

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

—THOREAU

The Texas Observer

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

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Coalition Takes Form

AUSTIN

Daniel moderates and liberals, forged into an anti-sales tax coalition, have established a clear majority in the Texas House, confirmed this week in a series of test votes on the Governor's bookkeeping bill and in three parliamentary battles. The losers: some 40-odd arch-conservatives. Summed up one observer at week's end, "This Speaker just hasn't got a House. He may have a home at the hotel but he hasn't got one up here."

The reference was to Speaker of the House Waggoner Carr's "secret" meeting with businessmen at an Austin hotel Tuesday to discuss the tax impasse. The next day Carr, increasingly alienated from the majority bloc in the house which elected him Speaker, made an effort to regain the helm in a speech promising to assume "personal leadership" on the tax needs, which he pegged at \$300 million for the biennium. The members responded by adjourning the House, a serious parliamentary defeat to Burkett-group conservatives who have been trying to recess the House from day to day rather than adjourn so that Daniel's tax program could be kept bottled up in the sales tax-minded revenue and tax committee.

After the parliamentary success Wednesday, the moderate-liberal coalition brought the Governor's bookkeeping bill to a floor vote Thursday. The bill had undergone a conservative rewriting in the tax committee, and sponsor Frates Seeligson tried to win House passage of the revised version. Through a Daniel-backed amendment by Rep. R. C. Slack, the moderate-liberal group "re-modified" the bill back toward its original form as submitted by the Governor and passed it, even though Seeligson announced he would vote against the bill he had handled because of the amendment. On three separate test votes, the moderate-liberal bloc prevailed by margins of 87-40, 86-43, and, on final passage, 98-39.

Carr is not on record against Daniel's deficit-retiring program, but he has been moving closer to the right-wing in the House and did not escape the effects of the coalition's victories.

Whether the coalition will gain or lose strength on subsequent issues remains to be seen, but the effect of the votes for the first part of Daniel's deficit-retiring program was to give the House coalition considerable confidence and a barely-formed Carr-Burkett liaison a very severe jolt.

The book-keeping bill would make possible the reduction of the state deficit by \$15.5 million, and the Slack amendment, Rep. Louis Anderson said, cuts the deficit another \$18 million. Some conservatives have been using the growing tax needs as a talking point for a sales tax. The Carr figure of \$300 million is one of the larger estimates, though San Antonio conservative Rep.

Marshall Bell told the Observer he believes the state's needs might require as much as \$500 million in new money.

After the second decision in two days, Carr on Thursday made another effort to direct the House toward a "broad-based" tax. Rep. V. L. Ramsey, appointed by Carr to head the revenue and tax committee, announced the selection of a special five-man sub-committee to draft a general tax measure for committee consideration by April 13. Appointed to the tax-writing panel were Reps. Doc Blanchard and Wesley Roberts, both authors of "broad-based" tax bills now up for committee consideration, and Reps. Joe Burkett, Ben Atwell and Red Cowen. The appointment of Carr's opponent in the Speaker's race, Burkett, along with four of the committee's most unbending "broad-based" tax advocates, was generally interpreted as an open alignment between the Speaker and the sales-tax wing of the House. Ironically, almost all of Carr's support in the Speaker's race came from the Daniel-oriented moderates and liberals who last week administered the Burkett group successive defeats.

Ramsey's appointment of the special subcommittee triggered his first public opposition from within his own committee. Rep. Jack Richardson of Uvalde angrily inquired, "Why are we going to sit around here for three more weeks if a subcommittee is going to write this bill?" Abruptly leaving the meeting, Richardson remarked as he passed reporters, "I'm not going to sit around for three weeks on a cut and dried deal."

At week's end, Carr's prestige was generally thought to have

dropped to its lowest point since the session began, and he was said to be repairing his damaged fences.

His running feud with the Governor over tax issues came into its clearest focus this week with the revelation of his meeting with businessmen at the Commodore Perry Hotel in Austin.

'Super-Secret'

The story was broken by the Dallas News, which described the meeting as "supersecret straight-from-the-shoulder talks" between Carr and two dozen "top executives of Texas business and industry." Only comment recorded by any of the participants came from Dallas insurance man S. J. Hay, who said "All I can say is that it was about taxes."

The News listed among the participants Herman Brown of Brown and Root Construction Co., Houston; Ben Belt, retired Houston oil executive and Chamber of Commerce leader; James P. Nash, Austin oilman; and Berl E. Godfrey, described by the paper as a "Fort Worth attorney who is the spokesman for many big business interests."

Carr's speech to the House came the next morning. He began by listing three "all-too-familiar facts," the state will probably need \$300 million in new taxes, revenue needs are going to grow in "our progressive state," and "piecemeal" taxation will not solve the problem.

Of the Governor's program, Carr said "without attempting to evaluate it piece by piece, we can say that in total it is inadequate to the task before us. The need clearly exists for a type of tax linked closely enough with
(Continued on Page 2)

COMPLICATED PLAY

AUSTIN

The much chewed-over unclaimed bank accounts bill was finally delivered up Thursday by the House revenue and tax committee acting under the dual pressure of one of its own members and a rebellious House majority that threatened to direct the committee to report the bill.

The vote was 10 to 8. Earlier, the committee, by a decisive vote, refused to report the bill favorably and postponed further action until Tuesday, then moving on Tuesday to postpone action until Thursday. Before the committee finally acted, Governor Daniel issued a statement that he had "every confidence" the tax committee would send the bill to the House, "by minority report if the majority of the committee still opposes it." Impatient House members threatened to call a floor vote forcing the committee to report the measure if there were further postponements, cleared the way (after considerable floor work) for just this move on Thursday.

Before caving in to this pressure and reporting the bill Wednesday afternoon, the tax committee struck out nine sections of the measure applying to un-

claimed funds held by utilities, pipeline companies, life insurance companies, and district and county clerks. The limiting amendment was sponsored by Rep. Ben Atwell of Dallas.

The bill as amended provides for the state to assume title only to those funds held in banks. Sponsor Marshall Bell of San Antonio, who had earlier indicated he would file a minority report if the committee failed to report his bill favorably, said he was "shocked" by the deletions, which he said "knocked out 60 per cent of the revenue." He later said he thought the deleted sections would be restored by the House.

The eight "stand-fast" committee members who voted against reporting the bill were Reps. Burkett, Cotten, Cowen, Jones of Dallas, Bass, Matthews, Richardson, and Wilson.

The tax committee also heard proposals by Rep. Sam Bass, reducing the tax rate on sulphur; by Rep. Red Cowen, reducing bus transportation taxes; and by Rep. Byron Tunnell, providing that all ad valorem tax penalties for non-payment prior to 1951 will be forgiven if the taxes are paid by Nov. 1, 1959. All were sent automatically to sub-committee.



A Difficulty In Nomenclature

AUSTIN

A close reading of various conservative intelligences on the tax issue indicates that the main difficulty is the problem of hypocrisy in naming a sales tax something else.

The Fort Worth Star-Telegram said that "by strong inference" Daniel offers Texas "a choice between sales taxes...between higher sales taxes on gasoline and a few other things and a sales tax of broad or general application." In another editorial entitled, "Why Not a Tax That's Out in the Open?", the Telegram slammed the Oliver tax, "labeled as an excise or occupation tax," as "a tax hidden from the public but paid by it nevertheless" and also argued against attempts "to sugarcoat taxes or to camouflage them." Star-Telegram editorial page editor W. L. Redus said that "Texas sentiment seems to be turning toward the sales tax," noted that many lawmakers pledged against it in their campaigns, and added: "If a sales tax becomes politically acceptable to them, it may have to appear in disguised or sugar-coated form."

The Dallas News has editorialized that a large majority of the legislators assured their constituents they are opposed to a general sales tax, "But...a good many of them seem to have changed their minds." Declares the News, in an editorial entitled "When Sales Tax is Not Sales Tax": The Governor "finds the idea abroad that the situation can be solved financially and politically by passing a general sales tax under another name. We pretty nearly have that situation at the present...For example, the state collects over \$200 million in taxes on gasoline and sales taxes. Here only two taxable items are involved. So, the name 'special sales tax' is applicable. But they produce more revenue

than any other single tax classification. And together they probably touch more individual pocketbooks. They might be called 'general special sales taxes.'

"At any rate," the News continues, "they show the way for the hard-pressed legislators. Let them pass a special sales tax which simply enumerates the commodities and articles to be taxed. This procedure could be followed even though it might be necessary to include 50 or 100 items to bring in the revenue necessary. But, by specifically entitling it a 'special sales tax,' members of (the) legislature can go home with easy consciences to face their constituents."

Ed Burris, Texas Manufacturers' Assn. executive vice president, wrote in a letter to members March 6, "Many believe the legislature should provide needed revenue through a broad-based tax." He did not elaborate.

"Texas Businessman's Tax Advisory" for March 23 spoke of "the dismay among business over unexpected Daniel attack against the term 'broad-base.' Many in the lobby have never defined that term solely as a sales tax. But the thought was that, eventually, any modernizing of Texas taxing policy would have to be sold by using that terminology." The publication has also called "the naming of the sales tax bill as the 'Texas Aid to Education Act'...demagoguery."

Allen Duckworth, Dallas News political editor, recently recounted a conversation with a lobbyist at breakfast in Austin over whether a sales tax should be called a sales tax. The lobbyist's clinking remark, Duckworth wrote: "Now look, son... Look at it this way. You are a married man. You love your wife. But you don't always tell her absolutely everything you do, right to the last detail, now do you? That's the way it is with politics. Sometimes you just can't afford to spell out things as they really are. You'd get in trouble."

Profits Tax Gets a Hearing Carr Loses Ground As Coalition Forms

AUSTIN

In a bid to make Texas the 35th state to adopt such a revenue raiser, Rep. Dean Johnston of Houston laid his graduated corporate net income tax bill before the House tax committee and heard it defended by a university economist and a labor leader and attacked by two oil industry representatives and two other businessmen.

Sent automatically to sub-committee after the hearing, the measure would raise an estimated \$40 to \$50 million annually, Johnston said. It levies a two per cent tax on corporations with a taxable net income of \$50,000 to \$150,000 annually and three per cent above \$150,000.

He said his was "the only tax bill" that met the objections raised by witnesses appearing against the series of broad-based tax bills previously aired before the committee. Specifically, he said the bill was: (1) non discriminatory in that it was based on ability to pay; (2) would not run anyone out of business because no assessment was levied unless a company had made a profit in excess of the \$50,000 annual exemption; (3) would not discourage industry from coming to Texas because 34 other states, including the highly industrialized states, already have the tax with higher rates than proposed for Texas; (4) would be "the most difficult tax of all" to pass on to the consumer; (5) by taxing corporations owned by stockholders living outside the state, would provide the state "at last" with a

method of receiving tax revenues from those who are exploiting her resources; (6) "every cent paid" would be deductible from the federal income tax.

Opposing the bill, James T. Cox of Schlumberger Well Surveying Corp. of Houston said "this particular bill is not bad, the temptation is to let it go, but it really is a privilege tax and this compounding of privilege taxes gets a little rich after a while." Citing the tax bite the bill puts on stockholders, Cox said that 70 per cent of the stock in the United States is held by women, "widows who have accumulated the savings of a lifetime."

E. M. Caldwell of Magnolia Petroleum Co. in Dallas objected to the bill because it taxed profits before the federal income tax was paid, whereas the four per cent income taxes in Oklahoma and Louisiana and two per cent levy in New Mexico are collected on profits after the federal tax. R. B. Heinger of the A. O. Smith Corp. of Texas said he doubted that it could be passed on to "the ultimate consumer."

George Rafferty, Houston CPA who said he was representing himself, said "they're no ifs, ands and buts about it, taxes are passed on to the consumer." The simplest, fairest way for the legislature to raise money, said Rafferty, was a gross payroll tax. He did not elaborate.

Appearing in behalf of Johnston's bill, Dr. Carey Thompson, University of Texas economics professor, told the committee that net earnings are a "far better measure of taxpaying capacity

than any of the other bases you have had under consideration." He said business receipts are not a clear index of taxpaying ability, a point, he said, "made with considerable vigor, and in my judgment, substantial accuracy by other witnesses. With a tax on corporate profits, there is no penalty against the marginal concern, those just getting by, those who are victimized by temporary misfortunes," he said. "Those who are better able to pay, pay more; those who have little tax-paying ability pay little or not at all."

He said the tax would fall partly on the taxpayer and partly on the federal treasury, would provide "better balance" to a state tax structure "already resting pretty heavily on particular segments and on the consumers," would not likely have unfavorable effects on the overall economy, and "gets my strong vote."

Jerry Holleman, president of the State AFL-CIO, testified the bill offered a "fairer and better" distribution of the tax burden. He said that in "America's expanding economy, ability to consume must expand in relation to the expansion of production or there will be cutbacks, men working for less than a full day's wages, and a general weakening of the economy through decreased purchasing power. Ominous signs are present of just such conditions in America and they are here in earnest in Texas. A sales tax is a tax on consumption and thus imperils an expanding economy." Within the present Texas tax structure, he concluded, a corporate net income tax was "fair and equitable."

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Texas's growth and industrial expansion that our tax income will keep up with the State's legitimate needs. In other words, a 'broad-based' tax. I recognize that various persons are trying to make that a bad word—a synonym for 'general sales tax.' That, I submit, is sheer demagoguery." The Speaker then addressed himself to the central problem. "I am aware also of the fact," he said, "that a majority of the members of this House are committed, as of the last election, against a general sales tax. You will note that the revenue and taxation committee has not even heard the general sales tax bill which was introduced some time ago.

"Yet," the speaker continued, "I have found a strong sentiment among you for spreading this new tax across as much of the Texas economy as possible. You are correct in believing that this is the only equitable solution. Texans do not want a plan which rewards political favorites or pays off political debts. You and I cannot engage in this type of fancy footwork.

"You have told me that you expect your Speaker to make suggestions on this tax problem. You have asked me to assume personal leadership in an effort to arrive at a fair answer before this regular session ends May 12. You have a right to expect this, and I shall not hesitate to assume the responsibility ... I am convinced that we should put the cost upon as broad a segment as possible—not just upon a few segments of our people or economy. We should spread this responsibility—crippling no one—taking into

consideration the economic condition of those taxed—showing no favoritism.

"... I recommend to this committee that it report a bill to the House which includes a broad array of selective taxes—including, but not confined to, selective sales taxes. I would remind you that this type of tax is well established in the tax statutes of Texas. It is not contrary in principle to the tax program recommended by the Governor, inasmuch as more than 50 per cent of his tax recommendations were for increases in existing sales taxes."

After endorsing taxes in areas the Governor proposed—natural gas, liquor, cigarettes, and corporations—Carr suggested modifications to include "most, if not all, those items presently taxed but omitted from his program" and to bring in ... new items and spread the burden so that the rate of tax will be less than that recommended by the Governor."

Recommending a teacher pay raise and admonishing the House not to "let anyone stampede you now," Carr concluded "Whatever your decision may be, let us act on it."

The Governor responded to the Speaker's efforts: "I was not at any secret meeting held by the Speaker and have no knowledge of what was agreed or proposed." As for the speech, Daniel said he was "pleased that the Speaker has indicated he has abandoned a general sales tax or an income tax. He should have done it 30 days ago." He said he agrees with much of what Carr says. L.G.

YARBOROUGH BOOSTS PADRE

AUSTIN

Sen. Ralph Yarborough, addressing a joint session of the legislature, advocated a national park at Padre Island, indirectly slammed the rural bloc's attempt to cut down the cities' legislative voting strength, and advocated again a legislative pay raise this week.

In foreign policy, he warned of another Munich in West Berlin and the defense lag behind Russia. He emphasized the importance of federal-state cooperation, adding lightly, "You fellows generously let us raise the money—then you spend it."

On Padre Island, he said, "When Padre Island becomes a national park, Texas will really

reap a harvest of tourism. It would then become the winter playground for midwesterners, and Texas will have the Yellowstone of the wintertime in its own borders."

He said campaigning last summer he found that six and a half million people in Los Angeles have only one of 40 state senators but eleven of California's 30 U. S. congressmen and so naturally turn to the federal government for their needs. "... this injustice is wrecking states' rights" in California, he said.

He again advocated legislation for mandatory oil import controls and a two-cents-a-barrel oil tariff.

He was accompanied to the po-

dium by Sens. Willis (who introduced him), Kazen, Baker, Herring, and Secrest, and Reps. Green, Hughes of Sherman, Korioth, Clements, Eckhardt, Harrington, Hollowell, and Kennard. Speaker Carr referred to him as "a distinguished American." He received standing ovations at the beginning and end of his speech and was interrupted for applause once, for the reference to no Munich in West Berlin.

Responding to Willis's introduction that he had fought on the battlefields of World War II and also "the fields of Texas for the common people," Yarborough said when he thinks of Sen. Russell (D-Ga.) he is reminded of Sen. Rudolph Weibert of the Texas Senate; Lyndon Johnson reminds him of Ben Ramsey, the Lieutenant Governor; but he doesn't know anybody in the U.S. Senate quite like Willis, a man "of his own brand."

On the pay raise he said he did not stop working for it "just because I knew it was unpopular in some quarters." "Some of the powerful interests in Texas that are trying to tell you how to vote showed little concern for the legislature when they loosed their money-guns against the pay raise," he said.

One reference interested those gifted in speculation. "The littlest bill in any legislative body may discourage the free spirit, greatest asset of the free world," he said. If this was a reference to pending legislation, it would seem to have been intended to apply to the measure requiring affirmations of belief in a Supreme Being of college professors; but Yarborough did not elaborate.

He was writing the speech until 3:30 the morning of the occasion. Sen. Lyndon Johnson speaks to the legislature Monday.

The Week in Texas

- A Harris County grand jury continues investigating complaints of police brutality. A 37-year-old pipefitter said his life was threatened until he confessed to a crime, and then he was slapped and threatened with shooting again when he told officers again he was innocent. About 100 sheriff's deputies were warned by top officers they will be fired for brutality.
- Six Latin-Americans (of 13 arrested) were charged with assault to murder or simple assault after a state liquor officer and a deputy sheriff were knifed in a beer tavern (Fairyland Dance Hall) near Comfort. The officers had just arrested three Latin-Americans.
- A deputy sheriff driving down a country lane in North Fannin County on a tip found out a nudist camp attended over weekends by people from Fort Worth and Dallas. The operator said "We feel the sunshine helps

us build and maintain healthy bodies." Officers said there's no law against it. Some area residents knew about the camp for a year or so but gave it no thought, "figuring it was no concern of ours."

● Atty. Gen. Will Wilson has called a court of inquiry in Houston to investigate possible anti-trust violations by electrical contractors ... Gulf Oil has lowered its posted price on crude oil seven cents a barrel in the coastal region ... Rockdale City Council compromised with Bell Telephone on a rate increase ... Farmers in the Rio Grande Valley say they are resisting federal efforts to bring domestic migratory laborers under the same wage and working condition minimums which now apply to Mexican bracero workers.

● The Travis County grand jury cleared John White of law-breaking in taking gifts from his state employees and advocated a law regulating such gifts.

Oliver Tax Debated

AUSTIN

Sandwiched among its internal disputes over the question of reporting the Governor's deficit-erasing program, the House revenue and tax committee this week completed its last hearing on the "broad-based" tax bills. The measure debated was a four per cent levy on first sale or use of manufactured goods proposed by Rep. W. T. Oliver of Port Neches.

In response to business criticisms of his bill, Oliver said it "will not prevent them from doing anything in regard to passing along costs to consumers that they are not already doing." In his introductory remarks Oliver had said his bill is not a general sales tax "in the sense which I interpret the definition of a general sales tax." He described a sales tax as one in which only the consumer pays and cannot be assessed at any other level. "I'm opposed and will continue to oppose a general sales tax," he said.

His later remarks to the effect that the bill didn't prevent manufacturers from passing on the tax to consumers came after nine spokesmen for Texas companies appeared in opposition. Trent Campbell, San Antonio steel fabricator, said the bill was "unfair to manufacturers" because it exempted other segments of the business community. "It is not a broad enough tax. Manufacturers don't make four per cent so you can't get it out of us. We'll pass it on, if we can," Trent said. Asked by committee member Bill Jones of Dallas what kind of tax he preferred, Campbell said, "a gen-

eral sales tax. If they don't want to pay it, let them keep their money in their pocket."

George C. Darr of Dallas, representing Dresser Industries, said the Oliver bill was "hurriedly drawn up" and could be "extremely dangerous."

In defense Oliver criticized other broad-based tax proposals, including some gross receipts taxes he himself had previously introduced. He said a gross receipts tax on business penalized businesses which made no profit.

"I know the committee is aware that I have introduced other tax measures which were single shot gross receipts measures ... I am now of the opinion this would be one of the most unfair means of raising revenue," Oliver said. He added he didn't believe in the ability to pay approach either, because it "taxed a man for being a success. You follow it thataway, you're saying, let's all be failures."

Oliver also said he thought his tax "would never reach the ultimate consumer level."

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Let's Abolish the Poll Tax!

THE TEXAS OBSERVER

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April 4, 1959

Registration Bill Defended, Version OK'd

AUSTIN

It became clear this week (if there was any doubt before) that Atty. Gen. Will Wilson's decision that party registration is unconstitutional for primaries was a decision for which he will pay a considerable political price when and if he runs for governor.

Creekmore Fath, secretary-treasurer of the Democrats of Texas organization, which holds its annual state meeting in Austin May 23, issued an emphatic brief to counter Wilson's opinion which clobbered the Clements party affirmation as a condition of voting in primaries.

A bill restricting participation in party conventions cleared House committee this week after Rep. Dean Johnston, Houston, further criticized Wilson for the decision and presented Fath's brief. Rep. Tony Koriath, Sherman, moved to accept the committee substitute for conventions, contrary to Rep. Johnston's wishes, and the convention half of the bisected bill was reported to the floor.

Friday the House passed the bill to third reading, 90-40, with hard-core conservatives opposing. Rep. James Cotten said the bill was aimed at preventing Lyndon Johnson from running for president, which sponsor Jamie Clements, saying he's for Johnson for president, called a ridiculous charge. (Details next issue.)

Fath's brief cited these cases, among others:

U. S. Supreme Court, in Ray vs. Blair: tests of party allegiance for candidates in direct primaries "protect... a party from intrusion by those with adverse political principles." Also, in the same case, "In facilitating the effective operation of democratic government, a state might reasonably according to party affiliations."

Westerman vs. Mims, Texas Supreme Court, on the party pledge on the ballot: "The integrity of the primary... is a matter of constitutional concern... A reasonable law... cannot be considered as any abridgement of the right of suffrage."

Fath says in his seven-page brief: "Complying with the terms of H. B. 26 (the Clements bill) is a voluntary act of the individual voter. He is not barred, discriminatorily, from participating in party conventions or primaries, but the voter must assert his membership in the political party of his choice affirmatively or decline to do so... The voluntary assertion of membership can in no sense operate as an additional qualification or abridgment of the voter's right to suffrage."

Wilson ruled that the Texas constitution sets up qualifications for voters, the legislature cannot add to these, and requiring a voter to affirm his party connection before letting him vote in a primary would be such an addition.

Wilson affirmed in an Observer interview last year that he does not believe in two-party politics in Texas and prefers the non-partisan system.

The committee substitute provides that persons may participate in a party convention if they have voted in the party's primary and had their poll taxes so stamped, or if they have not voted in another party's primary and their unstamped poll tax so attests. Wilson's ruling applied only to primaries. "Under this bill," Johnston said, "a voter could still go to a Republican convention in May and then vote in the Democratic primary in July."

Political Understandings

While many conservative sources sought to work out a rationale for a sales tax program whether by that or another name (see story page 1), the San Antonio Express backed Gov. Daniel against a general sales tax and for selective sales and gas taxes... San Antonio Light doubted if Daniel could get even a minority report out of the House revenue and tax committee for his natural gas tax and added that Daniel keeps alive the possibility of a sales tax by refusing to say outright he would veto it... El Paso Herald-Post slammed Daniel for suggesting a one-cent gasoline sales tax hike, arguing that three-fourths of Texas gasoline goes out of state on which Texas gets no income. "Non-Texans get it (gasoline) free; Texans get stuck. Who sticks them? THEIR OIL-OWNED GOVERNMENT," the H-P said in bold face type; "To hell with Texans," seems to be the slogan of the legislators and officials...

The AFL-CIO newspaper commended Daniel for "effectively and strongly" stating the case against the sales tax, reprinting his March 16 statement in full as a guest editorial and also said the tax question is whether Texas people pay the whole bill or non-Texans share it.

Conservative alarm at the turn of affairs now evidently in the hands of a Daniel-liberal House coalition was manifest in "The Texas Businessman" business advisory: "Conservative control over statehouse affairs is being destroyed. Business is being made, incredibly, into a full-scale scapegoat... Labor-liberals can hardly believe it. Their delight is unconcealed."

Marshall Formby, ex-highway commission chairman, told the AP in Plainview he's slimming down to 200 pounds for his 1960 governor's race... Enthusiasm is picking up in liberal circles for Walter Hall for governor... It is the Observer's impression... There's talk in Austin political circles of a "Shivers for the Senate" movement out of East Texas, but it may be an anti-Johnson plant... Feelers indicate Tom Moore, Waco, may be

seriously considering a second race for attorney general. If so it might be Moore vs. Waggoner Carr.

Sen. Henry Gonzalez, San Antonio, now has a regular Sunday morning TV report in San Antonio. Conservative editor Charles Guy, Lubbock Evening Journal, recently wrote a column saying he's a Gonzalez admirer. "I respect gentlemen with guts, regardless of differences on public issues," Guy wrote. Gonzalez continues to get a chilly treatment from his home-town San Antonio Express and News.

The Jacksonville Daily Progress front-paged a review of the Observer's story on Rusk state mental hospital... The Austin American's star reporter, Anita Brewer, this week began a series of articles on Gatesville state training school for boys.

Fort Worth Star-Telegram endorsed Rep. Isaacks's bill to let school boards hire BA's as teachers without education courses as a "simple and sound"

Political Intelligence

bill to break the "professional educationists'... stranglehold on education." The El Paso Herald-Post reprinted this approvingly.

Ernest Joiner, Ralls Banner editor, called for passage of the bill to abolish capital punishment, saying "yet another murder" is no solution. "Progression from the dagger and heart roasted over an open fire to the electrical barbecuing of the entire body is known as Christian civilization," he wrote.

Houston Post again dunned the legislature to pass a public defender measure to defend "the rights of the individual against governmental tyranny" and to protect "the right of every person accused of crime to competent legal counsel and to present the best defense that he can."

A 36-member committee that Lubbock mayor Lennis Baker said "may mark the opening of a nationwide battle against Communist efforts to undermine American character and integrity" has been formed in Lubbock

with businessman Guy C. Victory the chairman... "Texans for America," J. Evetts Haley, chairman, has malled out the "Dan Smoot Report on 'Inflation'." The cover letter shows Mrs. Edward Driscoll, Midland, as the state secretary, and Giles E. Miller, Dallas, vice chairman, with the "state policy board" made up of Boyd Anthony, Comanche; Dudley Dougherty, Beeville; Oliver Fannin, Sr., Fort Worth; R. A. Kilpatrick, Cleburne; Neely G. Landrum, Dallas; Douglas Marshall, son-in-law of the late Hugh Roy Cullen, Houston; Dr. Joe McAlister, Odessa; Dean Abner McCall, Waco; Mrs. Marrs McLean, San Antonio; Olin McWhirter, Greenville; George Schaumburg, Beaumont; D. R. Segal, Brownsville; former House speaker Reuben Senterfitt, San Saba; ex-Lt. Gov. John Lee Smith, Lubbock; W. L. Williams, Texarkana; and Paul Wise, Houston. Texas members of the "For America" national policy committee, apart from the above, are Dr. Ernest Anthony, Fort Worth; Carlton Beal, Midland; Elwood Fouts, founder of "Freedom in Action," Houston; Clifford E. Jones, Lubbock; Dan Smoot, Dallas; and E. E. Townes, Houston.

A push will be made in the House for the Hughes industrial safety bill. "Texas Businessman" has condemned the measure on grounds it will let hundreds of inspectors, usually pro-union, wonder through plants, demanding "that this practice be modified, this equipment replaced, this job changed, etc. The cost is exorbitant." Sponsor Charles Hughes says industrial accidents cause 1,000 deaths and 400,000 injuries in Texas each year.

Democrats of Texas organization convenes in Austin May 23. Horace Busby writes in "Texas Businessman" that DOT "by many reports has fallen onto dismal times." Creekmore Fath, secretary-treasurer, replied when apprised of this he hadn't noticed, had received 150 letters in the preceding four days. Busby said leadership is passing from the "negative" DOT to labor leaders, who he said are "not of the strongarm variety."

Rural Bloc's Plan Faces the Senate

AUSTIN

The Senate, in a most lackadaisical week, passed, on local calendar, a bill to let people convicted of DWI obtain occupational drivers' licenses. Another bill approved by the Senate prohibits selling cars on Sunday. Sen. Charles Herring, opposing, asked: "If this is justified, why don't we prohibit the sale of anything on Sunday?" The Senate also debated Sen. Krueger's bill to cut out the first week of unemployment compensation and raise the weekly payments from \$28 to \$33 a week.

Friday the Senate defeated an effort by Sen. Herring to restore the first week of eligibility, raised the Krueger-proposed weekly maximum from \$33 to \$35, and passed the bill over to the House.

Although there does not seem to be intensive interest in the House-passed limit on big-city representation over on the Senate side, only eight votes have been counted firmly against it, and eleven would be required. Should it approach passage, a filibuster would be possible. The eight are Baker, Houston; Gonzalez, San Antonio; Parkhouse, Dallas; and Willis, Fort Worth—the four big-city men; Phillips, Angleton; Se-

crest, Temple; Reagan, Corpus; and Fuller, Port Arthur.

The House heard a spirited exchange in which Gov. Daniel was accused of inconsistency in advocating ability-to-pay taxes and the higher gasoline sales tax idea. Rep. Dugas, Orange, condemned Daniel's "new one cent tax on the little man." Rep. Strickland, San Antonio, agreed, saying it was time to quit "heaping inequity on inequity" with such taxes. Rep. Green, Fort Worth, said Daniel is inconsistent in pointing to the gasoline tax when he has come out numerous times against a general sales tax. Green suggested the difference between a general and a special sales tax is "political expediency."

The House refused, 73-65, to instruct state affairs to report out the REA bill to protect co-ops in annexed areas. Subsequently the committee sent the bill to subcommittee. Another vote may be called for.

Much significant legislation lies in subcommittees to which it has been consigned with knowing smiles. For example, the loan shark legislation, Rep. Criss Cole's plan for state regulation as well as the bill by Reps. Don Kennard, Tony Koriath, and Franklin Spears to set a 36 per-

cent annual interest limit, still lies prostrate in a five-member subcommittee headed by Rep. James Turman, Gober. It has been there a month.

The Bell "state aid to Lyndon" bill to let Sen. Johnson be renominated for the Senate before the 1960 presidential conventions has now been in subcommittee more than two months. Rep. Ronald Bridges, Corpus Christi, says he plans to seek a compromise to get the bill out. A hearing is set Wednesday.

In an interview, Rep. Louis Anderson, Midland, defended his \$150 million a year tax bill of a three percent corporate income tax, one percent individual income tax, and one percent general sales tax. It would derive about equal amounts of money from each source, he said, adding the bill attempts to track the "only sound method of taxing, ability to pay."

Senate committees killed a strict jail standards act; approved a bus license fee cut; killed the Parkhouse bill to let free games be registered on pinball machines; approved (without permitting to testify waiting witnesses, including Dr. Bailey Carroll) a bill to require teaching Texas history in

Poll Tax Sale Limitation Bill Starts Dispute

AUSTIN

A measure to restrict the sale or collection of poll taxes and thereby reduce the number sold to members of various organizations, including unions, Negroes, and Latin-Americans, and civic and veterans organizations, ran into trouble in the House counties committee Wednesday. The committee sent House Bill 732, by Rep. Raymond Russell of San Antonio, to a subcommittee where it will get magnifying glass inspection.

Russell told the committee the bill was designed to "cure abuses and inequities in voting" and that he was trying to outlaw what he called "hip pocket" sale of poll tax receipts. Russell said "there had been instances where some of these people had gone by a graveyard and taken the names off tombstones."

Rep. Dean Johnston of Houston wanted to know exactly what a hip pocket poll tax deputy is. Johnston was formerly secretary of the Harris County Democratic executive committee, which the liberals control. Many of the Harris County Democrats are volunteer poll tax deputies, as are also members of the League of Women Voters, Houston Junior Chamber of Commerce, unions, and civic clubs, and individuals liberal and conservative.

Russell told Johnston that he was referring to people who were not qualified to sell poll taxes. He said he was trying to get at "the unscrupulous peddler" and didn't want to see any special interest groups sell poll taxes "at the expense of other groups."

Rep. Zeke Zbrank of Daisetta, chairman of the committee, asked Russell "Isn't it that you don't want them to sell them to people who'd vote 'wrong'?"

Rep. Jerome Jones of Galveston asked Russell if his bill wouldn't put a stop to the selling of poll taxes in industrial plants and restrict the activities of such organizations as the League of Women Voters and the Jaycees. Russell said he believed it would stop the sale of poll taxes at industrial plants, but not in banks or grocery stores.

Trueman O'Quinn, conservative chairman of the Travis County Democratic executive committee, appeared in support of Russell's bill. O'Quinn was a strong follower of Allan Shivers. So was Russell.

He said he liked the bill because it authorized the tax collector-assessor to appoint "responsible" people to collect poll taxes; it put them in a fixed place—like a bank lobby or a grocery store; it required them to post a surety bond written by a bonding company.

state colleges; approved bills to make it easier to prosecute panders and fix the maximum penalty for burglary at night at life in prison; cleared 9-6 the state tourism bill over Sen. Parkhouse's charge it's one of the stupidest pieces of legislation ever; approved an underground water district in the Edwards limestone; killed a bill to give the Railroad Commission more authority over pipeline companies.

House committees okayed Rep. Kennard's new tuberculosis law code, outlawing property taxes on motor vehicles, and letting the highway department set speed limits, and subcommittee Rep. Jimmy Day's bill to let wages be garnished 20 percent.

And Then Again

Commenting as harshly on the Governor's double-talk on sales taxes as the people's interest requires, we would also pause now to acknowledge some excellent results of his recent public acts.

In the first place he has scotched the skillful verbal hypocrisy of the general sales taxers. The term on which they settled, "broad-based tax," turns out to mean a tax on the broad base of the backs of the people. Governor Daniel himself used this term before he realized what the Shivers speech writers meant by it; he has now discredited it and has directed the debate toward the only just principle of taxation, Ability to Pay. This is a substantial achievement.

The extent to which this has irritated the right wing, by the way, was manifest in Speaker Carr's little flip in his speech this week. Calling a broad based tax a sales tax is demagoguery, said the demagogue.

Governor Daniel has also helped form, and has reinforced, the will of the House of Representatives against a general sales tax by its proper or by any other name. One result was obvious this week: creeping anemia for

the Strickland "gross deceits" tax. What tax, after all, could survive such a telling re-labeling as Daniel gave this one?

Another substantial service Governor Daniel has rendered is focusing the attention of the legislature on the profits of the major firms. Beholden politicians are as leery of asking for such information as a sheriff's friends hate to ask him what he did with the booze he confiscated, but how can the legislators decide whether a tax is burdensome unless they know the profits of the industry affected?

Finally, for the first time since the mid-thirties a Governor has said enough, as Governor, to stir the people to an awareness of the corporate control of their state government. The result has been a quickening of public interest in the Austin tax fight and growing public opposition to the general sales tax.

It is the duty of state legislators who wish to help the people to defeat those parts of Price Daniel's program, specifically his noisome selective sales taxes, which are just as bad, dollar for dollar, as a general sales tax. Meantime let us also give him the credit that is due him.

The Isaacks Bill

Rep. Maud Isaacks' bill to permit school boards to hire college graduates at teachers in junior and senior high schools is the first step the state should take to restore subject-matter integrity to the public schools.

Present standards enforced by the State Board of Education require teachers to take 24 hours—that is, eight separate college courses—in "education," or, as Dean L. D. Haskew of the University of Texas college of education insists, in "how to teach." The means that the permanent teacher in Texas public schools is required at present to spend one fifth of all the time in college (eight courses of the forty required for graduation) in learning "how to teach" when in fact any reasonably intelligent person who really knows a subject can teach it. People who spend these precious eight courses on how to teach lose just

that much knowledge of what to teach.

Practice teaching is a good thing as a rule for a prospective teacher, but the school boards should have the authority to hire people who don't need it. Teaching children in the first few grades also poses special problems; a few education courses on teaching technique would have a value, if they were not drowned in the empire-building curricula of the professional educators.

Haskew has written, in the course of opposing the Isaacks bill, "Most people seriously interested in becoming good teachers will take education anyhow." Fine!—let them if they like, (as not one out of ten would), and let school boards decide whether to hire college graduates on the same basis universities hire them.

O for a Recourse

We were much taken with four or five paragraphs in Lyndon Johnson's Wednesday night speech in Austin. The theme was that the people of the world do not want war, they want food, health, and hope. We throw away shoes men of other lands would consider blessings, Johnson said; we add game rooms while other people would thank their god for our car shelters; we fume over the price of penicillin while men in other lands wait for a tablet of quinine. "There is between us—and the billions of this earth—a gulf that we must close," he said.

This is true. Unfortunately Johnson left the matter glittering in gener-

alities, concluding from such a beginning that "education" is "the front-line" of foreign affairs, which is plausibly absurd. The terrible moral meaning of this gulf must lead us straight to more economic foreign aid and comprehensive development programs for the backward nations in the social and economic contexts they, not we, require. With Keats the spirit of the world's oppressed cries out "O for a recourse somewhat human, independent of the great Consolations of Religion and undepraved Sensations—of the Beautiful—the poetical in all things—O for a Remedy against such wrongs within the pale of the World!"

THE TEXAS OBSERVER

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



Bartlett Appears Exclusively in the Texas Observer

And Wha'd'-ya Get?

AUSTIN
Kenneth McCalla, the railroad lobbyist in our "city of the violet crown," as O. Henry used to call it, wanders these days from committee hearing to committee hearing, forbearing as patiently as a man of his parts and interests can, considering the burdens of explaining things to people with political prejudices. One afternoon this week I saw him sighing down the shaded walk from the Capitol to Congress Avenue, and the strange thought how a natural man leaving a pink granite building can be the same thing as tracks, switches, flashing red lights, and freight cars; how he can speak with one voice for hundreds of boards of directors and annual profit statements—this strange thought suffused the green spring day, an understanding of the way it is in politics. McCalla is not deluded about his work; he is even realistic. When he appeared before a House committee to testify against a bill to let the Railroad Commission decide whether public convenience requires passenger trains between, say, Houston and Austin, he did not repeat, but he echoed, "Let the public be damned!", demanding of the representatives, "How much public, and how much convenience?" But he knew, too, that the public might like a little convenience, even if his clients do prefer they be damned, and he closed apologetically: "Let me be honest with you. I sing the song of him whose cake I eat... My views are the views of those who have retained me." At another hearing this week he displayed a similarly transcendent perspective. The truckers, as you know, have been having a good session, the Senate passing their bill to raise the truck load limit on the public highways to 72,000 pounds. Jim Taylor, the truckers' lobbyist, makes a fine, colored-brochure case before the committees, most of whose members were plied with campaign contributions from one side or the other last summer and like to hear a good case made for the decision they have already made. Old Kenneth McCalla, he could tell the way the wind blew: after all, they'd voted to quit at 11:30 that night, and then put him on at 11:10, hadn't they? So he fell into the nostalgia of experience. Many years, he said, the trucks had come forward with bills raising load limits. There had been no public clamor for any of them. And now again, 72,000 pounds they want. That's 36 tons. "Thirty

six tons and wha'd'-ya get? More broken roads and deeper in debt." Well, he was entitled to a sigh or two as he strolled down the walk. Doesn't he know? He knows. He has so many junior lobbyists they spy on each other. One senator told me at lunch the other day a railroad lobbyist came up to him and said, "We know you're not committed on this bill, but we hope..." Naturally he asked how he knew that. "Oh, we have spies among the truckers," he said. A truckers' lobbyist told the same senator the attention is reciprocal. If you don't carry a tape recorder in this town you're not with it. Well, I started out to say that Kenneth McCalla, who is so patient with all these legislators, told them a few weeks ago it was an outrage the way some of the papers said the legislators don't work hard: They do! he said uprightly, defending the honor of the Knights before King Arthur's Court. And what paper had dared say not? he was asked. Well, he hadn't meant anything specific, but why not?—the Observer, he said (take that and that). I want to tell him that if we didn't say it, we should have. What made me decide was two speeches they let take up their time, one by some square who's so excited about Joe Stalin he wants the legislature to pass a law against him, and another by a distinguished former poo-bah whose message, regrettably, I cannot convey to you, as I had to leave. I would not say the boys are not working; it is a question of who they are working over. The Senate committees deliberate with all the grace, courtesy, and circumspection of one of Kenneth McCalla's night freight trains. The House revenue and tax committee questioning a witness who is not wholeheartedly enthusiastic about a general sales tax sounds less like an interested discussion than one of those same freights when the engine jerks forward echoing rusty pistol shots along the couplings. The reactionaries in the House are so desperate, they've revived the Shivers clique and named Waggoner Carr their Leader. All this is likely why Kenneth McCalla has taken so little trouble to conceal his exhaustion—this combined with the fact so discouraging to any good business lobbyist that the Daniel-liberal coalition has the votes in the House. How did that happen? Fifteen years, McCalla sighs; now this. Let's hope the cake is compensation enough. R.D.

LYNDON JOHNSON AND 1960

"God knows we have a just cause, and a very very dangerous tyrant who must be stopped." Letter from Franklin Jones transmitting the column below.—Ed.)

MARSHALL

To pass the time away, a few constant Democrats of a distinct liberal stripe turned to the lively topic of the 1960 party sweepstakes. There were present a county official, a laborer, a labor representative, an insurance agent, and the usual scattering of lawyers. The ball bounced swiftly from man to man.

"Now Stevenson," began a good friend of the writer, "can't put himself over to the average people. He simply talks above their heads. The words and terms he uses are too high toned for most people. Now I understand him perfectly, but the average man does not."

The natural reply came immediately: "Who in hell told you you're above average?" After laughter the theme of an illustrious member of the legislature was advanced. Stevenson did not use language that was involved, esoteric, or beyond ordinary comprehension. The trouble was he spoke truthfully of existing perils and demanded that his listeners engage in the painful process of thought. Our people simply preferred not to face what he had to say and to accept the comforting father image furnished by the opposition.

"With that damned Sputnik in space, and poor old Ike just about as far gone, and him unable to furnish a coherent sentence in his press interviews," another speaker held forth, "why the American people are waking up to one of the worst snow jobs ever perpetrated, and brother! they want some solid sense for a change of diet."

THE DISCUSSION then took a turn which suggests the remark

that sex and Lyndon Johnson are the two most over-discussed subjects in Texas. "Anyway," the uncommon understander began pontifically, "you can forget all that. Lyndon will be the nominee. He can't be beaten. Just stop and figure. He has the whole REA movement behind him. They love him and will work for him to a man. Then you take Congress. He controls every member, and every Texas congressman will work for him. No, gentlemen, you are wasting time speaking of anyone but Lyndon for the job. Now some people like to fight, just to be fighting"—(at this point the writer detected a glance in his direction)—"but I demand a reasonable chance to win before I fight. Leave him alone or you will hurt yourself and the party."

"But what about his hook-up with Brown & Root, what about the place he had his heart attack, what about his TV permits, what about his political theft of the 1948 election, what about what he did to the Democrats at Dallas, Fort Worth, and San Antonio?" came an irate response. But no one replied; to the contrary, more questions flowed like shudders around the room:

"Yes, and so help me, he stood right there behind the platform at Dallas and told his college roommate if he did not pull Mrs. Frankie Randolph out of the contest for national committeewoman, he would see that he never received a deserved appointment as federal judge. He is as cruel and autocratic as any despot ever was."

"The worst part of that is he was trying to put a woman in who had supported Eisenhower."

"What makes you think he didn't want Eisenhower to win in 1956? You think he would have things like he has if Stevenson had won?"

"What about San Antonio when his

crowd put asses all over the place and they bodily threw an ailing senator out to keep him from speaking?"

"Yes. Are we going to give up the democratic process like those jelly-spined senators have done and accept one-man rule? Why in the Chicago convention everybody but him might as well have stayed home. He wouldn't go up there without putting everybody under his single control. If we are going to do this for Los Angeles, why not just do away with the 1960 conventions and send him on up?"

THE LONE vocal defender of the senator finally broke in to say, "Just the same gentlemen, he will be the nominee. Look at Newsweek and the national press. You just can't beat him and had better accept the fact."

My sinking spirits were resuscitated when a young, vigorous, and successful officeholder rose to say heatedly, "There just ain't no boss so big he can't be beat. I never saw anybody I thought couldn't be beat, and I don't expect to. Newsweek? Why they had old Kruschew's picture where Lyndon's was, and he didn't win no elections over here."

"And," came a reinforcement, "Time Magazine said Dewey was going to be elected."

"The people who believe in true democracy ought to fight this thing out for a free convention in 1960," a speaker said. "Go to your home districts and look up unlabeled Democrats who believe in representative government, and see if we can't have some of it in our own party in 1960."

"Well," I thought as I ambled out of the meeting, "if somebody sent in a snakeskin filled with arrowheads, he got it back full of powder and bullets."

FRANKLIN JONES

To Make The Bragging More Honest

AUSTIN

"We find," said Frank L. Noakes, chairman of the Joint United States-Mexico Trade Union Committee, "many farm employers in other parts of the country are shocked when they learn the true labor conditions prevailing in areas like the lower Rio Grande Valley of Texas."

Since farm employers, even in other parts of the country, have never been renowned as champions of higher wages, shorter hours, and greater security for farm laborers, the conditions which shock them must be deplorable, indeed, and ought to be a matter of burning concern to legislators, to businessmen and chambers of commerce, to the newly recreated Texas Industrial Commission, and to all those who are devoted to the idea of advertising Texas as a land of milk and honey, riches and fun, opportunity and prosperity.

Under the terms of a bill which is progressing through the legislature, we are going to advertise the attractions of our state to induce businesses and tourists to come in greater numbers. We will be spending money for purposes we never spent tax money for before, so maybe we ought to be sure that what we have to advertise is worth advertising and that the visitors we are hoping to attract don't go home and tell about the skeletons in our closets instead of the Cadillacs in our garages.

Milton Plumb, who has done considerable research as a member of the U. S. section of the Joint United States-Mexico Trade Union Committee, recently told what some of those conditions are. For example, a group of Mexican workers in the Lower Rio Grande Valley were found to be averaging only 16 cents an hour for a 60-hour week, although the agreement between the United States and Mexico on bracero labor is supposed to guarantee them at least 50 cents per hour. Even the rate which had been paid to the wetback laborers who entered this country illegally in response to the call from Valley growers had been 25 cents per hour, Plumb noted.

"With the exception of the New York Times" and a few—very few—other papers, says Noakes, publications have not printed "any really significant information about the bracero program for several years. Certainly, this cannot be excused on grounds that it isn't news. For color, human drama, international intrigue, and economic impact, the story of the 500,000 Mexican workers a year who cross our border to help harvest our crops is hard to beat. Yet, not only papers in the East, but the press generally, have ignored it. The undisputed evils connected with the Mexican contract labor program thrive on the resulting ignorance."

The undisputed evils of unprotected Texas-born citizen migrant farm labor also thrive on this ignorance of what is going on among thousands of our own people.

If we can spend thousands of dollars to brag about ourselves, maybe we can spend a few more to find out the facts about migrant laborers' conditions. It might make the bragging somewhat easier and more honest later on. AL HIEKEN

offer. But the only audible sounds from that direction are articulate excuses as to why such a program couldn't pass. It is hard to hear these liberal excuses; the sounds are overwhelmed by the steady hum of conservatives explaining to lobbyists why they can't pass their program. L.G.

Waggoner Carr Gets a Spurring

AUSTIN

There has been substantial speculation along pressrow and in the legislative corridors as to the author of the crisp little speech Speaker Waggoner Carr made to the House this week. This reporter found some who thought it reminiscent of the public twangs of a recently defeated senatorial candidate and others who traced its lineage back to a recent unlamented governor. Both could be right and, for that matter, could point to the same speech writer, author of many a conservative turn of phrase in these parts.

Of greater significance was the timing of the speech, suggesting as it did Mr. Carr's rather frantic responsiveness to the voice of industry. On Tuesday, a "secret" Austin hotel meeting between our (you know, Our) Speaker and various gentlemen-of-business to discuss the impasse on taxes; on Wednesday morning, scarcely before the late-comers had found their seats, a call to arms by the same Speaker to the state's assembled representatives. One could almost judge the whole affair as indiscreet. Our Speaker surely will never incur many bruises in his shanks if he continues to respond to passing industrial spurs as spiritedly as he has on this occasion. Even Harding wasn't as nervous.

But speed was really all the speech had. Mr. Carr pleasantly, almost plaintively, praised the revenue and tax committee for its efforts and suggested, as cordially as possible, that perhaps now we should all go forward together on taxes. With a bit of fancy footwork, he deplored fancy footwork as demagoguery. The jibe at the Governor doubtless had the secondary purpose of stiffening legislative spines against further criticisms from the executive mansion which, most agree, are certain to continue. There was a stiff-upper-lip, almost petulant

defense of "broad-based" taxes again. There was also an interesting reference to the possibility of more selective sales taxes, suggesting a second line of defense to which the ultra-conservatives can repair if defeated on the general sales tax question. It was almost as if the Speaker was saying he didn't have time for the Governor's patchwork tax program because he was busy piecing together his own patchwork.

In sum, not an impressive speech, especially when considered from the standpoint of its obvious intent—to form the basis for some sort of legislative majority to bring in a "broad thin tax treating everyone fairly," i.e. a general sales tax.

THE WHOLE AFFAIR—the hurry-up meeting of business leaders with the House Speaker, the puppet-like response in a speech less than 24 hours later, the lack of impact on the House members themselves—all these point to the central meaning of this session of the legislature: the conservative leadership cannot deliver the goods. The reason is after all quite simple—you just can't get reelected if you voted for a sales tax. Though every conservative in sight has been running away from this fact all session, the gruesome truth hangs over the assembly like an unwanted cloud. The members simply can't see the Speaker through the mist. This explains the splitting off into various conservative factions, the directionless drift that has characterized the session. A handful of conservatives, either because they're from "safe" districts or because they just don't know any better, are mouthing the old phrases and waiting for the old fast shuffle to begin. A sizable portion of this small group is on the revenue and tax committee, which

helps explain why that panel has drifted off to starboard while the rest of the House has gently eased to port. The average house member who knows he is elected by housewives and husbands of housewives is in no mood to follow Republican tax theories when most of his constituents clip trading stamps and not stock certificates.

Were it not for the public consciousness of the oil giant in our midst, a general sales tax might be saleable; but as long as the average Texan suspects the oil majors have been getting away with murder all these years and as long as he knows there is no state corporate net income tax, he'll scalp a legislator who votes for a sales tax. Reps. Blanchard, Jones, Roberts, Cook—the most outspoken sales taxers on the tax committee—may not know this, but the rest of the House does. Even Frates Seeligson, veteran though he may be, is courting political disaster in his hometown San Antonio by plumping so cavalierly for a sales tax.

All of which leads to the fact that the legislature has been driven by political reality to accept a liberal position on tax matters, at least to the extent that most members can now be classed as anti-sales taxers. This circumstance explains why the Carr-Ramsey-Standard Oil Company show is not on the road, why hotel conferences are becoming popular in Austin, why a melancholy Speaker is trying to locate some tenable middle ground between the tax committee conservatives and the anti-sales tax rural conservatives and moderates, and why, in total, there is no such thing as a tax program yet that has a chance of passage.

ONE WOULD THINK the liberals might have a program to

An Odious Comparison

AUSTIN

(Says the Speaker of the Texas House, Waggoner Carr: "I will not support a sales tax, but we need a broad-based tax. Among the proposals I have encouraged ... is Strickland's bill." Says Dallas News political editor Allen Duckworth: "Some of those who repudiate a sales tax by that name may be willing to go along with it if it is called a Good Ole Charlie Brown tax, a Golden Rule Tax, or something else.")

(The sole acknowledged general sales tax bill introduced in this session of the legislature is Frates Seeligson's H. B. 739. Mainly because it has the sales tax label, the measure is accorded very little chance of House passage. However, wide publicity has centered on H. B. 727, authored by Seeligson's fellow San Antonian, R. L. Strickland, and called a "Texas Occupation Tax for Education." The Strickland measure levies a series of selective sales taxes, including a 1/4 of one percent increase in the natural gas tax to raise \$2 million, but the bulk of its revenue is derived from the bill's Article Nine, which seeks to raise \$70 million annually through an "occupation tax." Since any tax, regardless of its title, explains itself in its definitions, of scope, terms and methods of enforcement, the Observer here compares passages from Seeligson's sales tax and Strickland's occupation tax. —Ed.)

Article Nine of the Strickland bill runs to 19 pages; the Seeligson bill is 20 pages long. Precise duplications appear in the wording and punctuation of both bills, beginning with the opening subsections dealing with definitions and continuing throughout. A random sample of examples from the first five pages of definitions and exemptions in both bills:

Seeligson Bill

Sec. 1a. Definitions

- (a) "Sales Tax" means the tax imposed by Section 3 of this Act.
 (b) "Use Tax" means the tax imposed by Section 4 of this Act.

After further definitions of such terms as "Taxpayer," "Retail Sale," "Purchase," and "Retailer," which run to over three pages, both bills devote Section 2 to the description of exemptions. For instance:

There are exempted from the taxes imposed by this Act the purchase price from the sale of and the storage, use, or other consumption in this State of tangible personal property the purchase price from the sale of which, or the storage, use, or other consumption of which is fifty cents (50c) or less.

It will be noticed that although Strickland's paragraph above occurs in an "Article," he refers to "This Act," exactly as Seeligson does in Seeligson's "Act."

The vital elements of both bills are contained in Sec. 3 defining the tax to be imposed and Sec. 4 specifying that the consumer is to pay the tax. In both instances, Seeligson's bill, using the words "sales tax," disposes of the matter in a sentence or two. To achieve the same end, the Strickland "occupation tax" uses four paragraphs of explanation in Sec. 3 and seven additional paragraphs in Sec. 4.

Sec. 3. Imposition of Sales Tax. There is hereby imposed upon each separate sale at retail of tangible personal property within this State a tax of one and one half per cent (1 1/2%) of the purchase price, which tax shall be collected by the vendor from the purchaser and shall be paid over to the State as herein provided.

Strickland Bill

Sec. 1a. Definitions

- (a) "Occupation Tax" means the tax imposed by Section 3 of this Article.
 (b) "Use Tax" means the tax imposed by Section 4 of this Article.

After further definitions of such terms as "Taxpayer," "Retail Sale," "Purchase," and "Retailer," which run to over three pages, both bills devote Section 2 to the description of exemptions. For instance:

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Sec. 3. Imposition and rate of occupation tax. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this state.

- (a) Reimbursement. The tax hereby imposed shall be collected by the retailer from the consumer insofar as it can be done.
 (b) Unlawful advertising. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that if added it or any part thereof will be refunded ... (and so on).

(E) Presumptions and Resale Certificates.

(1) Presumption of taxability; resale certificates. For the purpose of the proper administration of this Article and to prevent evasion of the occupation tax it shall be presumed that all purchases are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the vendor unless he takes from the purchaser a certificate to the effect that the property is purchased for resale.

Sections (3), (4) and (5) further defining certificates are identical word for word in both bills. Because of its curious syntax, section (5) is a particularly striking example. Both the Strickland and Seeligson bills provide exactly as follows:

"(5) Resale certificate—fungible goods. If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold."

In the vital provisions describing who is liable for the tax, the Seeligson sales tax specifies the consumer in two sentences. To specify

Weird Tunes and Two Editors

☆ A corporation court judge reversed a \$10 conviction of Matthias Reese, 27, red bearded, one-time partner in the beatnik Outside Club in Houston, for selling pizza without a license. He also sustained objections when the vice squad officer who had closed in on the club said sculpture at the club was "weird" and a Negro drummer was "beating a weird tune." Reese and his partner (also fined \$10, now on appeal) sold their club to Roberto (Pucho) Oggando, ex-champ jitterbugger of Argentina and now operator of Pucho's Purple Onion on Fannin in Houston.

☆ John Howard Griffin, author of *The Devil Rides Outside*, has been "roughing it" in West Texas for several months doing research on a new book, *Land Full of Sky*, a history of the Permian Basin sponsored by the First National Bank of Midland. "For several months I've been living in a bedroll. I've been bathing in stock tanks," he said.

☆ Van Cliburn and his parents stopped in Abilene en route to Kilgore. "I'm a legal resident of Kilgore. I don't intend for that to ever change," Van Cliburn said. His mother said, "We hate to miss church, but we'll go tonight in Kilgore. They're Baptists."

☆ John Graves, 82, winged an escaping prisoner in Abilene.

"I've been shot at thousands of times," said the ex-Ranger; but he's been hit only once ... A Negro, 101 years, he said, used his 1873 rifle to shoot one teen-age boy of four who appeared at his door; all four have been charged with conspiracy to rob ... A driver who admits he didn't dim his lights as he came up behind a car between Houston and Galveston was stopped by the three men in the other car, cut on the arm with a knife, kicked and stomped, and the windows of his car broken out ... In Crosby County, a sheriff who has admitted theft from the county was named city marshal in the town of Lorenzo.

County funds from a municipal golf course unless the city gave him course passes for his friends. Bean replied the friends were sports writers and the threat charge was "ridiculous."

☆ Robb Burlage, Texan editor in the liberal tradition, was booted out because he has accumulated six parking tickets over a period of two years in violation of the rules for students engaged in extra-curricular activities. His series on the University faculty was just getting started. He was asking whether "a silent generation faculty" is developing, sitting at the feet of the administration. "It disturbs us, for instance," he was writing, "that a senior faculty member at UT states, 'Faculty morale here is the lowest it has been in the 18 years I've been associated with the University.'" From this point, however, the series had to be taken up and finished by another student journalist. Burlage stoutly insists that as far as he can aver there was no dirty work at the crossroads. The disciplinary committee vote was three faculty members to bar him from the Texan and two students to let him stay on.

☆ Editor Ernest Joiner of Ralls Banner said he's received hundreds of letters and 100 subscriptions since Time Magazine wrote him up a couple of weeks ago.

The Week in Texas

☆ Two more Galveston night club operators were jailed for contempt of court for reopening against court orders, bringing to about 25 the number who have been jailed in Atty. Gen. Will Wilson's crackdown ... Seven of eight Abilene pool halls have been closed because the city attorney has decided to enforce the state law against public pool halls. The eighth is a "private club," its owner says ... The mayor of El Paso, Raymond Telles, says County Judge Woodrow Bean threatened to withhold \$14,000 in

The Strike in San Antonio

(A report on the continuing garment workers' strike in San Antonio.—Ed.)

SAN ANTONIO
 The members of the International Ladies' Garment Workers' Union have been on strike against Tex-Son company for almost a month, and the pickets are still walking on Jack White Way not far from the Plaza Hilton Hotel.

They have been manhandled by police. Some of them have been arrested and charged with abusive language, disturbing the peace, and other such infractions. Eggs have been thrown, one of them hitting Harold Franzel, president of the garment company. Non-union workers have been coming to work in taxicabs at company expense, and the company has widened its search for more such workers to some small towns in Texas.

The labor movement of San Antonio came alive in a way it has not demonstrated for at least twenty years when more than 1,000 union members paraded through the downtown streets, ending their demonstration at the Alamo, where they were addressed by Father Sherrill Smith, assistant pastor of Espada Mission and representative of Archbishop Robert E. Lucey; County Commissioner Albert Pena; Franz Daniel, assistant director of organization of the national AFL-CIO, from Washington; and George Eichler, secretary-treasurer of the San Antonio AFL-CIO Council.

Father Smith had been out on the picket line with the strikers in the first days after they went out. In front of the Alamo he said again, as he previously said,

that violence was to be avoided, that the fight was at the bargaining table and not in the streets. The striking workers, he said, had a right to organize and a right to strike, although such a right was to be exercised only as a last resort after every effort to settle peacefully had been made.

Commissioner Pena said, "I do not agree with the Chamber of Commerce philosophy that the way to attract industry to San Antonio is to make it a low wage town. I will fight any effort, any movement to keep San Antonio a cheap labor town."

Pena said that shortly after the strike started, it was discovered that the large number of police officers gathered at the plant gates were being paid by the company. He said "we put a stop to that."

AFL-CIO organizer Franz Daniel told the strikers that the strike would be one of the most unforgettable episodes in their lives. "You will discover capabilities you never thought you had," he said. "It will change your entire way of life. Is it right to have self respect? Is it right to join shoulder-to-shoulder with your fellow workers? Is it right to work together so your children can have a better life? Let no man, no kind of propaganda make you waver one bit."

There comes a time, he said, when men and women must strike for self-respect. "A man cannot have self-respect unless he respects his fellow man." He saw in the demonstration the birth of a new spirit in the almost-dormant labor movement of the city.

A LEAFLET distributed by the union was headed, "The

same taxpayer, the Strickland occupation tax uses seven paragraphs.

In Section (5) relating to collection by the Comptroller, filing of returns, enforcement, and penalties the word for word similarity of the two bills continues for eleven single-spaced typewritten pages. The only material change in the wording occurs in two reporting sections in which the Seeligson bill specifies a reporting date of the last day in January and the Strickland bill the last day of February and in a very similar general paragraph which in the Seeligson bill begins "For purposes of the sales tax, a return shall be filed by every vendor," and in the Strickland bill reads, "For the purposes of the occupation tax, a return shall be filed by every seller." L.G.

Shame of Tex-Son." It said, "You would strike too, if you had to try to feed four children on take-home pay for a week of only \$9.12, because your boss sent your work out of Texas." The company before the strike had been contracting out some of its work to another plant in Tupelo, Miss., which is not organized. This caused workers in San Antonio to be laid off, so that weekly earnings fell and a number of workers got only one or two or three days work a week.

The union had asked the Tex-Son Company to guarantee in a new contract that work would not be contracted out and sent away from San Antonio as long as there was not enough for its San Antonio workers. The company had refused.

In the parade, marchers bore placards saying, "Keep the work at home," and "Keep the older workers on the job." A large reproduction of a Tex-Son paycheck made out to Helen G. Martinez for \$9.12 was borne on a truck in the parade, and the leaflet bore a reproduction of the same check.

Franzel charged that "Most of the people who marched in the union demonstration did not know the facts." He said the check was for one day's work. "If they had known the truth most of them would not have marched," he said. He referred to the leaflet as "scurrilous."

FRANZEL SAID that the San Antonio Light had carried a story a week before which said that "the Communist high command" had "issued orders that there were to be union parades on Saturday March 14."

"We have no direct evidence," said Franzel, "that there is any connection between the parade which occurred (in San Antonio) ... and this communist directive, but it is an interesting coincidence ..."

Eichler replied that Franzel was "resorting to the discredited techniques of McCarthyism."

AL HIEKEN

Cultivation of a Habit

THE POLL TAX IN THE SOUTH,
Frederick D. Ogden, University
of Alabama Press, 1958, \$6,
301 pp.

AUSTIN

Surely no one would read this book for pleasure; it is an example of that vaguely soured style of scholarship which is more irritated with misinformation than pleased with truth. Still, as the legislators consider Rep. Maud Isaacks's proposal to abolish the poll tax in Texas, they and the citizens may wish to consider the truth of the matter, which is not, judging by this careful inquiry, quite what it is generally thought to be, although it has been exaggerated rather than misrepresented.

Ogden's main conclusion is that the poll tax works toward the reduction of voting among people in the cities, Negroes, Latin-Americans, and poor people.

He is convinced, however, that the low proportion of Southerners who vote is a result of many factors, including, for example, the absence of party competition in the South. In 1950 Democratic gubernatorial primaries, 25.2 percent of the citizens over 21 voted in the five poll tax states in the South, while only 29.4 percent—an increment of four percent—voted in the non-poll tax Southern states.

Adopted from 1890 to 1908, the poll taxes were designed mainly to disfranchise Negroes, but as Ogden points out they also discouraged voting, and by many supporters were meant to discourage voting, among the poor whites. Ogden mainly agrees with Ralph Bunche's proposition that the southern ruling class of the period "were fearful of the threat of union between the poor whites—who were beginning to become articulate in Populism—and the Negroes, and that this possibility of a united people's movement in the South impressed them as a revolutionary upsurge that must be crushed at all odds. The poll tax legislation lent itself admirably to this purpose." In support Ogden cites the chap in Virginia who hoped to bar from the polls whites "who have nothing at stake in government" and the president of the Alabama constitutional convention who wanted government power safely in the hands of "the intelligent and virtuous."

Today Texas, Arkansas, Alabama, Virginia, and Mississippi still have the poll tax. North and South Carolina, Louisiana, Florida, Georgia, and Tennessee have abandoned it, largely because practical politicians decided they would get more votes without it. With the NAACP meeting in Houston to map statewide poll tax drives, the East Texans' investment in the institution depreciates considerably. Ogden's book suggests that agitation against the poll tax devalues the tax among its supporters by causing to vote the people it is designed to discourage.

Texas voters adopted the poll tax, 200,650 to 107,748, in 1902, and declined to abolish it 172,284 to 133,550 in a 1949 election in which the people defeated eight of ten amendments submitted. Whereas other states have enacted various devices for voter disqualification, the poll tax has not been so augmented in Texas. The recent innovation of deputizing poll tax salesmen who work, then, among voters in areas which roughly favor the deputies' own political views has further reduced the significance of the tax in terms of its original purposes (although the solicitations do take up energy which might be otherwise expended).

Poll Tax Corruption

● Ogden says the poll tax has lent itself to unique forms of political corruption but is not itself the cause of such corruption. The main abuse has been politicians buying other peoples' poll taxes and "voting" them, a common phenomenon we have most recently noticed in Webb County. The Texas contribution to Ogden's tome is most impressive in his chapter on corruption, of course; perhaps it will amuse our readers to know which of our Texas customs fed the professor's fancy.

A San Antonio political observer is quoted (the year not specified) that politicians buy up poll tax receipts and "pass them out to their 'owners' on election day—with instructions of course, and an extra dollar or so for sweetnin'." Ogden then continues: "Poll taxes of Mexicans and Negroes in Texas have frequently been paid for them as a means of controlling their votes. In some areas, the practice has been to gather together a truckload of Mexicans and to take them to the county courthouse. Each one is given \$1.75 with which to pay the tax. After receiving the receipt, the Mexican is told that it belongs to the politician who gave him the money. If the Mexican is considered reliable, he may be allowed to retain the receipt. If not, it is collected and held until election day. For his trouble in going to pay the tax, the Mexican may receive a bottle of beer. Since Mexicans are migratory, they are frequently given blank receipts so that someone else may use them at election time. In some places, particularly in Laredo, blocks of blank receipts may be bought. Donald S. Strong found that the purchasing of receipts by politicians was most prevalent in South Texas and the Rio Grande Valley, the area where the percentage of Mexicans in the population is the greatest."

Strong's work was published in 1944. Ogden also harks back to the late San Antonio Negro political boss, Charlie Bellinger, who "was reported to 'own' 3,000 poll tax receipts. At poll tax payment time, he would have \$3,000 or \$4,000 which probably came from white candidates who were interested in securing his aid."

How much of this goes on now, Ogden does not say, being a scholar, not a detective.

LEGALS

THE STATE OF TEXAS
To any Sheriff or any Constable
within the State of Texas—
GREETING:

You are hereby commanded to cause to be published, ONCE, not less than ten days before the return day thereof, exclusive of the date of publication, in a newspaper printed in Travis County, Texas, the accompanying citation, of which the herein below following is a true copy—(but if there be no newspaper so printed in said county, then that you cause the said citation to be posted for at least TEN days before the return term thereof as required by law.)

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO all persons interested in the estate of Laverne Waterston, a minor, No. 14096, County Court, Travis County, Texas. The Austin National Bank, Austin, Texas, Guardian in the above numbered and entitled estate, filed on the 30th day of March, 1959, its verified account for final settlement of said estate and requests that said estate be settled and closed, and said applicant be discharged from its trust.

Said application will be heard and acted on by said Court at 10 o'clock A.M. on the first Monday next after the expiration of ten days from date of publication of this citation, the same being the County Courthouse in Austin, Texas.

All persons interested in said estate are hereby cited to appear before said Honorable Court at said above mentioned time and place by filing a written answer contesting such application should they desire to do so.

Ogden carefully examines the impact of poll tax passage and repeal on voting totals in several states. On the short term his point is that the poll tax reduces voting only somewhat and that many of the people who do not pay their poll tax would not vote whether there was a poll tax requirement or not.

"The long-run effects may be of more consequence," he writes. "Habits are not changed easily, especially those of long standing. Many southerners have acquired a habit of non-voting." Still, the tax is not "the bogey man—its opponents would have us believe," or its adoption would have caused more disfranchisement than took place, and its repeal a greater upturn in voting, he argues. "But, in Southern states where turnout is low, almost any increase is significant. An increase of five to ten percentage points could bring important changes in the political life of the region."

Those Discouraged

● On the question of who is most affected by the poll tax, Ogden is less equivocal. Where Negroes are concentrated, poll tax payments are relatively low. "The Texas high-payment (of poll tax) counties in 1950 were predominantly rural and sparsely populated and had a small non-white population, whereas the low-payment countries were more urbanized and more heavily populated and had more non-whites." Counties with large Latin-American groups were also "low-payment" counties. Counties with more cars for the population had higher poll tax payments. In 1950, Texas counties containing a city of more than 20,000 people had a median percentage of adults 21-60 paying their poll tax of 36.3 percent, compared to a median for all the counties in Texas of 51.4 percent.

"Groups like Negroes and Texas Mexican-Americans, standing on the fringes of society, in it but not of it, have little incentive to meet a tax requirement for voting, since the society gives them no encouragement to participate in its political processes," Ogden concludes. "The urban voter, the Negro voter, and the economically depressed voter may be affected more adversely by a poll tax requirement than other groups in the society." R. D.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

Given under my hand and the seal of said Court at office in Austin, Texas, this the 31st day of March, A.D. 1959.

EMILIE LIMBERG

Clerk of the County Court,
Travis County, Texas

By M. EPHRAIM, Deputy

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO John N. Leggett, Defendant,
in the hereinafter styled and
numbered cause:

You are hereby commanded to appear before the 98th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A.M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A.M. of Monday the 11th day of May, 1959, and answer the First Amended petition of plaintiff in Cause Number 102,323, in which Frances M. Leggett is Plaintiff and John N. Leggett is defendant, filed in said Court on the 24th day of March, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges cruel treatment

on the part of defendant towards her of such a nature as to render their further living together as husband and wife altogether insupportable; Plaintiff further alleges that no children born of said union and no community property was accumulated; Plaintiff further prays for relief, general and special;

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

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

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

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 24th day of March, 1959.

O. T. MARTIN, JR.

Clerk of the District Courts,
Travis County, Texas.
By GEO. W. BICKLER, Deputy

NOTICE OF INTENTION TO INCORPORATE WITHOUT CHANGE OF NAME

TO WHOM IT MAY CONCERN:
Notice is hereby given that Bernard A. Delano, W. B. Garner and J. P. Gossett, partners, composing the firm of Delano and Garner Manufacturing Company and doing business under such name, will incorporate and will continue to do business as a corporation under the same name, Delano and Garner Manufacturing Company, Inc., and in compliance with Article 1307, Vernon's Civil Statutes of the State of Texas, will post this notice one day each week for four (4) consecutive weeks in a newspaper in Austin, Texas, and in a newspaper in Harris County, Texas.

DELANO AND GARNER
MANUFACTURING CO.
By: B. A. DELANO

NOTICE

TO WHOM IT MAY CONCERN:

Notice is hereby given that the partnership firm of Aero-Charter of Houston will be dissolved, and notice is also hereby given of the intention of said firm to become incorporated under the name of Aero-Charter of Houston, Inc.

Witness my hand this 16 day of March, 1959.

AERO-CHARTER OF HOUSTON
By JAMES R. FISK,
One of the Partners

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Robert Leroy Charles, Defendant,
in the hereinafter styled and
numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A.M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A.M. of Monday the 27th day of April, 1959, and answer the petition of plaintiff in Cause Number 113,196, in which Elita Wray Charles is Plaintiff and Robert Leroy Charles is defendant, filed in said Court on the 20th day of February, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for a decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges cruel treatment on the part of defendant towards her of such nature as to render their further living together as husband and wife altogether insupportable; Plaintiff further alleges that two children were born of said union; that plaintiff should be awarded their care, custody and control and that Defendant should be required to contribute a suitable amount for the support of said children as well as alimony pendente lite; Plaintiff further alleges no community property was accumulated; Plaintiff further prays for relief, general and special;

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

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

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

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 10th day of March, 1959.

O. T. MARTIN, JR.,
Clerk of the District Courts,
Travis County, Texas
By GEO. W. BICKLER, Deputy

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Molly O. Duke, Defendant,
in the hereinafter styled and
numbered cause:

You are hereby commanded to appear before the 98th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A.M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A.M. of Monday the 27th day of April, 1959, and answer the petition of plaintiff in Cause Number 113,033, in which John B. Duke is Plaintiff and Molly O. Duke is defendant, filed in said Court on the 4th day of February, 1959, and the nature of which said suit is as follows:

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

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

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

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

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 12th day of March, 1959.

O. T. MARTIN, JR.

Clerk of the District Courts,
Travis County, Texas

CITATION BY PUBLICATION
THE STATE OF TEXAS

TO Roosevelt White Defendant,
in the hereinafter styled and
numbered cause:

You are hereby commanded to appear before the 126th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A.M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 4th day of May, 1959, and answer the petition of plaintiff in Cause Number 113,383, in which Ella Faye White is Plaintiff and Roosevelt White is defendant, filed in said Court on the 16th day of March, 1959, and the nature of which said suit is as follows:

Being an action and prayer for judgment in favor of Plaintiff and against Defendant for decree of divorce dissolving the bonds of matrimony heretofore and now existing between said parties; Plaintiff alleges the defendant is guilty of cruel treatment toward her of such a nature as to render their further living together as husband and wife altogether insupportable; Plaintiff further alleges that three children were born to them as issue of their marriage, the oldest of said children being born in 1952, that Plaintiff should be awarded their care, custody and control and that defendant be required to contribute a proper and suitable amount toward their support until they reach the age of 18 years; Plaintiff further alleges that one 1955 Ford automobile was acquired out of community funds, which should be awarded to her and for which she prays judgment;

Plaintiff further prays for costs of suit and for relief, general and special; all of which more fully appears from Plaintiff's Original Petition on file in this office and to which reference is here made;

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

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

Issued and given under my hand and the seal of said Court at office in the City of Austin, this the 17th day of March, 1959.

O. T. MARTIN, JR.

Clerk of the District Courts,
Travis County, Texas

By GEO. W. BICKLER, Deputy

Over \$120 Million **Insurance
In Force**

Oil Industries Life

INSURANCE COMPANY

P. O. Box 8098 Houston, Texas

READERS ON CARR, TAXES AND A CAMERA

Lee's Photos

Sirs: Russell Lee's photographs of mental hospitals are a remarkable human documentary, in keeping with his earlier works that achieved for him the deserved status of one of the world's great artists with a camera.

These photographs have a combination of technical perfection, artistic concept, and deep human understanding, something so rare that we almost cease to expect it...

Hart Stilwell, 1819 Ewing, 1-C, Houston 4.

'Ability to Pay'

Sirs: A good battle cry for the Governor and us other liberals in these days might be a paraphrasing of Mr. Shakespeare, to wit, "What's in a name? A sales tax by any other name would still smell as foul!" If some of these "broad based tax" advocates would get off their own broad bases and go out to see how thousands of poor people are struggling to live on Old Age Pensions, Social Security, and paltry savings rendered useless by inflation, they would see that taxation on the basis of **ABILITY TO PAY** is the only just and equitable way. Give us corporate income taxes, yes, even personal income taxes if need be, but let us have no sales taxes passed under the false colors of some high-sounding, misleading name!

The Rev. Gus Browning, Asbury Methodist Church, Beaumont.

According to Affluence

Sirs: My main reason for opposition to a general sales tax is, a sales tax does not take into consideration the ability of a person to pay or his affluence.

The principle of taxing in accordance with ability to pay is an ancient one and a proven method. Ancients were sometimes taxed according to the number of slaves they owned, or a portion of the produce of their farms was taken. Then, I believe, once in Europe people were taxed by the number of windows in their houses, which was taken as a measure of affluence. This principle of taxing according to the ability to pay was the basis of our real estate taxes, which have carried the major part of the tax burden in this country during the period when most of the gross national product of the country originated on the farms and ranches.

I have, before me, a report which shows that over \$323 million of taxes collected in Texas in 1957 were levied without regard to ability to pay, and also nearly \$37 million in gross receipts taxes which were passed on to the ultimate consumer. This total is more than half of the total collected from licenses and taxes. Economists have recently brought out a new term, "Expanding Economy." This is absolutely dependent on the fact that the capacity to consume must increase as fast as the capacity to produce. A tax on a sales transaction of any kind impedes our rate of consumption and makes it difficult for us to buy back the produce turned out by our improved technology and from automation. Further taxation must follow the proven principle of taxation according to affluence.

I agree that an individual income tax, if set up with progressive rates, is a fair tax. However, such a tax in Texas would not reach a large number of people who make an enormous amount of money in Texas—the stockholders of corporations doing business in Texas who do not live in Texas. I don't know how many of these stockholders there are, but it is reasonable to assume that there are a great many, as

in 1957 out-of-state corporations paid \$18.7 million in franchise taxes, against \$16.3 million paid by Texas corporations. It is also reasonable to assume that recipients of these dividends are nearly all persons of affluent circumstances. I ask then that you consider a corporate profits tax, as one which would keep in Texas a portion of the money now being diverted to other states by corporations that are exploiting the natural resources of Texas... This tax would affect the estimated three and one-half billion dollar segment of our economy, our manufacturing industry, which is virtually free from taxation.

I do not believe the charge that a corporate profits tax would create a climate unfavorable to business. The favorable climate we enjoy is mostly because, here in Texas, we have raw materials, cheap transportation by sea and barge canal, and adequate cheap power, all available. Just as the Great Lakes area has these natural benefits for the steel industry, so we have them for the aluminum and plastics industries. Thirty-three other states are now using a similar tax, and its con-



stitutionality has been adequately proved. It will be simple and easy to administer and enforce. It is a constitutional way to get non-resident profit takers to help support the government of the state which makes possible their profits.

Powerful lobbies must not be permitted to dictate fiscal policies of Texas. We must keep in mind the fact that the "Gas Lobby", which is accused by Gov. Daniel of trying to defeat an equitable tax program, represents only a very small minority of the people of Texas...

Wm. H. Darby, 1560 17th St., Corpus Christi.

Carr's Predilection

Sirs: Seems like Speaker Carr likes more selective sales taxes on those least able to pay. He sure wanted the Speaker's job badly, but I feel those who supported him and oppose sales taxes should let him know about it.

G. A. Belknap, Fort Worth.

Wrong Leanings

Sirs: You are a needed paper, only you are too strong for the Negro and against Lyndon Johnson. Johnson has made mistakes but we need him.

George Ratliff, Abilene.

'Freedom in Action'

Sirs: On a recent visit to Houston someone gave me a copy of the Texas Observer in which was the report of your speech on "Freedom in Action." It is well that some groups are making a brave effort to put some truth in print in an effort to combat some of the untruths which are spreading so flagrantly not only in Texas but throughout the country. One appreciates the determination and in fact the courage of those who are willing to stand up and be counted. The opposition seems to hide behind secrecy or brutal power and it is about time that thinking people and free organizations come forward and start telling some truths, helping to clear away the smog.

Mary M. Parry, associate director, office of finance, National Council of the Churches of Christ, 297 4th Ave., New York 10, N. Y.

Callow Abstraction

Sirs: The Texas Observer's effort to "speak the truth" usually has a personal, humanitarian tone. A certain callowness, however,

emerges at times. This happens when journalistic or scientific jargon becomes the medium of expression. The recent issue headlined "Firetraps for Seniles" was particularly offensive to me. I question its use of "seniles" for "senile persons" and its "senile psychotics" used as a personal noun for "senile persons suffering from psychoses." It may deaden the sense of personal tragedy it aims to quicken if it indulges in such abstraction.

David Stevens, 4409 Laura Place, Corpus Christi.

Negroes at Rusk

Sirs: The conditions at Rusk State Hospital (8 doctors for 2,044 mental patients) are bad enough for white patients, but I write today concerning discrimination between white and colored patients.

In this connection, you might be interested in an account of the riot of 1955, mentioned in your article, which appeared at that time in the "Black Dispatch" of Oklahoma City. According to this article, (superintendent) "Castner said the rioters' main complaints were that they did not have a recreation area such as that provided in the maximum security building for the white inmates..."

"Earlier, Riley and other riot leaders told newspapermen that attendants beat them with rubber hoses and that Negroes were not given the same food as white patients, were not allowed outside as often, and could not bathe without attendants' permission."

Editor and publisher of the "Black Dispatch," Roscoe Dunjee, wrote an editorial, "Texas Insane Demand Constitutional Rights," in which he contrasted conditions at Rusk with a similar institution at Taft, Okla.

Wrote editor Dunjee, "we recall one morning, some years ago, during the Murray administration, when we were a visitor at the institution. As we went in to breakfast that morning, through the main dining hall where the regular meal was being served on the table for the demented, standing at the door of the small dining hall where the superintendent and visitors were to eat, was an inmate, erect and fully conscious of the aroma of the fresh coffee and the bacon and eggs that poured out of the doorway where he stood. He made this comment as we passed through: 'Damned if I don't smell something I ain't gittin.'"

"That demented Oklahoma inmate at Taft twenty years ago

had a nostril that had not gone insane and which was perfectly normal. The only difference between this fellow and the inmates down at Rusk is that the Rusk crowd decided in 1955 to do something about the differential."

James A. Dombrowski, executive director, Southern Conference Educational Fund, Inc., 822 Perdido St., New Orleans 12, La.

Phone Hocus Pocus

Sirs: In the February 7 issue, you stated one of the fondest gimmicks of a utility company is "replacement cost" (instead of actual cost) to base profit return on. They also like that same figure to base depreciation on. And, too, the phone company likes appraisal.

By replacement cost, the phone company gets to take it off excessively for depreciation expenses, and then appraisal puts it back on the books for excessive value to get a return on.

An example: The phone company recently asked the city of Abilene for a rate raise and submitted expense figures for 1957, and cited changes since 1949. (They were allowed a raise in 1950, based on figures they submitted for '49). The value per phone as of December 31, 1949, was given two different times as follows:

Company letter Oct. 2, 1958, said 16,878 phones were \$203.00 each or \$3,426,234. Company letter of Aug. 25, 1950, said the same 16,878 phones were \$131 each or \$2,211,018. The difference by appraisal: \$72.00 each, or \$1,215,216.

They had \$395,458 depreciation charged into cost for 1957—and figured it on replacement cost.

The company said current replacement cost December 31, 1957, was \$8,341,561, while the company said fair value on December 31, 1957, was \$7,525,000. The difference (little more than two years depreciation charge) is \$816,561.

In 1949 they figured depreciation on actual cost. In 1957 they figured it on replacement cost. (There was no regulatory body in Texas to prevent the switch.) 1957 depreciation was nearly six times the \$68,553 they charged off in 1949.

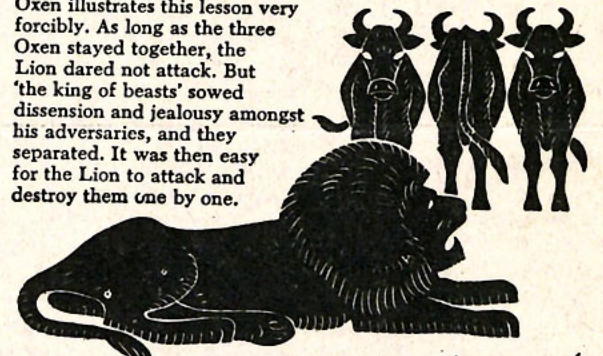
So after loading expenses with fictitious depreciation, they still want to show a return on fictitious investment. And do. Let somebody try that same hocus pocus depreciation on a tax return and internal revenue would form a posse.

A few million Texans ought to get approval from the utility lobbyists to set up state regulation of utility rates.

Bryan Sloan, 1338 Jefferson, Abilene.

The Lion and the Oxen

In union, there is strength. The fable of the Lion and the Oxen illustrates this lesson very forcibly. As long as the three Oxen stayed together, the Lion dared not attack. But 'the king of beasts' sowed dissension and jealousy amongst his adversaries, and they separated. It was then easy for the Lion to attack and destroy them one by one.



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LT. DICK DOWLING

The Fighting Irishman Who Stood Against an Army

Because a young Irish immigrant didn't know how to be afraid, Texas was spared the devastation suffered by Georgia and the Old South during the latter years of the Civil War. Lt. Dick Dowling, 25 years old; was a bashful, simple, easy-going "paddy" from County Galway. With 46 of his fellow dockworkers from Houston, he was commanded to defend Sabine Pass in that September of 1863, when it was selected by the North as the invasion point through which the entire state could be taken. Lt. Dowling and his 46-man homeguard outfit had six small and ancient guns, in a low mud fort, with which to defend his adopted state. Against him... a massive Yankee amphibious force of 21 warships, three field batteries, two heavy batteries, 5,000 well armed soldiers and two Generals.

But then, David had only his sling-shot to use against Goliath. It seems incredible, but it's Texas history, and a glorious chapter... Dick Dowling's

Texas Division, United States Brewers Foundation,
206 VFW Building, Austin, Texas

Our sincere appreciation to The Port Arthur News for historical assistance.

little band of "dockwallopers" beat off or destroyed the fleet, ship by ship. They captured 350 of the invaders who succeeded in landing, and got away with quantities of supplies. Texas remained free of Northern occupation, to become the refuge, the hope, the new home for thousands fleeing the Union forces.

Today Texans still demand and get their right to choose the way they want to live. In this vigorous and freedom-minded homeland... "Beer Belongs" and this is why the United States Brewers Foundation works constantly, in conjunction with brewers, wholesalers and retailers, to assure the sale of beer and ale under pleasant, orderly conditions. Believing that strict law enforcement serves the best interest of Texans, the Foundation stresses close co-operation with the Armed Forces, law enforcement and governing officials in its continuing Self-Regulation program.