the nation."[2]

In 1965 Sen. Ralph Yarborough had sponsored a bill in Washington obtaining initial federal funding for HemisFair, but he was not pleased when Connally was made commissioner-general. Cong. Henry Gonzalez of San Antonio raised a question about high HemisFair officials profiting from HemisFair, was satisfied, and proceeded this year with legislation in the U.S. House to fund the $10 million U.S. pavilion that HemisFair wants. The bill was not introduced in the Senate, however; evidently the senator was biding his time. This time came the day before the July 13 reception in Washington given by HemisFair for Connally as commissioner general. Connally had scheduled a one-week tour in Latin-America for HemisFair but had to cancel it; he has announced a three-week tour starting July 24, and the Washington reception was a preliminary.

"Thank you for your invitation," Yarborough wrote Ewen C. Dingwall, HemisFair's man in Washington. "I regret that I shall not be able to attend, lest my presence be interpreted as approving the unconstitutional occupancy of the office of commissioner general by the current governor of Texas. I direct your attention to Article IV of the Texas Constitution, Section 6," the first portion of which he then cited.

"The collaboration of HemisFair and the governor to accomplish his investiture of the office of commissioner general of HemisFair 1968 is a flagrant violation of the Constitution the governor has sworn to uphold. I will not be a party to such violation of the Texas Constitution," Yarborough said.

"Recently other conflict of interest transactions by HemisFair have come to light. If HemisFair is to continue to merit the support of the people and the government, it must purge itself of its conflict of interest contracts and appointments and obey the Constitution."

Yarborough appended an excerpt from HemisFair's rules and regulations giving the duties of the commissioner general, who, they say, "is entrusted with sufficient authority . . . to insure fulfillment of all obligations by the Exposition vis-a-vis its participants," "will supervise the program as a whole," "will represent the government of the United States in all relations with participating countries," and "will have the right to initiate disciplinary action and to suspend, cause to cease, or recommend changes for improvements of any activity which to him seems contrary to the proper conduct of the Exposition or in violation of the Bureau of International Expositions' regulations."[3]

Larry Temple, the governor's executive assistant, gave the official position of the governor's office: "Obviously, the post of HemisFair commissioner general is an honorary position and not a compensatory office covered by Article IV, Section 6 of the Constitution. The governor gets no compensation for his service." From Washington Gonzalez was quoted, "There is nothing that says Senator Yarborough has

to obey that courtesy that other senators usually do by notifying the House member from that district" [before taking steps with political ramifications in the House member's district].[4] At the reception, according to reports from Washington in Texas dailies, Sen. John Tower, Atty. Gen. Waggoner Carr, 20 of the 23 Texas congressmen, and representatives of 25 Latin-American and European countries were in attendance. Connally said he saw "nothing whatsoever inconsistent" in his two roles, found the charges "a little amusing," regretted that Yarborough was not present at the reception, and thought the charge did not merit "any further consideration." Connally said he had served as chairman of the Southern governors' conference and the Interstate Oil Compact Cmsn., too, because "it was in the interest of Texas to do so."[5]

The Express, whose news story two years ago had anticipated that the subject of "conflict of duties" might come up, editorialized now that "All Texas was mystified" by Yarborough's move. The Express continued: "Governor Connally's 'office' as commissioner general is one to lend prestige to the fair, a ceremonial office as everyone knows. He will be the No. 1 ribbon-snipper and hand-shaker. He has been in the office for the past ten months to the obvious delight of one and all. Thus the shock at Senator Yarborough's baffling objection . . . It embarrasses the senator's friends, many of whom have underwritten the fair at substantial personal expense, to have him raise an issue that nobody understands." Editorially, the Dallas Times Herald called Yarborough's move "petty politics," the Fort Worth Star-Telegram called it "just plain silly," and the Houston Post called it "peanut politics."[6]

IT HAS COME to the Observer's attention that H. B. Zachry, the San Antonio construction magnate and chairman of the HemisFair's executive board, wrote Connally on March 10, 1965, referring to "your invitation to become commissioner general." At this time bills were pending in the legislature about state financing for Hemisfair. Zachry told Connally in this memo:

"Under the 1928 Convention of the Bureau of International Expositions, the commissioner general holds broad authority as to the over-all operation and conduct of the Exposition.

"In practice, however, the demands on his time and energy are quite elastic, and can be tailored to his situation. . . .

"If a major difficulty should arise between . . . governmental participants and the Exposition management, the Commissioner General can initiate appropriate action to ensure an equitable solution. But otherwise he is relieved of administrative responsibilities, which are shouldered by officers of the management corporation and by the key professional staff under the executive vice president. All of the commissioner general's travel and other expenses, of course, are paid by the management corporation."

From the latter sentence one would assume that HemisFair's corporation will pay Connally's expenses on his three-week Latin American tour.

Yarborough, in communication to the Observer, said the Constitution is clear in requiring the governor to devote full time to his public office exclusively and prohibiting him from holding any other office of any type. The B.I.E., the senator said, contemplates that the commissioner general shall be a full-time official serving the exposition and its participants. Yarborough said his duty to uphold the Texas Constitution is quite real to him, whether newspapers think it is petty or not.

"If he [Connally] took an oath of office as HemisFair commissioner, he vacated the governor's office," Yarborough said. He explained that the Texas Supreme Court has held repeatedly that if the governor is sworn in to one office, he then vacates the governorship. Yarborough said he had to brief such matters when he was an assistant attorney general in Texas in the 1930's. "Which office does he hold?" he asked.

JUST FOUR NATIONS, Mexico, Spain, Switzerland, and Peru, have announced participation in HemisFair so far. This is not regarded as a flying start. The Connallys, accompanied by Mr. and Mrs. Alfred Negley of San Antonio and two HemisFair staffers, will visit Panama, Venezuela, Brazil, Uruguay, Peru, and Colombia, inviting officials to participate. Yarborough has not announced himself in opposition to the $10 million in U.S. money for HemisFair, waiting instead, he says, to see if HemisFair corrects the situation as he believes it should be corrected. Obviously Connally does not intend to step down as commissioner general, and HemisFair's new public relations man is Julian Read, Connally's PR man.

1. San Antonio Express, Sept. 14, 1965. 2. San Antonio Express, Jan. 16, 1966. 3. Press release from Yarborough. 4. San Antonio Express, July 13, 1966. 5. See S. A. Express, Dallas Times Herald, and Houston Post for July 14, 1966. 6. Dallas Times Herald and S. A. Express, July 14; Fort Worth Star-Telegram and Houston Post, July 15. □

The Valley Strikers Are Walking to Austin

Austin

Backed now by a full commitment from the Texas AFL-CIO and by potent participation and endorsement by religious leaders and liberal organizations, *la huelga,* the Texas farm workers' strike, has taken the dramatic form of a 56-day, 380-day march from Rio Grande City through the Lower Valley and north through San Antonio to Austin by Labor Day. In the capital, before a crowd labor spokesmen say should be 50,000 strong, the Starr County strikers and their allies plan to ask Gov. John Connally to call a special session of the legislature to enact a $1.25 minimum wage for Texas. The summer-long march also serves a practical purpose for the strikers: dramatizing their cause, it also keeps it alive during the hot summer months when many South Texas farm workers are on the migrant trail, and the Labor Day rally will serve as a platform from which Eugene Nelson's young union can mount an organizing campaign on South Texas farms when the migrants return in the fall.

The march began July 4 as what appeared to be a four or five-day walk from Rio Grande City, the strikers' home base, to the Lower Valley. Seventy-four marchers started out and were joined the first by 40 sympathizers who arrived aboard a bus chartered in Houston by the Political Association of Spanish-Speaking Organizations. From San Juan in the Valley, then, eleven marchers, selected from 35 who had volunteered, started out for Austin. Henry Munoz of Texas labor said at that point, "The house of labor will see to it that no marcher lacks for food, clothing, shelter, or medical attention." In Weslaco, Garland Smith, president of the chamber of commerce and a liberal Democrat, spoke to the marchers about the right of workers to share in prosperity and about the respect in Weslaco for the right to protest. In Edinburg the mayor, Al Ramirez, had himself taken from the hospital to greet the marchers (but as an individual, not as the mayor).

The marchers' major planned stops: July 22, Falfurrias; July 23, Kingsville; July 30, Corpus Christi; Aug. 27, San Antonio; Sept. 5, Austin.

Clerical support for the strike has been growing. Coordinators of the march, along with strike leader Nelson, are Rev. James Navarro, a Houston Baptist pastor; Father Antonio Gonzalez, a priest in the Galveston-Houston diocese; and Father Robert Pena, a priest in the Valley. The new Catholic bishop for the Valley, the Most Rev. Humberto Medeiros, publicly endorsed $1.25 an hour as a decent wage, while maintaining that the church can only mediate the strike itself. In Brownsville to install Bishop Medeiros, the Most Rev. Robert Lucey, Archbishop of San Antonio, said Valley farm workers are paid "starvation wages" and went on: "Today, Christ would say, 'I was a *campesino* near Rio Grande City working ten hours a day for brutal wages. You brought me no food. Other friends brought food and you called them agitators. If you ignore the poor, you ignore me. And if you don't love the lowly, you don't love me'."

Labor's backing became overt when Franklin Garcia, chief of the 1,000-member

meatcutters' local in Brownsville and an international representative of his union, led his local, in a meeting attended by 50 members, into a financial and moral commitment to help the strikers. He is seeking leave to help the farm workers' drive.

Last weekend, the Texas AFL-CIO executive board—acting on a recommendation by its committee on Latin-American affairs, which Garcia heads—endorsed the strike and pledged "cash contributions, food, clothes, and medical care" for the marchers, and a coordinator, as well. "When we say cash contributions," state labor president Hank Brown said, "we're talking about $25,000. We hope to raise it from the national AFL-CIO, international unions, and area councils on a quota system."

The executive board called for a boycott against products of La Casita Farms and other farms struck in Starr County, urged union workers to join the march as it passes through their home towns and to come to Austin on Labor Day for the big rally, and called for the following legislation to help farm workers:

Include farm workers in the minimum wage law, the National Labor Relations Act, the Social Security Act, the workmen's compensation program, and state unemployment and workmen's compensation programs; extend child labor laws to the summertime; require a minimum wage for all Texas workers; create a farm employment service to help get fuller employment for farm workers; create a national advisory council on migrant labor; terminate all foreign farm worker importations.

The average hired farm worker makes an average of $953 from field work and at most can find work only 156 days a year, the board said. "Hired farm workers have the least security and the worst working conditions of any major group of U.S. working people," it said.

The march is reminiscent of the Delano-to-Sacramento march which brought the California grape pickers national publicity, attention, and support. □

Political Intelligence

Carr Endorses The Step-up

✔ The principal difference left between Atty. Gen. Waggoner Carr and Sen. John Tower in their policies as to the Vietnam war appears to be Tower's advocacy of stepping up the war before the President does it compared with Carr's support of what the President does after he does it.

"I heartily endorse the President's handling of the war and the order to step up the bombing in North Vietnam," Carr was quoted from Washington, before a Texas congressional luncheon, July 14. "I think the extended criticism of the administration's policy which gets in the press these days is an East Coast phenomenon. People don't feel that way in Texas," Carr was quoted.

In recent statements on the war, Tower said: "We are faced with an aggressor who is bent on our destruction, who doesn't understand words of peace. We must use military force to bring him to his knees. . . .

"It is incumbent upon all Americans to support the President's basic policy decisions" on Vietnam.

"We are now winning the war in Vietnam. . . . I think the American people will support it as long as there appears to be a determination to win. A drawn-out war of attrition, however, would not be tolerated."

In his recent speech on cooperation with China rather than hostility, the President several times warned that the war might last a long time.

✔ In a speech prepared for delivery this week to the Harris County Democrats, Carr heaped contempt on "Repubniks," ostensible Democrats who team up with conservative Republicans to defeat Democrats. In his text Carr said:

"On many occasions the extremes of right and left have banded together in alliances of convenience and expediency. Working together in the full vigor of their duplicity, they seek to drive the forces of reasonableness and moderation from the political scene . . . and substitute their own frustrated brand of extremism."

A Repubnik, Carr said, is "an angry frustrated person to whom the Democratic Party means nothing more than a label to be worn when it serves his selfish person . . . and no longer."

Carr said he wants the voter of "every true Texas Democrat and every true independent" and called on Texas Democrats "to unite against these would-be destroyers of our Democratic Party, and put this tiny band of occasional Democrats and extremists on notice that we will not allow the Democratic Party to be destroyed . . . that we are staying in the Democratic Party.

"Let them play their little games of political subversion and anarchy . . . let them form their alliances with the extreme right. But let's have done with them . . . and go about the work at hand."

Tower Recovers Fumble

✔ By sharply revising the way his policy on the unionization of farm workers sounds, Sen. Tower recouped lost ground with union labor last week.

The Texas AFL-CIO executive board, meeting at the Bar K Ranch outside Austin, learned of Tower's letter to Hank Brown with Tower's permission. The letter was then released to the public. It was a "Dear Hank" letter.

"I do not favor the unionization of farm workers," the AP had quoted him. The Starr County farm workers' strike is "inflationary in character," the worker "is putting the farmer out of business," and "I would rather have 85 cents than nothing," AP quoted him.

Far from this was Tower's letter to Brown. "The statements printed were taken out of context and do not represent my true view on the situation," he wrote. "As you know, I have never been a 'labor baiter,' and I do not propose to become one . . .

"I continue to believe as I have said hundreds of times all across our state that Texans should retain their individual rights to decide whether or not to join a union. That applies to farm unions and all other unions." He opposed compulsory arbitration of labor-management disputes, he added.

"There is no question," he said, "but that the farm workers wages are lower than we would like. Likewise, return to farmers for their produce is less than it should be. The return to farmers and ranchers should be increased, and farm workers wages should be increased wherever and as soon as possible . . .

"I have never opposed unions and I never will. The only stipulation I make is that compulsory union membership not be forced on any worker . . .

"I believe our nation must continue to have strong, active unions. I have said before that if I were a worker in an industry where a union was active, I would join that union because I think that it would be in my best interests. I want every Texan to have that right of free decision."

"Coming from the junior senator from Texas, it was a hell of a good letter," Brown said.

It was all that was needed to beat back incipient efforts to reconvene Texas labor's COPE and endorse Carr. The state executive board of COPE said another convention didn't appear necessary "at this time . . . to make a choice 'twixt tweedledum and tweedledee." Neither man showed he understood the needs of working people; both are for retaining 14-B and against or "strangely mute" on needed reforms, COPE's executives said.

✔ Texas labor removed any doubt that it is willing to go for a Republican. For the first time anyone could remember, Texas COPE's board endorsed a Republican for statewide office — Albert Fay, his party's national committeeman, who is running against incumbent Jerry Sadler. Fay is "by far the best qualified candidate," COPE said. "It's great," said Fay.

✔ Tower continues to contend the war on poverty has not reached the poor. He spoke up in Washington for a commission to provide information on lewd materials; for a constitutional amendment permitting "voluntary prayer" in schools; against the phasing out of military reserve units; against the fair housing bill as it affects the sale and rental of property; against a

NINETEEN YEARS A SPRING

The President has proposed a campaign financing reform bill to let political contributions up to $100 be taken as income tax deductions and to require stricter reporting, and Cong. Jim Wright, Fort Worth, has introduced a measure to let such gifts up to $25 be taken as a net deduction from taxes and to require stricter reporting. Last week Wright spoke to the House administration committee for his proposal.

He said that in 1961 when he ran for the U.S. Senate, some $270,000 was spent on his behalf and he ended up owing $68,000. "It took me two and a half years to retire the notes," he said. In 1962, former House Speaker James Turman ran a close second for lieutenant governor, and of this Wright said:

"For four years he has been paying from his personal income a regular monthly amount in principal and interest to retire the indebtedness he incurred in that one campaign, and he calculates it will take him 15 more years of monthly payments to get even. Nineteen years to pay for one near-miss at the polls.

"And where does this leave the sincere young American of the coming generation who earnestly desires to make a contribution of his time and talent to the political life of his country? Unless he has inherited spectacular wealth, it leaves him at the mercy of those who can make large political contributions, and who'll expect him in one way or another to serve their particular interests." □

Photo by Russell Lee

Former Speaker James Turman

A Heavy Personal Price for Democracy

ruling denying teachers' income tax deductions for the costs of continuing their schooling. Tower sided with Mineola schools against a federal holding that they had not responded adequately to a federal requirement for federal aid that they integrate their faculty.

Tower's new policy of releasing, the day it breaks, news of federal grants, crop loans on an emergency basis, feasibility studies, and the like tends to identify him locally with these federal benefits, whether he has been for them or not.

Tower voted against a special summer lunch program for school-age children that Yarborough supported, but which lost, 37-42; Tower announced his vote, however, for the extension of the expanded school lunch program (which passed the Senate 76-0). He voted with Yarborough to raise federal employees' pay substantially.

A Tower release dated July 17 stressed his approval of a 3% pay raise for servicemen and a 2% raise for federal civil service and postal employees; bills to extend federal-state anti-pollution programs for air and water; a bill he is co-sponsoring to allow industries and municipal agencies federal tax credit on the funds they devote to anti-pollution programs and anti-pollution facilities; and bills passed authorizing feasibility studies for six soil and water reclamation projects (Columbus Bend, Palmetto Bend, Cibolo Project, Nueces River Project, Cuero Project, and Texas Basin Project).

Reporting his vote for the school lunch program, Tower said, "The benefits to needy children are obvious. The . . . programs develop an annual total business of about $1.5 billion for farmers, ranchers, and local merchants—and federal contributions account for only 20% of this amount."

Spears, Woods, Barnes

✔ Texas labor also voted in Austin to file suit to have the November constitutional amendment to abolish the poll tax and set up annual voter registration struck from the ballot on grounds that the poll tax is already null and void.

✔ Speaking at a closed meeting, Sen. Franklin Spears, San Antonio, made it abundantly clear he is running again for something in 1968.

✔ Stanley Woods addressed the board and emerged beaming.

"I haven't stopped running," Woods told the Observer. "I'm just running on issues. I'm available for speaking engagements. When the legislature meets I'm going to appear at those hearings, raising cain, publicizing the issues, so when 1968 comes around we can shoot out of Chute Eleven. I'm gonna keep the heat on and give these liberals a banner they can carry."

Talking, thusly, like a candidate, Woods in effect became a potential contender with Spears for the role of interim liberal spokesman.

✔ Speaker Ben Barnes has had a private poll taken on his prospects for governor in 1968. Jon Ford reports in the San Antonio Express that it showed Barnes to be known by 45%, compared with Lt. Gov. Preston Smith's 65%, Spears' 67%, and Sen. Ralph Yarborough's 95%. On a favorable-to-unfavorable response scale, Barnes scored 21-3, Smith 32-9, Spears 40-6, and Yarborough 51-30. In trial runs, Smith beat Barnes, 43-15; Spears beat Barnes, 37-18; Yarborough beat Barnes, 53-30. Recalling Gov. Connally's start from nowhere in the polls, and counting himself on Connally's backing, Barnes is not discouraged by these figures.

✔ An analysis from two-party system partisans shows that as between 1964 and 1966 in the 26 largest Texas counties, the total vote in the Republican primary declined 71,142 votes, while Spears' margin of loss to Crawford Martin and Galloway Calhoun in this year's first primary was 77,547. Martin's statewide margin over Spears was 95,026, compared with the Republicans' primary drop from 1964 to 1966 statewide of 92,037 votes. The advocates of a two-party system draw the moral that if the GOP had held a large enough primary, Spears would have been nominated.

✔ The touted prosecutions of voter registration violations are fading away, now that the primaries are over. Dist. Judge Archie S. Brown in San Antonio, blaming deficiencies in the law and his district attorney's lack of enthusiasm, is considering granting immunity from prosecution to those who allegedly voted illegally under the free-vote law.

RWY on Farm Wages

✔ Sen. Yarborough has cast votes against expanding House-approved minimum wage benefits for farm workers. In the Senate labor subcommittee, Sens. R. Kennedy, Pell, and Williams voted for an amendment to increase farm workers pay to $1.60 an hour by 1971; Yarborough and Morse, Randolph, Javits, and Griffin voted it down. R. Kennedy, Pell, Williams, and Javits supported an amendment to remove the House's exemption for minimum wage protection of 65,000 farm workers employed as piece-rate hand-harvest workers, employed in agriculture for less than 13 weeks the preceding year, and commuting daily from their permanent residences to the farms where they work. Yarborough, Morse, Randolph, Griffin, and Fannin opposed the removal of this exemption, so it was kept in by the 5-4 vote. The issue will be joined again in open Senate debate.

The minimum wage bill as reported from the labor subcommittee, of which Yarborough is chairman, would extend minimum wage cover to about 370,000 farm workers —$1 an hour beginning Feb. 1, 1967, $1.15 on Feb. 1, 1968, and $1.30 on Feb. 1, 1969 (rates lower than those for other workers covered by the bill). An amendment by Javits would prohibit all farm labor under 12 years of age and restrict it between 12 and 14.

The Observer understands that Yarborough's role in the subcommittee hearings was to defend the bill as it was passed by the House and oppose its liberalization along the lines sought by Robert Kennedy and others. It is contended that the temper of the Senate is closely divided on the inclusion of farm workers in the legislation.

✔ Sen. Wm. Fulbright, D.-Ark., had a resolution in the Senate to allow the foreign relations committee of which he

is chairman to share with the armed services committee the responsibility for overseeing the Central Intelligence Agency. Sen. Richard Russell, D.-Ga., chairman of the latter committee, wanted this referred to his committee, and Russell's point of order was sustained, 61-28. Yarborough voted with Fulbright on this point; Tower voted with Russell.

✔ Yarborough was jubilant when his proposal to set up guidelines to protect parkland from new highways was approved by a Senate subcommittee.

✔ The House delegation from Texas sided, 13-9, with the House majority as it voted down a foreign aid amendment to limit the program to a one-year authorization and to cut development loans by a fourth. On final passage of the foreign aid bill, the Texans split 11-11: No, Burleson, Cabell, Casey, De la Garza, Dowdy, Fisher, Poage, Pool, Roberts, Rogers, and White; yes, the others except Wright, who did not vote.

✔ Project Mohole, to drill a hole through the earth's crust near Hawaii, for which Brown & Root, Houston, has the contract, and on which more than $100 million in all is to be, or was to have been, spent, apparently will not, according to the current Scientific American, be consummated.

✔ The President's $1,000 club has taken in more than a million this year. In reports to Congress, Texas contributors listed include—for a sampler—W. H. Bauer of Port Lavaca, $5,000; Mr. and Mrs. James V. Mathis of Edinburg, $3,500 each; Lloyd Bentsen, Sr., Mission, $3,000; Lloyd Bentsen, Jr., Houston, $4,000; Mr. and Mrs. W. W. Heath, Austin, $5,000 each; from Houston, Mr. and Mrs. Wesley West $5,000 each, Ralph McCullough $5,000, Mr. and Mrs. Roy Hofheinz $5,000 each, John Mecom $4,000, Mr. and Mrs. R. E. Smith $5,000 each.

✔ Interior Secretary Stewart Udall named 22 Texas oilmen to the 104-member National Petroleum Council to advise interior officials an oil questions. Jake L. Hamon, Dallas, is co-chairman of the council with Udall.

✔ AP reports from New Orleans indicate, with respect to a lawsuit about the sale of the late Sid Richardson's Louisiana estate for $20 million, that the estate's three executors, John Connally, Perry R. Bass, and Howell E. Smith, have been discharged as executors. The reports gave no details.

Braun on Pollution

✔ Houston Rep.-nominee Rex Braun indicates he may try to take up where Cong.-elect Bob Eckhardt left off on air pollution. Braun said he will propose laws to let corporations be prosecuted under criminal statutes for air pollution and to give such local health officials as Walter Quebedeaux in Houston "authority to go into plants which are polluting the air and locate the source of the pollution and haul offending corporations into court." The Texas Air Control Board has announced a general rule against air pollution, a hearing on it Aug. 29, and a policy of local enforcement; but only Houston in Texas has a local program now. The Water Pollution Control Board has asked for a much enlarged budget. Meanwhile, Eckhardt, attorney in a case against shell dredgers, has made plans for an inspection tour of the bay area July 30, with Lt. Gov. Smith, Mayor Louie Welch of Houston, and other officials attending.

Watson Hints Causes

✔ In an exclusive interview with the Austin American's Russell Tinsley, outdoors editor, Weldon Watson, until recently executive director of the State Parks and Wildlife Dept., said he resigned; said "if I am forced to talk then there will be hell to pay"; said he had complained once to Chairman Will Odom about Odom's talking directly to Watson's employees, circumventing Watson; said the biggest need now is a program to acquire recreation-use land before it gets too expensive; and gave Tinsley this revealing comment on the board's fund, of undisclosed amount from undisclosed sources in an undisclosed depository, to buy land for a state park across from LBJ Ranch:

"I think the commissioners made a mistake when they set themselves up as the sole trustees of this public fund, monies collected nationwide to finance paying for land for the park. What they should have done was gotten some other people to serve as a foundation to collect the funds, bought the land, then turned it over to the Parks and Wildlife Department. Now, whether they want to admit it or not, this is sort of a semi-state fund, accountable to the people. I'd be curious to see some of the names that are on that contributors' list, and I'm sure, under the circumstances, that this information will by necessity be released in the future. All the decisions, except for the one setting up the fund, were made in private administrative sessions, and this is the kind of thing politicians thrive upon, something that can be used in a political campaign. Since more land was authorized from the original announcement, there must be money or prospect of money in the fund to cover it. A lot of people would like to know just how much money is in that fund."

✔ Where, the 1967 legislature must decide, to get at least $100 million new money a year? The legislative committee on state and local tax policy, appointed by Speaker Barnes and Lt. Gov. Smith, with the privately-financed Texas Research League doing its research, indicates that "within the existing tax structure" the only feasible place is from a 1% hike in the sales tax or the abolition of such exemptions as food and drugs from it. Deep in the committee's report is the fact that a personal income tax graduated like Louisiana's would raise $75 million and one like Oklahoma's would raise $102 million. The report also shows that a corporation income tax at the rate that is average for the 37 states that levy one would yield $50 million if it replaced the present franchise tax and $106 mllion if it did not.

✔ Land Cmsr. Jerry Sadler made a cryptic reference to his determination to push for the development of the Texas coast, not only for oil drilling, but also for industrial and recreational development, during his budget presentation in Austin. He referred briefly to "a $94 million industrial development application [that] is before us on the Gulf Coast." He said it's down Padre Island way.

✔ The hearing on the Carubbi case on whether Republican first primary voters can vote Democratic a month later is set for Aug. 8 in Amarillo. . . . Cty. Cmsr. Albert Pena and John Rogers, an advisor, published a political paper named *El Relampago*, criticizing various local officials. . . . Houston school board trustee Asberry Butler's defense against the charge that he caused a legal client to lie is emerging as a counter-accusation that a group of the liberal Negro's political enemies financed the expensive private investigation that preceded his indictment. . . . All the town's health and political officials seemed to be for it, but San Antonio voters said no to fluoridation 2-1 anyway, with right-winger Dr. James Lassiter of Austin, visiting in S.A. for the crisis, playing a leading role in the fight against it. □

Home Country

Elroy Bode

It starts at Ozona, with flowers along the roadside and the desert turning to tree-covered hills. Home territory, that Steven Vincent Benet-place: "bone of my bone". . . .

I came back to it one summer from the west—in June, after a month of soaking rains. Through Pecos, Fort Stockton, all the Texas desert towns, I had been content with sunlight and great quantities of space: I was still pleased by the western absence of things. But at Ozona the mesquites began—miles of them, fresh and green and shiny as silk, with the white-ivory blooms of Spanish daggers scattered through them like cannon bursts—and it was there, at the sight of greenery and hills, that I knew I was home.

For home country does not mean relatives, or city streets, or friends of the past. That is something else again: a world made by people, complex and painful. Home country is *country*—a place of rocks and trees and goats and sheep; of mourning doves and cypress-lined rivers; of hayfields; of pastures.

(Pastures: To go into them as a boy—into the grass, the scattered flint and limestone rocks, the shadows, the leaves and dirt on the sides of ravines, the bare clearings, the green thickets—was to enter a beautiful clarity, a great sense of what was pure and real. I would walk through tall needle grass—stumbling now and then over half-buried rocks—and when I rested in the shade of a live oak tree it always seemed that each limb was hugely intimate, like a thought, and the tree itself like a family. I came to love trees—and summer glare, and fencelines, and cedar posts—the same way you come to love people.)

Home country, hill country, the whole stretch of familiar land: I drove past shin-oaks standing in the heat like demure tree maidens, heads together, their feet lost in a pool of mid-afternoon shadow; and a rancher in a beat-up hat and faded blue denims, reaching down from his horse to loosen a goat from a wire fence; and highway work-man resting in roadside shade. Closer and closer, a sweet sinking into familiar things—and pondering them in the leisure of the passing miles. . . .

A windmill, say: There it was, mounted on its commanding knoll. How many years had it turned like an all-seeing eye above that same clump of ranchhouse trees—a constant symbol of possessions and home to the ranchman riding horseback across his land?

Or rocks. Lying there, white as tombs, they represented all that was timeless and impersonal—geologic upheavals, erosion by wind and water—yet they did so in an entirely pleasant way. A rock in a pasture was not like a galaxy suspended in eternal night; it was a *human*-sized thing fit for both the hand and the mind. A rock, in summertime, was one of the beatitudes of earth—enduring as the trees, pleasing as grass.

+

Toward Sonora the mesquites gave way to live oaks and cedars—the tops of distant oaks looking smoky-blue in the four o'clock heat—and the land was alive with the sound of birds. Occasionally a deer arched over a fence and an armadillo moved through masses of shadows and leaves. A white butterfly jitterbugged its way among wild flowers and across the green roadside.

Passing still another wooden pasture gate, another windmill, another rancher on horseback, I remembered a similar-looking pasture on my grandparents' ranch, and a similar afternoon. It had been in early summer, with a breeze drifting in from the south, and Grandpa and I were out hunting the last of the goats to be driven home and sheared. I had gone on ahead down a long draw, and Grandpa had circled around by the fence. And I remembered coming out of the live oaks and deep shade and seeing Grandpa riding along the top of the ridge with the goats. They were a subdued little bunch for goats, following fairly well the trail to the pens. Grandpa was jogging easily behind—not exactly smiling, but it amounted to that: his hat was pushed back and there was a pleased set to his face. His free hand rested on his hip and a curl of sweated grey hair was plastered above his eye.

And although Grandpa was then in his sixties and had never before, to my knowledge, tried to whistle or sing a tune, he hummed all the way across that live oak ridge. With the goats wagging agreeably along the trail and the shadows coming long and deep out of the trees and the sun lighting the tops of the yellow needle grass, Grandpa sat on his own horse driving his own livestock toward his own home lots—and was a very contented man.

+

Near Junction the highway cascaded through great stretches of blasted rock—naked white gashes of exposed limestone—and entered the Llano River valley. The Llano, first of the home country streams going east, first to create its meandering Babylon of towering pecan trees and deep-green fields. . . .

I thought: Now I know why I am not a revolutionary—have never had the desire to kick over old, established things. It's because the hill country does not teach you the need for change. The land is always so satisfying that you want it to remain the same forever as a kind of handy immortality.

I watched a pickup speed around me and then turn down a narrow farm-to-market road. It sailed past sumacs and fenceline and Indian paint brush and was almost like a fish sporting along in a sun-lit bay: trim, assured, wholly beautiful in its own calm surroundings, it obviously *belonged*.

Sure, I thought, that's the way it is: you stay next to the land long enough and you can't help but develop a natural kinship with it: you blend together. It's like the piles of brush out in the pastures: you look at them rotting there—simply, with a kind of bare, stoic dignity—and you begin to feel that somehow even they add to you, complement you, are an actual part of your life and meaning.

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As I passed a house a blonde, bushy-browned rancher's son was getting letters out of the roadside mailbox. He was still dusty from working with stock and I could almost see him as he had looked stomping around in a crowded pen: yelling and waving his hat at the bawling, milling cows, the dust thick and swirling and clinging to his eyebrows until they finally shone in the sunlight like the hairy legs of bees clustered with pollen.

. . . The lazy, hazy poetic sense of fading heat as the road curved leisurely through the hills. Small neat houses, butane cylinders, water tanks: they were stuck here and there in the green countryside like currants in a rich pudding. And everywhere the pleasant unobtrusive handiwork of people—gateposts, barns, small by-passed bridges from simpler times.

At Ingram I decided to leave the highway and cut across to my grandparents' empty ranchhouse before going on into town. It was getting dark, and the Black Angus cattle feeding on a distant hill looked like hatchet blades driven solidly into the ground. The road dipped first into low-water crossings, full of the smell of walnuts and sycamores, and then climbed back again to the wide ranchland plateau.

I was just starting to open the gate to the west pasture of the ranch when I stopped and listened: a neighbor's horse across the road was moving slowly through a sudan patch, the bell at its neck jingling casually. It was just an ordinary hardware store bell, and the horse was a bony-ribbed old mare, but for a moment, with the land quietening, it was like the Angelus as I had always imagined it would sound in the countryside of France or Spain: patient and solitary, a reminder for those within hearing that day was about through, that people should lay down their work and start gathering close to home.

+

The porch of the ranchhouse faces south toward Kerrville and a line of faint blue hills. As I sat there in the early darkness, listening to katydids pulse back and forth in the surrounding trees, I tried to think a little about Grandpa and couldn't. I knew the *alive* George Duderstadt—the shape of his head underneath a hat, his gait in the worn, run-over boots as he half-walked, half stumbled across the back lots. But this new one, the one

over in the Harper grave, the one barely three years old: I found we had nothing to say.

And Grandma, sitting in town in her lifeless little room, a small grey-haired refugee from the country adapting, at eighty, to new town ways: she had surrendered the ranch too.

They were both gone now—the human trustees had finally loosened their grip—so what would happen to the land? What exactly *was* a piece of land anyway, I wondered—did it ultimately belong to itself? Should earth always return to earth after a while—for a period of silence and private growth? Did anyone ever have the right to claim a hill or a clump of trees as his own?

I thought of these things for a while—sitting where I used to sit so often as a child, where I had listened to the big grey doves as they perched in the live oaks west of the house and soothed the air with their gentle calls: I thought about them and then got into the car again and began driving toward home.

It was clear that people had caught up with me—had gradually begun to nudge the country aside. For five hundred miles I had been loose on the land and now it seemed only fair that I yield to the demands of my own kind: to family, duties, memories. After all, I was due at a house, not one of the pastures. So as I topped the last big hill I opened all the windows and barreled on down—the cool sweet cedar air in my face, the familiar lights of Kerrville shining below. □

Sorry, Wrong World

Wynette Barton

San Marcos

Three of them, there were. Three on a pass from a Job Corps Training Center.

One tall and pimply-faced with eyes the color of a hotel swimming pool and a shock of yellow-white hair. He tilted his height slightly forward as his shoulders and his lower teeth sat awkwardly forward, jutting out his chin and lower lip.

Another they called John. He was dark and handsome, with black hair and black eyes and a quick shy smile. His right arm ended in a stump which he carried most often hidden in his back trousers pocket.

'The Preacher' was a slip of a man-child, perhaps nineteen, with a speech defect and a crippled arm. His face was serious, his eyes dully vacant, his khaki trousers belted around the middle of his two dimensional body.

"Do you have anything about Baptists?" he asked, hesitating a moment, then motioning toward a sign reading, Religion and Philosophy. "I looked over there but I didn't see nothin' what I was looking for."

I went to help him and he seemed relieved and grateful.

"I'm looking for a book that tells you how much you have to go to college to be a preacher."

"Are you a Baptist?" I asked.

"Yes'm. Missionary Baptist."

I told him I didn't think it was necessary to go to college, although the denomination probably encouraged a college education and seminary training.

"I know about the sem-sem'nary," he said. "I'm going to see this man here Sunday." He fumbled in his pocket for a rumpled piece of paper on which a name and telephone number were written in pencil.

"He's a preacher. Maybe I'll wait and he can tell me. An' I wanted a Bible, too. One a them that tells you just what it all means—verse by verse. You have one of those?"

I said I thought there were many different ideas about just what it all meant. By this time the other two boys were standing around, listening.

"The King James Version, I mean. That's what we use."

There were still many, many different ideas, I tried to explain.

"What the Baptists believe, that's what I want. The Missionary Baptists."

I went back to the desk and fumbled through a catalogue, not knowing exactly what to do—what to look for.

"I want a funny book," John spoke up. "One that will make me laugh right out loud. Boy I like them."

"Those aren't any good, John. You should read something like this." The tall one began slipping books in and out of the shelves, reading titles and cover notes in a knowing way. *Red Badge of Courage, House of Seven Gables, Beowolf, Five Plays of Shakespeare.*

"Now Shakespeare, he's pretty good. I never did like this though. I read one page and quit. Never was any good in English. Straight F's. I never read—at least I never read what they wanted me to. I read all the time, though—other stuff."

"Oh?"

"I wouldn't study." He spoke finally, shaking his head, as if he were discussing someone else.

"I finally quit in the eleventh grade. I told my father with all this trouble there's no use spending good money going to school if I'm not going to study."

John: "You hafta pay money to go to school there?"

"I had to buy a notebook and paper and pay somebody cold cash to come by and pick me up. I only lived a mile and a half from school and you have to live two miles before the bus will stop for you."

"Got a bus in Louisiana that'll drive 16 miles to pick you up. Ga—you know they got a law there you gotta go till you're sixteen? My Daddy usta tell em we were sixteen and make us work in the field. Then they'd come get us, make all kind of trouble." John looked down and laughed as he spoke.

"He's a Cajun," spoke the tall one, jerking his thumb toward John. "From Louisiana."

"Yeah," said John with a quick smile. His speech belied his native French.

"How old are you now?" I asked.

"Sixteen," he grinned.

I looked up and grinned back and he lowered his eyes, shuffling his feet, still grinning.

I continued to thumb through the catalog. The tall one read off the titles of books, making surprisingly accurate remarks about their contents and authors, all the while rubbing his scarred face.

John wandered about the store, finally stopping to nudge a combat map with his stub of a hand. "Vietnam," he mused aloud, to no one in particular.

The preacher pulled a tan New Testament from his shirt pocket. "This has saved many a man's life," he said authoritatively, patting the cover. "Not a bullet can go through this."

I found some simple Bible commentaries, all too expensive, I thought, and showed them to the Preacher in a half-hearted way. He seemed pleased and serious. I thought he was trying to be very professional; as dignified as his chosen profession might require.

"What makes you want to be a preacher?" I asked.

"Well you might say I've had some contact with the Lord. Well I *know* I have, I mean."

"I see."

He would have continued, but John whooped from behind. "Man and Superman. Hey!"

"That's—not what you think it is." I couldn't keep from smiling.

The tall one drew himself up to his full height and looked down the aisle to the Cajun.

"That's not a comic book. That's by Shaw. John, you don't know *any*thing."

"Don't know—Boy how you think I got through the seventh grade?" He grinned, walked toward the tall one and rapped him on the shoulder with an open palm.

The Preacher had only been to the fourth grade. He hoped he wouldn't have to go to college—maybe just to the seminary. He would talk to this man Sunday and see. . .

He was in laundry now. They told him it would be best for him to finish his course there for now. Later though, he would be a preacher.

I went to wait on another customer and when I came back they were gone. It was dark outside now and the air was damp with the threat of rain. I saw them disappearing down the street. □

The writer runs a book store, Colloquium Books, in San Marcos.

MEETINGS

THE THURSDAY CLUB of Dallas meets each Thursday noon for lunch (cafeteria style) at the Downtown YMCA, 605 No. Ervay St., Dallas. Good discussion. You're welcome. Informal, no dues.

ITEMS for this feature cost, for the first entry, 7c a word, and for each subsequent entry, 5c a word. We must receive them one week before the date of the issue in which they are to be published.

More Thoughts on a Novel

Austin

"Liberals sleep late," Larry L. King ruled in the course of his new novel, *The One-Eyed Man*. Not sallow pride nor squeamishness that he not fall under his own baleful eye in the mirror on the motel wall roused him from bed before eleven one morning in Austin last week, after his customary nocturnal debaucheries. He, too, is a liberal trying to make a difference, and despite the well-aimed lance driven clean through his ample gullet to his backbone last issue by Dave Hickey, his novel does. As Hickey grimly and firmly speared our valiant contributing editor, even in the splendor of his arrival in Jerusalem, with the highest literary standards, still may I venture to say that *The One-Eyed Man* has more to be said for it than Hickey said. Let there be none of that unctuous, solicitous response, in this journal, that reviewers in our region's estimable dailies too often accord "our writers." Long live, of course, the Texas Institute of Letters, the Texas Quarterly, the Southwest Review, Descant, and even the Texas Poetry Society, since not much being written around here has much chance of living long. Still and so, that is to say, on the other hand, I cared what happened to Larry King's Cullie Blanton, I liked Cullie, I wished him well, he moved me deeply a couple of times, and I felt defeated when he was defeated. Students of the novel can hardly celebrate one that gives you only one character you care about, (and even messes that up because you suspect he's supposed to be a spin-off from Lyndon Johnson and Huey Long and maybe also George Wallace, Orval Faubus, and Ross Barnett,) but common folks can enjoy a novel, as I enjoyed this one, without insisting it's immortal.

King thinks of himself, I believe, as a political flack turned writer, and if so, this is his mistake. He has some power, and he has honest emotion, good values, and a strong stream in his prose. He hung on, in this novel, to what he knew he could do marvelously—the deliberately colorful, the Dopey-Savvy, what Hickey called Redneck Rococo (and what somebody told King was "profanity as an art form")—and he overdid it. I mean, page after page he overdid it, so that too soon you feel that you've run into a gifted inventor and teller of funnies who does not understand that you can't and furthermore you refuse to laugh from dawn till dark, like a teapot tirelessly burbling.

Perhaps again because he wanted to be sure he was on the political ground he knew, he chose for the central episode of his story's climax the admission of James Meredith to the University of Mississippi, so slightly revised that the novelist in this section might have been a reporter on the job at Oxford who had imbibed imprudently and got his facts only a little garbled. A test of whether a novel is working with you is whether you get lost, rapt, in its imagined reality. Basing his plot in events that made national headlines for weeks, King broke his novel's power to seem real. We know the central events of the climax happened and therefore we cannot believe that the rest was of a piece with it; the book is sensed as fiction and public fact stitched together, a blend of novel, journalism, and political sideshow.

The main question for King's future work is whether he has a certain kind of imagination. If he does, he did not try to use it in *The One-Eyed Man*. He may not want to try, whether he has it or not. Perhaps we have arrived at a time when we are all so caught up in the rack and ruin of the world, cascading through to us in the sloganed or slanted or incompetent or just inadequate refractions of TV and newspapers and the news-novels, that we have, most of us, no time for the novel in the older sense, that wonder-work of imagination, people, events, and values you immerse yourself in with relief and belief. But that *is* the novel in the older sense and in the best sense, also. I hope King tests himself out in an attempt at one sometime.

Hickey was wrong, though, in my opinion, faulting King's Cullie Blanton as not mattering, as having no meaning. If a man is the victim of history it does not follow that he has not mattered. Being the victim of history is a rhetorical conception anyway, an idea empty in the world of moments. If Cullie accomplished, in a Southern state, all that King had him accomplish as the one-eyed man, he would be the greatest populist governor since Huey Long. Tot off Cullie's accomplishments:

As county commissioner he had county contracts go to the lowest bidder; as district attorney he "did crack down on a timber combine that tried to bilk a few good gray widows" and "locked up one distinguished skinflint banker" who was a thief; in the legislature, when almost every legislator was "bought and paid for by the Interests" (with a capitalized "I"), Cullie was not; as public utilities commissioner he caused the telephone company "to rebate a whole hunk of money to subscribers," "hit the gas boys on the same ploy, and busted some heads in electric-power prices for conspiring to fix prices." As

governor he sought higher teachers' pay and repeal of the right-to-work law; fought for and lost bills "to soak the timber boys who don't restore the land after they rape it of the yellow pines" and to curb the loan sharks; passed an industrial safety law, workmen's compensation, a minimum-wage law yet (does any Southern state have one?), and "a lobby-control law tough enough to rob cash from [the legislators'] pockets"; built hospitals for the mentally ill, and "always pointed with pride" to low-rent housing projects. Cullie Blanton is not Lyndon Johnson because as far as King tells us Cullie never trimmed his sails as an economic liberal. His record in his public life would be enough to make any governor in the South matter a great deal.

On racial matters, being a white politician elected by whites in a state where Negroes couldn't and didn't vote, Cullie was held in the vise of a social schizophrenia he could not with words, histrionics, or the governor's power cure. In Texas we have many such good men who could not get out of this vise. They come readily to mind, Zeke Zbranek, the author of the lobby control law, Charles Hughes, father of the industrial safety act that isn't law yet, Tony Korioth, who never tired fighting the loan sharks—they were, in the House, liberal yeomen, game for the brawl, but not on race, that was where they came from. On race Governor Cullie's role was not heroic, it was equivocal. This is what made King's closing drama melodrama; he had cast a fox as a lion in a situation in which no white Southern governor could be a lion. Had Cullie decided to forsake politics for this final cause in crisis, we could have had, perhaps, a tragedy, but he did not. Cullie lost in every sense both to the cool, admirable Negro integrating the state university (in a confrontation that is a well-told scene) and to the hot, hating whites whooping it up in the legislature and the streets. But even here Cullie, by his lights, in his situation, had done, duplicitously, what he thought he could, and it was not enough, so he tried, still duplicitously, to do more than he could, and he failed. Even to fail in this way is also to matter. Who can say assuredly that to fail in a good cause is to fail, as long as the cause is good?

So there is enough truth in this novel to make it worthwhile, and there is enough seeking after the right in it to make it, withal, a light in the places that need light.

R.D.

Four Poems

RETREAT

Listen, with bent heads we plowed the night,
stalking the broad furrows of the stars into dawn
and there wasn't anyone to tell us where to go
and there wasn't any way to go back because we were through with all that,
all our earthly belongings strapped to our backs
and the low moon keening its butter song in our ears.
I tell you there was no way but the moon's way
to stalk the broad, bent furrows of the stars into dawn,
hoping day would not burn our hopes to cinders,
the flowers of the dawn put out our eyes.

WOMAN

She stalks the edge of the dark ravine back of the house
her dogs baying behind her,
dull winter Texas sky pressed down, hunching old woman's shoulders earthward.
A wide lope she walks, lined face strained against the wind, wide mouth moving.
The dogs attend—and the wind—her lost words: no others.
Nights she sits in her small shed house watching t-v, sipping coffee,
beans (bought dearly from a pension check) bubbling on the stove.
The dogs nuzzle the back door and whimper, the wind settles down to a long, low moan.
She waits the winter out.
Spring, there'll be a garden and the damp earth to receive her mumbled cadences,
reflex of an eternity's solitude, then summer's harsh inattention, autumn's neglect:
the years brush past with a touch rough as the raw winter wind.
A new dog appears from time to time, never less than five or six;
lines gather like ripples of water against a log on the still face
and she goes on in a dream of isolation, trudging down her days, her dogs behind her,
wind tugging at her skirts as though to remind her of something—What?
Whatever it was, they've both forgotten.

MAN

He didn't know what to do about anything although he understood almost everything.
What good is a guy like that?
Worms lived in his beard and the moss climbed his legs and his bark was peeling
and he sat in the sun nodding, his pimply eyes bright, a little helpless,
and listened and nodded, occasionally
saying something that synthesized or completed what *you'd said*
and that was all.
Sometimes he scratched himself—almost anywhere: he always itched—
and rubbed a lean grizzled shank with a foot and stirred,
asked for a cigarette and smoked it listening.
In spring, there were birds above his head;
in autumn, squirrels; the snow fell whitely on him winters,
and he listened nodding,
the lean bark of him scaling away to nothing,
the bright eyes fading to a sunset,
the lean shanks slowly stiffening to a sigh.

LAMENT

The woods are full of would-be Christs.
Take any large tree anywhere: you'll find
someone nailed (in varying degrees of slipshoddery) to it.
There aren't any craftsmen anymore. Listen,
to wait at dawn while a small bird says his say,
Somewhere behind gold leaves concealed, a secret song,
is God's own way of telling you it's worth it
just being here, even if you have to
slide down (or off) a few black nails to make it.
the trip's free, the view beatific, the price: all you've got.
Everything's higher these days. He might have rated
a giant redwood here—if he'd just lasted—
and stretched himself beyond green mountains skyward
past all billboards, t-v antennaes sunward
singing his nail-pierced lamentation while the cameras rolled.
(o wait! Wait! Wait! I hear you! I hear!)
Shadow. Silence. The gold cup of the moon empties slowly
spilling its liquid sorrow over neon darkness.

ALFRED HUFFSTICKLER

Austin

Fullingim for Tower

Archer Fullingim, editor of the Kountze News, usually supports liberal political candidates, but not always. For instance, this spring he endorsed John Dowdy, the ultraconservative incumbent congressman from Athens, over Sen. Martin Dies, Jr., Dowdy's moderately liberal challenger from Lufkin. Recently Fullingim gave his reasoning in his decision to support Sen. John Tower over Waggoner Carr. Here is what he said:

Should Texas elect Waggoner Carr to the U.S. Senate and turn Useless John Tower back to the John Birchers? I'll have to answer that question in my own way, for I have come a long way politically since the 1950's when I used to beat my breast and boast that I was a brass-collar Democrat; I have changed my opinion on many public issues since then. I can remember when I would say, I vote for the best man and the best man is always a Democrat. I preached vote the ticket straight; don't be a turncoat on the Democratic Party. But I was living in a world where turncoating on the party became the thing to do. I was living in a Texas where people voted for the man, not the party, where party label meant nothing. There would be Republicans, Goldwater and John Birch conservatives running on the Democratic ticket. I saw alleged Democrats vote against John F. Kennedy because he was a Catholic. I saw state officials vote against Adlai Stevenson and go unpunished by Texas Democratic voters. I saw Democrats vote against both Kennedy and Johnson and Ralph Yarborough. I finally caught on. I finally learned that you don't have to vote for a Republican just because he is running as a Democrat.

A Democrat is one thing one place and something else another. A Democrat in Alabama and Mississippi is more conservative than a Republican in Kansas or Maine. You hate to admit that you belong to the same party as Senator Eastland, Miss. So you have to make up your mind what kind of a Democrat you are and will vote for. When you can't vote for a candidate that meets your specifications, then you vote Republican. For it is better to vote for a Republican than to vote for a Republican who claims to be a Democrat. That fact has eliminated party loyalty in Texas—and I am probably the last to admit it.

If we elect Carr senator from Texas we will have another Bill Blakley, an official who will say that he's a Democrat but will vote like a Republican, we will have another Bill Blakley, a senator who will try to gut Senator Yarborough and who will try to change the image of the Democratic Party into the image of Goldwater. There won't be enough difference between the way Useless John Tower votes and the way Carr will vote to argue about. So why not keep Tower? He's harmless where he is. Carr is only running on the Democratic ticket. Everything he has said on national issues and on state issues proves that he's a Republican, not a Democrat. Tower is a better Republican, though, because he admits it and he has the courage to say he's a Republican and Carr doesn't.

Tower is the perfect non-senator, but Carr would be a hindrance; Tower has no power as a Republican, but Carr would immediately try to usurp the power of Senator Yarborough. Tower is a Republican who votes like a Republican; Carr poses as a Democrat but he talks like a Republican and would vote like one. Carr in the past has opposed every major plank in the national Democratic Party; remember how he tried to move heaven and earth to keep the poll tax and later to keep people from registering?

Let us hope that by the time November rolls around the two million people who did not vote in the primaries will make up their minds to reject Waggoner Carr as United States senator, and will finally realize once and for all that there is no such thing as party loyalty in Texas, that that went out the window when Shivers and Daniel went for Ike and when Connally, Carr, and the rest of his team voted against Yarborough in the 1964 general election. A vote for Tower is really a vote to save the Democratic Party in Texas.

ARCHER FULLINGIM

Look Here, Judge

This editorial, excerpted from the Canadian Record in Canadian, Texas, is entitled, "Can an illegal voter cast a legal ballot? Judge says yes":

Judge Lewis Goodrich's announced decision in the Pampa election case that votes cast in the Democratic run-off election by registered Republicans must be counted, even though the act of voting itself is illegal, simply doesn't make sense to the lay mind . . . and we hope it isn't going to make sense either to the judges of the court of appeals.

It is true that there is no specific provision in the new Texas election code prohibiting this kind of voting. But it is also true that there is a very specific provision in the Texas criminal statutes providing a stiff penalty for any voter who votes in the primary elections of more than one political party during the same election year.

Since it is a violation of law, as the court recognized, for Republicans who voted in the Republican primary in May to vote also in the Democratic run-off in June, it seems to follow logically that the ballots cast as a direct violation of that law violation must also be illegal. But Judge Goodrich says they are not.

This is tantamount to ruling that, while it is illegal to rob a bank, it is perfectly proper for the robber to keep the money he obtained thereby . . . if he can get away with it. We suspect that the courts, as well as the banks, would take a very dim view of that sort of ruling. □

Dialogue

Tower 'Can't Hurt Us'

Mr. Tollett misses the point in his letter [Obs. July 8] protesting the support which many liberals are giving Senator Tower over Waggoner Carr. We (and this is the consensus of just a few of us up here in the Panhandle) have no personal grudge and no axe to grind insofar as the President, Governor Connally, or the rest are concerned. We simply feel that Carr will vote

Republican, if elected, and will take up a Democratic seat on the various committees in the Senate. Tower would certainly also vote Republican, but his place on a committee would not be charged to the Democratic team and the latter could, as the majority party, be staffed with true Democrats—and in this instance the only loss to Texas would be the honor that follows from providing such a member. We can not fill the bill in this present election, so discretion dictates that we send Tower back—he can't hurt us—and retire Carr before he does any damage. Some other state will send a true Democrat who can fill out the Democratic side of any committee in issue.

J. D. Crow, attorney, P.O. Box 216, Canadian, Tex.

The Editorial Was Propaganda

The flight-of-fancy editorial on the Vietnam situation [Obs. July 8] in a somewhat excitable manner strongly left the impression that we should feel greatly ashamed of a cruel bombing of civilian populations in Hanoi and Haiphong even though such an act has not happened and probably never will. Actually, this material sounded very similar in vein to much of the propaganda one frequently encounters in the detestable far-right and capital "P" patriot publications.

However, every disagreement has at least two sides so, in fairness, the following could be submitted in support of your effort. Only "slightly" nudged by the Russian government, several of their athletes recently made these "voluntary and impromptu" statements:

Igor Ter-Ovanesyan—"We cannot visit a country whose rulers are violating the elementary rules of humanity on our planet."

Tamara Press — "We are not against meetings with American athletes. I profoundly believe that they also denounce the war in Vietnam, but our conscience does not allow us to visit a country which carries death and devastation to millions of defenseless people." . . .

And, again on the other side, you may have noted that Russian poet, Yevgeny Yevtushenko, pleaded with American novelist John Steinbeck to speak out against the Vietnam war. His reply was simple and direct and in full American honesty. "You know well how I detest all war, but for this one I have a particular and personal hatred. I am against this Chinese-inspired war. I don't know a single American who is for it. But, my beloved friend, you asked me to denounce half a war, our half. I appeal to you to join in denouncing the whole war."

In spite of everything seemingly to the contrary there is still much sanity left in this world of ours. Let us diligently, but in the most reasonable manner possible, get a grip on our thinking processes and seek it out.

George M. Sammons, 5431 Denton Drive, Dallas 35, Tex.

Vietnam and Munich

For the record, I count myself a liberal, a progressive, and certainly have been a Democrat of the Stevenson-Kennedy persuasion.

I am old enough to have a very clear recollection of our buying peace by giving up territory to what seemed the reasonable demands of the Germans from 1935 to 1939.

I am a liberal and I am not blind to the fact that liberalism is only effective under some reasonable freedom. At least the South Vietnamese can and do demonstrate rather vociferously on a wide variety of matters when they disagree with the central government. I am unaware of any demonstrations or even murmurs of dissent in the streets of Hanoi or Peking.

I don't think we will bomb Hanoi. I hope we do not have to, but I think we ought to win the war and I believe we ought to be there in South Vietnam.

The fact that many governments, etc., have denounced our policy, is really meaningless. Remember the cheers that went up around the world when Chamberlain offered up Czechoslovakia at Munich? . . .

You insinuate that we cannot win. The same logic argued aaginst our chances at Guadalcanal, Tarawa, and on Omaha Beach.

Somehow the Observer has let itself be lead down a blind alley of "anti-ism." It is so passionate in its dislike of Governor Connally that it has reduced itself to pettiness on many occasions. Being propeace and anti-war would seem to be commendable on every occasion, but can you sell it to Hanoi and get them out of South Vietnam?

I disassociate myself with the Observer policy in regard to Vietnam and I have absolutely no reservations about supporting Waggoner Carr for senator. Some of the Observer's editorialists and correspondents act like people playing Russian roulette when they talk about supporting an arch-conservative like Tower. I accuse them of spite and smallness. They are saying "either play my way or I'll tear down the whole house."

Edwin Gale, P.O. Box 1710, Beaumont, Tex. 77704

The Press Has a Duty

Our nation is facing the most serious crisis in its history and the world is being pushed to the brink of disaster, but the lack of concern on the part of the citizenry as to what we are doing and where it is leading is truly unbelievable. Although discouragement and even despair are hard to resist, I believe that the enlightened press must accept the challenge of a monumental and seemingly impossible task of educating the public. Your editorial on the bombings in North Vietnam was an important contribution toward that end. . . .

Except for Australia with 2,500 troops, New Zealand with 150 troops, and our two puppet governments of South Korea and Formosa, not a *single* nation in the world has demonstrated concrete support for what we are doing there. . . . Article 4 of the SEATO pact states that no member nation shall take military action without first consulting with the other seven countries and obtaining *unanimous* agreement on a course of action. This has never been done. . . . Air Marshal Ky's regime in South Vietnam is one of the most unpopular and oppressive in the world. Is this the form of democracy our troops are dying for? The war is costing us *50* million dollars a day. Imagine what could be done with 50 million dollars a day if we really wanted to stop the spread of communism around the world. . . .

The job of keeping the public informed on this most crucial issue of our times is one which a free press must assume. I congratulate the Observer on being the only voice in Texas responsible enough to take on this very difficult task.

Morton Rieber, 435 Electra, Houston, Tex.

Lost

When I read your editorials, I regret that I am not rich; you make them seem so remarkable. Sen. John Tower does have one defect: he is not rich, and he does believe in the defense of his country . . . If you believe that we are in a favorable position in Korea, then you must think it is possible to protect our area behind a long thin line . . . If Texas lost Sen. Tower and Gov. Connally, who would be the strong man in the South Mid-West?

I would assume that you all have lost the big picture.

David E. Barrett, Jr., 5606 Tremont St., Dallas, Tex.

Hip-Shooting Johnson

I read the article [Obs. June 24] about the actions of the Liberal Democrats. I was more than surprised; but then I had made up my mind that the liberal movement was a "dead duck" and I would have no part in attending the body of the deceased. Hubert Humphrey is the prime example of the sickening acts of some liberals who have sold out to the Establishment, led by that great expert on foreign affairs, Mr. Lyndon Hip-Shooting Johnson . . . He, in my opinion, is the worst President this country ever had, even worse than Truman.—A. D. Covin, Sr., 13609 Courrege, Houston, Tex.