

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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Vol. 51 Weekly Newspaper JULY 11, 1959 10c per copy No. 14

19 TEXAS TOWNS ON A BLACKLIST

Three-Fourths Sales Taxes

AUSTIN
Twenty Texas cities are blacklisted by the Mexican government for acts of discrimination against Mexican nationals or U.S. Latin-Americans. These cities or towns, the Observer has learned, are Alpine, Edna, Gonzales, Haskell, Imperial, Lubbock, Marfa, Marshall, Monahans, Moulton, Pecos, Port Lavaca, Robstown, Seguin, Sonora, Stanford, Sterling City, Three Rivers, Victoria, and Winters.
Rafael Linares, the Mexican consul in Austin, says this is the latest list for Texas, dated June 24.
(Late bulletin: Pecos has just been removed from the list.)
"At first we had quite an extensive list of countries and individuals who were ineligible," about one-third of all the counties in Texas, Linares said. "There are now very few cities that are on the ineligible list."
Before the U.S.-Mexico migrant labor agreement of 1951, the entire state was under a ban for Mexican workers. Then, says Linares, Jay C. Steilley of the ginners' association in Dallas devised a plan, "the Steilley Plan," that Mexican nationals working in Texas gins would be in sort of a union whose members Steilley guaranteed would not be discriminated against.
The 1951 agreement, as amended, in section eight, "Prohibition Against Discrimination," provides that no Mexican nationals work in localities in which Mexicans are discriminated against. The Mexican Minister of Foreign Relations furnishes the U.S. Secretary of Labor with a list of the communities in which discrimina-

tion has occurred. If the Secretary concurs, the U.S. Department of Justice will not issue authorizations to send Mexican workers into such areas. If he does not concur, (and sometimes he doesn't) the consul in the area asks the chief law enforcement officer for pledges (a) that there will be no discriminatory acts and (b) that if the consul complains of any such acts (against either Mexicans or U.S. Latins), they will be promptly investigated and "community and individual action" will be taken as necessary "to fulfill the community pledge." If discrimination persists, or if the U.S. and Mexico fail to concur, there is a joint investigation; if necessary the case is referred to the Mexican embassy and the Department of Labor in Washington for a decision.
In 1954 there was a joint interpretation and amendments: the Mexican government agreed not to include whole counties. Says Linares: "The position taken by my government is that no worker should go to an employer who has his mailing address in any of the cities that are considered ineligible." In effect, this blacklists the farmers in the locality of an ineligible city or town.
Blacklist Reasons
Wetbacks were entering the country in great numbers through 1954, and most Texas farmers did not need braceros. With the clampdown and the expansion of the legalized bracero program, many counties took the necessary steps to get off the blacklist. In Linares' district, he said, he went from county to county obtaining
(Continued on Page 2)

Conferees Agree; Pipelines Escape
AUSTIN
"Same song, third verse," Sen. Henry Gonzalez was saying, for this week in the legislature the House-Senate conferees reported a tax bill 74 percent sales taxes.
Representatives conservative and liberal freely predicted Friday night the bill would be defeated by a close vote if it came to the test Saturday. An alternative considered by the liberals: returning the tax issue to new conferees.
Speaker Waggoner Carr was on the phone all day Thursday trying to drum up pressure for the reported bill, but evidently his efforts had fallen short as of Friday night.
The conferees were delayed once when the Comptroller refused to certify their bill would raise what they had decided it would. Rep. Joe Ed Winfree, Houston, the only House conferee not a conservative, held out for what he called "the Winfree formula," which he said was "not one dime more than 66 percent sales taxes," but he signed the final report. It was not good enough for the House liberals, and Gov. Daniel would not openly remark on whether it should be passed, though an aide, J. T. Ellis, said there was not much ground for hope the situation would improve.
The bill contained neither of the two "out-of-state" taxes recommended by Daniel, the interstate allocation formula for franchise taxes and the severance beneficiary levy on interstate pipeline companies. Instead it
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House Favors Free Beaches

AUSTIN
Landowners pitted against the public, the Eckhardt open beaches bill narrowly eluded gutting in the House of Representatives this week and passed in a form the sponsor said would preserve the beaches for the public.
The resolution of the issue which seems to have excited more public interest than the tax conflict depends, as the session rounds its last weekend, on the attitude of senators toward the House bill. They can concur or ask for a conference committee.
Reps. Ben Glusing of Kingsville, John Huebner of Bay City, and Harold Parish of Taft added amendments which limited the public's right to use the beaches all along the Texas coast from the edge of the open Gulf to the vegetation line.
But on the Glusing amendment which the bill's sponsor, Bob Eckhardt of Houston, and his colleague at the mike, Zeke Zbrank of Liberty, said would have let landowners build all the fences they wanted, the House divided 68-68, and the amendment, lacking a majority by one, was defeated.
Glusing represents the King Ranch as an attorney; some of that ranch's proprietors own land on Mustang Island. Huebner, whose amendment limited the public's right to the beaches to a strip 300 feet wide, is a co-owner of 15 miles of Gulf beach on Matagorda Peninsula. The Observer also learned that another opponent of the bill, Rep. Bill Woolsey of Corpus Christi, who added several limiting amend-

ments in committee this week and who sponsored the exemption of Padre Island from the bill last session, has a brother in a law firm which represents the owners of more than one-third of Padre Island (related story).
'For Miles'
Under the bill as passed, landowners who build fences across the beaches, barring the public, are held to be committing a public nuisance unless they show that their title includes the right to prevent the public from using the beach.
This means that a landowner who fences off the public from the beach faces a lawsuit by a public attorney, and unless he can prove that the public has not been using the beach for some time, he has committed a public nuisance and the fence comes down.
"Actually, if the people are to save the beaches for public use," Eckhardt said, "they are engaged in what amounts to a sort of battle."
His bill provides, he said, "three defenses in depth." First it declares that the beach from the water's edge to the line of vegetation is a safety area that must be kept open for vehicles.
Second, the fact that an area is a sandy beach and has been used by the public for many years
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Eckhardt

Solon Who Co-Owns 15 Beach Miles Limits Public Rights

AUSTIN
Rep. John A. Huebner of Bay City proposed and voted for an amendment to the House "open beaches" bill which limits the public's rights to 15 miles of open-sea beach of which he is a co-owner.
The Texas Constitution requires that when a legislator has a financial interest in legislation, he shall so declare and abstain from voting. Huebner did not declare such an interest; he voted for his own amendment and for other amendments House sponsors said would gut the open beaches bill.
The Huebner land starts at Deckro Point on the West end of Matagorda Peninsula and extends 15 miles along the open coast, and all the way across the peninsula, an average width of a mile. The land is owned by Huebner, his two sisters, and his brother as a partnership, named Huebner Brothers. They use it for



Huebner

grazing 1500 to 2000 head of cattle in the winter.
Huebner's amendment, adopted 72-52 over the opposition of Sponsor Bob Eckhardt, provides that where the line of vegetation on the beach is more than 300 feet from the seaward boundary, the public's right to the beach extends back no more than the 300 feet until the issue is "adjudicated."
The Observer asked Huebner if his amendment did not limit the public's prescriptive right "on your land."
"Not my land," he replied. In the law affecting all the beaches? "Well, the law ... I don't know," he replied.
Did he not have a financial interest in the amendment? the Observer asked him. "Well, yes, I would say I do," he replied. He agreed he voted for his amendment. What then about the constitutional prohibition against a legislator voting on an issue in which he has a financial interest? "I was not representing myself only," he replied. He said he has tried to stay out of the controversy, but "I think I have a duty to vote for the people who live next door to me." His experience in the subject is "of value to the House," he said.

Subsequently Huebner approached the Observer reporter to add:
"I have no financial interest in that beach. The land belongs to us down to the waterline. We don't give a damn about the public being in there as long as they don't interfere with our business behind the dunes."
With respect to the "business behind the dunes," did not the 300-foot limit have an effect on his financial interest? he was asked.
"I don't think materially," he said. "We'd like to have a kind of buffer zone because the public don't appreciate what you do for them, generally. Why should they scatter their damn tin cans 700 feet instead of 300?"
He remarked that "we would like to have the privilege of fencing in the area. We are now designated in the bill as a remote beach."



Glusing

He concluded: "Don't crucify me on that ... because I'm just trying to protect my constituents, and myself as well."
Rep. Ben Glusing, Kingsville, led the efforts on the House floor to weaken the bill as conceived by its sponsors. The Observer asked him if he represented, as an attorney, any landowners who have an interest in beach land. "No," he replied.
He returned to the reporter to add that he is an attorney for the King Ranch, some of whose owners own land on Mustang Island, which has open sea-facing beach.
He maintained, however, that "Beaches on Mustang Island were reserved to the State of Texas in the patent," so they are not in issue.
King Ranch has much land along the coast, but Glusing said it all faces on Laguna Madre and therefore is not affected by the open beaches bill.
Rep. Bill Woolsey, Corpus Christi, who has been a consistent opponent of the Eckhardt bill, and who announced in committee a night this week that because the issue requires more

study, he cannot vote for the bill, has a brother, Bob Woolsey, who is a member of the law firm of Kleberg, Mobley, Lockett, and Weil in Corpus Christi.
Rep. Woolsey confirmed to the Observer this week that John Mobley in this firm represents the John McCall group of ten landowners who own half interest in about three-fourths of all the land of Padre Island.
Rep. Woolsey offered the amendment which carried in the House last session exempting Padre Island from the open-beaches bill. His amendment said the open-beaches bill would be "inapplicable south of the northernmost boundary of Padre Island."
Woolsey's arguments were that the open-beaches legislation would affect some parts of Padre "across the entire island" and conflict with establishment of a national seashore area on Padre.
R.D.



Woolsey

BEACH BILL ELUDES KNIFE

(Continued from Page 1)
is taken as "prima facie" evidence that the public has a right to use it.

Third, landowners who fence their beaches are committing a nuisance unless they can prove the public have no right there as "a reservation out of the title."

In a plea to the House during the fighting over the amendments, Eckhardt said:

"On Galveston beach you feel incensed if a man has built a fence to fence you out. ... The beach has always been used by the public, by many people who cannot go to the country club, or Colorado, or Florida, or rent a room in a resort hotel and enjoy indoor pools and liquor by the drink, and who go out free, without any impediment, on the beaches.

"In Texas our beaches are not Coney Islands, we are not packed in like sardines and don't have to pay 50 cents at a turnstile to get in. You can drive down Galveston Island, past Freeport, or Padre Beach, for miles, you can park and camp, and the children can swim and you can ever change your clothes without a bathhouse because you can get far enough from other people to do it."

'The Sacred Right'

Glusing first succeeded in striking from the bill a section requiring a landowner to show the public has no "prescriptive right" to the beaches in any lawsuit challenging the owner's erection of barriers to the sandy beach.

The fundamental issue, Glusing said, is "the vested right to property." The bill, he said, "tells a man that he owns the land but that he can't do anything with it—and if he does, he's committing a public nuisance." The vested right applies, Glusing said, whether it is an individual or "the public asserting a right against a vested right."

"If they take out this section," he said, "Mr. Eckhardt can still go down to the beach and change his clothes outside the bathhouse if he wishes to do so."

But, Glusing continued, "every citizen likes to believe he has a right to sanctity in the property that he owns, that if he is fortunate enough to accumulate some money, and get some property, then there is ... the more sacred right, the right of property."

"There are as many people interested in the sanctity of their property as there are in going down to the beaches," Glusing concluded.

His amendment carried, 79-63.

'Shut the Beaches'

This set the stage for the basic conflict. Still left in the bill were requirements that to acquit himself of a public nuisance charge, a beach-fencing landowner must prove that (a) he owns the adjacent land and (b) his title includes the right to prevent the public from using the area for "time-honored usage of the shore," defined as "public travel, bathing, fishing, camping, and recreation." Eckhardt reasoned that (b) meant about the same thing as the clause Glusing had cut out by his first amendment.

"I have never seen a title that includes the right to exclude the public," Glusing argued. Eckhardt rejoined that striking (b), the House would let any landowner erect beach fences. The amendment would "kill the bill" and "take out everything that would permit the treatment of the building of fences as a nuisance," Eckhardt insisted, "because all you'd have to do is prove you were the adjacent landowner." It was, he

said, "an attempt to take away the right the public now has to the beaches." Glusing rejoined, "the Attorney General has a continued right to bring an action" against a landowner. The motion to table the amendment failed, 71-73, and section (b) teetered.

At this point Zbraneck took the front microphone to plead that the House change its mind. "Do you want the public on the beaches, or are you gonna turn it over to the landowners and leave the public no rights?" he asked. "It's a question of do you believe the public has any rights on the beaches. Are we gonna shut down the public beaches or are we gonna keep 'em open?" Courts would be apt to say, from the legislative history, that the legislature "meant to take it away," he said. "So now, piece by piece, the opposition gives the beaches over to the private owners."

Rep. Jerome Jones, Galveston, said to Zbraneck in a bandying way that he and other representatives were invited to come down and enjoy the beaches at Galveston.

"Well, they better get down here fast, because if the House adopts this amendment they ain't gonna have 'em long," Zbraneck replied.

By a verified record vote, the House divided 63-68; Glusing's second amendment failed.

Personal Clashes

Earlier in the week Rep. Eckhardt and Bill Shaw, Forney, chairman of a subcommittee on the bill, argued sharply. Eckhardt said Shaw had said he would call

a meeting on the bill; Shaw said he had not called one; "You're just telling a story that I don't believe is correct," Eckhardt said. Eckhardt put his hand on Shaw's shoulder; Shaw said, "Get your hands off me, I'm getting tired of all this"; Eckhardt replied, "I'm getting tired of all this run-around."

Eckhardt then said to Woolsey in the presence of the press, "Bill, when are you going to stop representing the Dallas landowners of Padre Island and start representing the people of Nueces County?"

At a meeting of the full committee, Rep. Wade Spilman succeeded in adding an exemption for islands not accessible by public road or ferry. Eckhardt opposed that amendment; however, he also accepted two by Woolsey, which protect cattle owners from liability for cattle-caused damage to private property of beach users, and extend the length of beach along which cars can be prohibited from 300 yards to one mile.

Parish's amendment halved from ten miles to five the distance from any public road beyond which the highway department can declare beaches "remote." "That way," Parish said, "the highway department will be able to declare more of the beaches remote that are not used by the people." This passed on a record vote, 72-66.

On Friday Rep. George Truett Wilson asked the House, "Vote for 9,000,000 people and not 25 landowners," and the Eckhardt bill was finally passed by that chamber, 98-45.

R.D.

GI Forum Thanks LBJ

AUSTIN

A resolution criticizing Sen. Johnson and commending Sen. Proxmire caused the only controversy at the American GI Forum of Texas convention in San Antonio over the weekend.

Archbishop Robert E. Lucey, San Antonio, asked the delegates not to vote for the idiots and imbeciles running for office, but for the high grade morons. His concern was aid to dependent children and other welfare legislation.

Dr. Hector Garcia's keynote address was friendly to Sen. Johnson. The San Antonio delegation planned a resolution criticizing Johnson. Johnson called from Dallas to find out what was going on. The resolutions committee,

presided over by Bob Sanchez of the Valley, reported out a simple thank you to Johnson for past favors. (Johnson's help on the Felix Longoria case at Three Rivers, obtaining a congressional investigation and burial of Longoria at Arlington Cemetery, helped put the Latin veterans' organization on the map.)

Ed Idar, McAllen, presiding, refused to recognize a motion from Richard Casillas, Jr., of San Antonio, to table the thank-you resolution; after twenty minutes' debate, it carried. Another resolution thanked Sen. Yarborough for his many favors to the Forum. Rep. Kilgarlin, Houston, was commended for his fight for a minimum wage law in Texas, and a resolution endorsed such a law, including farm workers.

Other resolutions asked for repeal of the poll tax; endorsed public housing (but a move to protest segregation in such housing was dropped); endorsed natural gas taxes and opposed a general sales tax or "a multitude of special sales taxes which add up to the same thing"; supported the family farm system; asked people not patronize merchants which stay open on Sunday; commended gasoline station operators for offering free drinking water and toilet facilities to migratory workers, reducing typhoid, diarrhea, and other sicknesses among them; condemned the discrimination incident in Lubbock; commended the Texas Migrant Labor Council; favored federal fair employment practices action, and opposed the bracero program except on a temporary basis.

Sen. Henry Gonzalez reported on state legislation and asked for "bread and butter appointments" and jobs for Latin Americans in state government.

The Observer is indebted to R. N. Jones, Dallas, and Idar for accounts of the convention.

Loan Shark Control Rejected in the House

AUSTIN

The sponsor of the constitutional amendment to let the legislature set interest rates on small loans—on which the people will vote Nov., 1960—is himself now opposed to it and will ask the people to vote against it.

This is because his companion bill to regulate and license the loan sharks was killed again this special session.

First the House banking committee rejected Rep. Don Kennard's motion, only Kennard and Cole voting aye, and 13 voting no, to report the regulatory bill out at once. Then the committee refused to instruct a subcommittee to report the bill in time for its passage before the session ends.

Kennard took the issue to the House floor, saying that failure to tell the committee to act would kill the bill for the session. Rep. Jim Bates, Edinburg, opposed Kennard's request, and the House defeated it on a record vote, 58-73.

"Kiss passage of the constitutional amendment goodbye," Kennard said. "I will not support the constitutional amendment," said Cole, the man who sponsored it, "because the loan sharks would contribute sums of money to legislative campaigns in order to get more favorable results after the amendment is adopted."

Friday Kennard tried again and

lost again, 58-73. In post mortems then, Rep. Zeke Zbraneck, Liberty, said, "We're going to have a bill to raise the loan limit and no bill to control it. It shows that it's going to be extremely difficult to pass an anti-loan shark bill, and if the constitutional amendment passes without a regulatory bill in effect on the books, we're going to have bigger and fatter loan sharks."

Rep. Wade Spilman, McAllen, who voted against Kennard, said he had "no special reason. I don't have the slightest idea of the bill. No matter how you go, you're accused of representing either small loan companies or large loan companies."

Rep. Tony Koriath, whose anti-shark bill was killed in 1957, said, "The loan shark boys have control of this place. That's all. The people of Texas, by their near complete idleness on this issue, have allowed every anti-loan shark bill to be killed in the Texas House of Representatives. There is no lobby to correct the abuses of the loan industry, but I assure you there are plenty of lobbies down here to maintain the present loan shark situation in Texas, and until the people speak, no loan shark bill will ever be passed through this House, and Texas will remain as one of the three or four great loan shark states in America."

19 TEXAS TOWNS

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the pledges, which he then sent to Mexico City.

"From time to time," Linares says, "I go out there and talk to the Latin-Americans and find out if they are admitted in the barber shops, if they are admitted in the restaurants, if they are admitted in the movies, if they are admitted in the schools, and so on." Other kinds of discrimination which can cause blacklisting, he said: "undue abuse on the part of the authorities of Mexican nationals because of their origin," or "notorious discrimination in wages where they are banned from certain employment because of discrimination," or Anglos getting paid more than Latins for the same work.

How does it work out in a given town? "If they need the workers, then they get after the few people that are still diehards, who say I'm not going to let many Mexicans come in here." It's a matter of education and persuasion. And of course, although they are isolated instances, they are given publicity in much of the press of the world."

Pecos Pool a Cause

Discrimination in schools caused some blacklisting, "I know as far back as 1951," Linares said, "they had separate primary schools for Latin-American children for the first grades, and some of them were not even admitted in high school." Pecos is blacklisted, Linares said, because Mexicans are not admitted to the privately-owned swimming pool there. "The owner says 'I don't give a damn what happens, it's my pool and Mexicans can't come in here, and you can go to hell,'" Linares said.

Linares went to Imperial on the case which caused that town to be blacklisted. "The braceros wanted to go home. The employer called the law, and he just put 'em in jail—all 22 of them." This was four years ago, but, says Linares, "when you don't get co-operation from the law, there's very little you can do."

This is the context of the addition of Lubbock to the Texas blacklist recently because a beauty shop owner had refused to serve two women who worked at the Mexican consul there. R.D.

Hudson Explains His Position

AUSTIN

Sen. Hubert Hudson, Brownsville, has addressed to the Observer this letter, apropos the editor's column last week, "Land-grabbers and Snobs."

"Dear Sirs:

"In an article which appeared this last week, I would like to refute several points raised concerning the beach bill:

"First, if worrying about the safety of my children from traffic, broken glass and other litter makes me a snob, then I plead guilty.

"Second, in my bill (Senate Bill 25) the rights of the public to use the public beaches remain inviolate, subject only to the rules and regulations regarding littering, speed control and other traffic regulations which the various park boards deem necessary.

Frankly, I know of no better way to keep the beaches clean for greater public enjoyment than to have necessary regulated control. Certainly the Federal Government does this in the national parks and has created areas of beauty throughout the country.

"Third, I was the author of a bill to make the Boca Chica area a state park last session, and to preserve it in its natural state. This bill passed by an overwhelming majority in both the Senate and House.

"I would appreciate your printing this to help set the records straight.

"Sincerely,

"Hubert R. Hudson

"P.S. I do not belong to the Country Club in Brownsville (nor do my family)."

House Slams Butler

AUSTIN

The Texas House paused in its ruminations about taxes and beaches long enough this week to criticize Paul Butler for "creating dissension" in the national Democratic Party. The House passed, 111-15, a resolution offered by Rep. Bill Shaw of Forney "supporting Democrats who have requested the immediate resignation of Paul Butler as National Democratic Chairman."

The resolution noted that Butler had criticized Lyndon Johnson and Sam Rayburn, that he had "on a former occasion told the historic South to stay home from the next Democratic National Convention in spite of the fact that the Democratic Party originated in the South in the minds and hearts of Southern leaders," that he had at times supported Republican candidates, and that his "unwise and untimely statements" criticizing Democratic leadership had caused serious dissension in the ranks of the party.

Sponsor Shaw said Butler "aids, abets, and comforts the Republican Party." Rep. Roger Daily, Houston, recommended leaving the matter in the hands of the national committee. Rep. Ben Lewis, Dallas, asked Daily if he agreed

with Butler that the South can "go jump." Daily said this misrepresented Butler. "I don't see anything wrong with the Democrats arguing within the party," he said.

Rep. H. J. Blanchard, Lubbock, said "Most every county in Texas has gone Republican in the last two presidential elections. Oughtn't the national leaders listen a little to the people of Texas now that maybe we can elect a president?"

Rep. Bill Kilgarlin, Houston, asked "Republicans and mugwumps to abstain by pushing the white button" on the resolution. He hoped all the people interested in the Democratic Party "today are still as interested at the time of the presidential race in 1960." Rep. Jerry Sadler, Percilla, responded: "I did not vote for Stevenson or Eisenhower either one and as long as Stevenson and Eisenhower follow the communist doctrines I won't vote for 'em any more." Rep. Bob Wheeler, Tilden, called this "demagoguing." Rep. Wesley Roberts, Lamesa, added, "I don't think that Mr. Eisenhower follows the communistic doctrine, but I do think some of his appointees way up there do." The debate ended on that note.

DIVISION FROM REVOLT

WASHINGTON

The "revolt" against Sen. Lyndon Johnson's Senate leadership, launched by Sen. Proxmire into the face of a contemptuous press corps months ago, has now matured into a grave division among Democrats over what the country needs, and how much of it.

Formally ranged now against the Johnson-Rayburn "moderate-conservative" leadership, as Democratic national chairman Paul Butler tagged it last week, are Butler, the Democratic Advisory Council, which is studded with many of the big names of the party, Americans for Democratic Action, one of the major idea sources for the liberals in the party, and a group of U.S. senators who expanded last week to include Sen. Russell Long, La.

In the other camp are Johnson and Speaker Rayburn, themselves, and their legions in the House and Senate, particularly the chairmen of the congressional committees. Watching with glee: the Republicans, whose national chairman, Thruston Morton, has called this the "Won't Do" Congress, a play on a favorite Johnson slogan, that he is a "Can Do Man," and whose Senate minority leader, Everett Dirksen, has chided Johnson for his "veto-proofing" of legislation by watering it down until it is acceptable to the President, which Dirksen calls a "retreat" from Johnson's promised "bold new program."

The criticism has been heady and explicit. Said Butler: many Democrats are unhappy, he hopes "the attitudes and policies of the leaders will change," and the party will be "in a tough situation in 1960" if they do not. Democrats should pass "progressive" bills even if they know Eisenhower will veto them. "We won in 1958 not so much because of the Democratic record in Congress as we won upon a negative vote against the administration," Butler said. He also slammed "the congressional seniority system."

The Democratic Advisory Council: The voters "expect and are entitled to have in this Congress more tangible results of the mandate they gave the Democratic majority last November than they have received to date."

Said A.D.A.: "'Veto proofing,' a new word in the parlance of the leadership, is simply a euphemism for enacting legislation which will give the President substantially what he requested."

Sen. Long, after a conference committee struck out several hard-won liberal plugs in "tax loopholes": "We are told ... to make the bills veto-proof, we must pare them down ... to the point where they have about one-quarter of the significance we intended. As a result, the bills are ... 90% Eisenhower bills and 10% Democratic bills."

Sen. Joe Clark, Pa.: The Democrats will go down to "splendid disaster" if they cut other programs as deeply as they have already cut housing and airports construction. The two parties will be indistinguishable. "If the people cannot detect any difference between the parties, why should they wish to make a change?" he asked.

Johnson responded to these criticisms: "We in the Congress have a choice between political issue and achievement. I believe the Congress will choose achievement."

Again: "... you have to take into consideration the President's views," and he had a respect for a presidential veto, even if some other members of his party did not.

"Mr. Butler and Mr. Morton are both entitled to their opinions," he also said.

Sen. Vance Hartke, Indiana, defended Johnson: "It is the Johnsonian concept of a responsible Congress," he said, "that is writing in blazing letters a great program." A South Carolina representative said Butler should resign; he said the attack probably means Butler wants to replace Rayburn as 1960 Democratic convention chairman.

Sam to Nominate LBJ?

The Observer has received reports from impressive sources that Rayburn is seriously considering stepping aside as chairman and nominating Johnson for president. He would not consider this if he were not serious about Johnson's chances, some people close to Rayburn believe.

Rayburn's response to the criticism: "Mr. Butler can do the talking and we'll do the acting and make the record."

In Dallas Sen. Johnson dropped a remark some reporters thought might mean he would accept a draft for president. Asked about the drive in Texas and among some of his Senate colleagues to nominate him president, he said, "I would be less than human if I didn't appreciate the fact that my homefolks and my colleagues think I am worthy of their confidence and respect."

Meanwhile, in Texas the last month or so, developments advancing Johnson for president have been accelerating.

About 100 "moderate conservative" Democrats met in Abilene to hear John Connally, Fort Worth executive vice president of Sid Richardson's oil companies; Jake Pickle, Austin; and J. Ed Connally, Abilene oilman and state party chairman, urge political activity. The crowd cheered Pickle when he said Texas Democrats are on the road to electing the president. Allen Duckworth, Dallas News, had a poll of "State Democratic Committee members and various county chairmen" sent to those on the Governor's mailing list in this category, only to have Pickle, Daniel's organizer, put out a memo warning of the "danger" of the questionnaire's implication of a Daniel-Lyndon Johnson contest. Daniel and Johnson will put forward "a united front in 1960," Pickle urged the people polled to reply. Duckworth, miffed, went ahead publishing his results, which showed the people polled mainly think religion will hurt Kennedy, favor Johnson, Symington, and Kennedy, in that order. Cliff Carter, a Johnson man, opened an Austin office to organize the state convention for Johnson, in co-operation with Pickle. Duckworth's poll, he reported, showed 99 percent of those replying believing Johnson could beat either Rockefeller or Nixon in Texas, and 80 percent believing the people in their regions prefer Johnson for the nomination. Then Joe Belden's poll of 1,000 Texans showed, he said, that about two of three Texan Democrats regard Johnson as one of the most qualified men in the party to be president (against less than half as many who so rank Stevenson and Kennedy) and 47 percent of the Democrats favor Johnson to 38 percent for all other candidates.

COPE Ranks Texans

In other developments in Washington:

The House passed the Smith bill restricting the Supreme Court's right to construe federal legislation as pre-emptive of states' rights, 225-192, with all

Texas congressmen except Rep. Jack Brooks voting for it.

Sen. Johnson opposed a majority of his party colleagues to fight further cuts in the administration foreign aid bill. Sens. Yarborough and Johnson both voted against the confirmation of Admiral Strauss. Sen. Yarborough made a speech opposing a reduction in the oil depletion allowance, which lost on the Senate floor, 54-21, after rejection in committee, 14-3. Yarborough argued it would reduce employment in Texas. The Atomic Energy Commission announced it is delaying dumping atomic wastes in the Gulf until there can be a hearing Oct. 13.

The American AFL-CIO's COPE—whose director for the six-state region including Texas is Don Ellinger of Austin—reported the following record among Texas congressmen the first five months of the session, with the number indicating the number of proposals considered good for the people favored by each member:

Beckworth, 14 of the 14 issues; Brooks, Kilday, Patman, Rutherford, Thompson, and Thornberry, 13 of them; Ikard, Wright, and Young, 12; Poage and Thomas, 11; Teague, 10; Burleson, 9; Casey, Fisher, and Kilgore, 7; Dowdy and Mahon, 6.

Yarborough delivered a speech to the state convention of the Brotherhood of Railroad Trainmen in Houston in which he took a firm pro-union stand in the controversies over gangsterism in the unions. He said:

"... we in Washington have seen a monumental effort by special interest propagandists to use 'gangsterism in unions' as a knife. They are trying to cut the vital and sacred rights of working men and women—rights which over a period of three decades were won with human misery and suffering, bloodshed and tears. I, for one, will not stand for it. I am for law and order and honesty in unions and out of them ... But I don't believe we have to abolish unions ... to break up gangsterism."

Johnson Cites Racial Point

AUSTIN

An interesting sidelight has come to the Observer's attention concerning Sen. Johnson's vote against the McClellan "Bill of Rights" amendments to the labor bill.

The weekly newspaper in Andrews, Texas, in the column, "drifting sands," reported that Johnson had written "chiding us" for a recent column criticizing Yarborough and Johnson for voting against the bill-of-rights amendment, which labor also opposed.

The column continued: "The senator enclosed a memorandum that was circulated among southern senators prior to the voting pointing out that the bill-of-rights amendment as passed contained provisions extremely harmful to the South's position on civil rights legislation."

"The memo points out that, in effect, the provisions of the amendment would have permitted the Secretary of Labor to integrate thousands of union locals and establish precedent for the attorney general to integrate schools in the South."

"Johnson adds: 'I was in accord with Senator McClellan's objectives but I could not go along with these provisions.'"

Williams Backer Talks

HOUSTON

The future of a party must be built around issues, not personalities, and for this reason presidential preference primaries tend to tear a party apart rather than to weld it together, said Thomas H. E. Quimby, national Democratic committeeman from Michigan, in a talk before the Women's Division of the Harris County Democrats this week.

One of Quimby's purposes in Houston was to find out how the prospects are for his favorite candidate for president, Gov. G. Mennen Williams of Michigan. Favoring Williams, Quimby also took occasion to say good words on behalf of the party's two-time standard bearer, Adlai Stevenson of Illinois.

About Texas's senior senator, Lyndon B. Johnson, Quimby declined to be drawn into any predictions as to chances. He indicated that on a swing into a number of states he visited recently he found indifference to the possibility that Johnson might have an eye on the nomination.

Quimby was a house guest of Mr. and Mrs. R. D. Randolph, she the Democratic national committeewoman for Texas.

Said Quimby:

"It is a great pleasure to be in Harris County tonight with Mrs. Randolph, my colleague on the National Committee, and the Harris County Democrats, and the Democrats of Texas. This group has earned the admiration and respect of liberals all over the country for dedication to the crucial issues of our time, to definition of issues and to education on issues."

"I know of no newspaper, by the way, that does a more thorough job of defining the issues of our time than The Texas Observer. This is required reading on the Democratic National Committee; along with my fellow members I look forward to each issue of this very articulate, very sincere, humane newspaper and the news stories and comment it carries."

"We admire the Democrats of Texas because you are concerned with issues rather than personalities and with the basic issues of how a human being may become a better human being. You are not concerned with the well-being of an exclusive group—not labor, not management, nor Anglo-Saxon, Negro, Jew or Armenians, but all human beings. This is truly a concern for the public interest. The definition of issues and education on issues are the most important tasks we Democrats face in providing leadership."

"This effort is basic in our opposition to the Republican Party. The Republicans seek to dull issues, to remove their sharpness, to substitute scare words and slogans for issues and then transfer the focus from issues to personalities, thus hiding selfish interests of their controlling group," Quimby said.

Quimby also discussed Michigan's financial difficulties, which he said were the fault of a 22-12 Republican majority in the state senate who have refused to enact adequate taxes for Michigan's state services. He was applauded frequently by the 200 dinner guests. A.H.

San Antonio Teachers Raised

San Antonio teachers were granted a yearly raise of \$100, so that B. A. degree teachers start at \$3,900. ... Brown & Root, Inc., of Houston has joined in bidding on the giant Mercury tracking system the government has projected. ... William P. Hobby, Jr., has been named associate editor, and Jack Donohue managing editor, of the Houston Post. ... Two

commercial fishermen complained they were strafed by a Texas Game & Fish Commission plane.

The Week in Texas

They were charged with resisting arrest after being buzzed by the plane because they were allegedly equipped with an illegal net.

'Veto-Proofing'

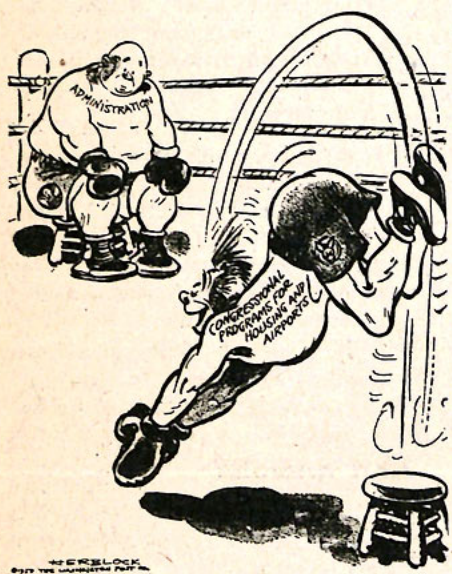
Senator Johnson, one of the glibest of all American politicians, always shapes up his critics in advance and pats his opening arguments into a refutation of what he thinks they will say. The latest example of this is the Johnsonism, "Veto-proofing."

Veto proofing is cutting the guts out of Democratic programs so the President won't veto them.

Senator Johnson also calls this "a program of achievement," accomplishment instead of mere politics, and a respect for the veto of the President. He opines that nothing can get done unless the Congress (that is, the Democrats) and the executive (that is, the Republicans) cooperate.

This argument means, Give up in advance. It means spare the President the political consequences of his vetoes by sharing those consequences. It means when you think Eisenhower will say no to your principles—go toward his principles.

"Good Joke on You—You Can't Knock Me Down"



20 Cities

Alpine, Edna, Gonzales, Haskell, Imperial, Lubbock, Marfa, Marshall, Monahans, Moulton, Pecos, Port Lavaca, Robstown, Seguin, Sonora, Stanford, Sterling City, Three Rivers, Victoria, Winters.

Hardly an honor roll of Texas cities in which human rights are cherished—for this is the Texas blacklist of the Mexican government against cities where discrimination has occurred and has not been remedied.

Mexico's system of backlisting an area in which a Mexican or Latin has been discriminated against is limited by its dependence on episodes brought to Mexico City's attention. But these towns continuing on the list of localities ineligible for braceros could get off if their chief law enforcement officers would pledge nondiscrimination and work for it when necessary. Do they not care?

It means jettison the Democratic platform if the Republican President is strongly opposed to it.

In this respect Johnson is to national politics what Will Wilson is to Texas politics. Wilson does not believe in two-party politics. He wants the people to have to vote on popularity; he does not believe in discussing issues of principle in politics—it's all a question of compromise, administration. In effect he wants to be a judge, not a politician. Analogously, Johnson tries to develop contempt for those Democrats who want a liberal party record. It's always a question of what you can do, never of what you should do.

This is not to say the present Congress has not accomplished some reforms. Nor is it to say that Johnson and Rayburn have not worked in good faith for many good programs—most recently, Johnson's fight against further foreign aid cuts was very fine. But it is to remark on the consensus of liberal observers in Washington that Johnson and Rayburn have accepted, and other times initiated, the disembowelling of enough liberal programs of major importance, especially housing, airport construction, employment build-ups, and tax reforms, to leave the liberal image of the Democrats badly tarnished as of right now. They have also outdone Eisenhower in budget-cutting; they brag as though it were liberal to be stingier with public programs than the Republicans.

It is past time for this issue to be fought out and settled in the Democratic Party. Paul Butler is to be commended: Johnson and Rayburn ought to be seared every time they pull such stunts. The Democratic Advisory Council ought to get more explicit. The Democratic National Committee should take up the matter at its next meeting. This is the issue of liberalism in America, and nothing could be healthier than all this sound and fury, signifying a great deal.

Can't Hear a Word



THE TEXAS OBSERVER

Published by Texas Observer Co., Ltd.
Entered as second-class matter, April 26, 1937, at the Post Office at Austin, Texas, under the Act of March 3, 1879.

JULY 11, 1959

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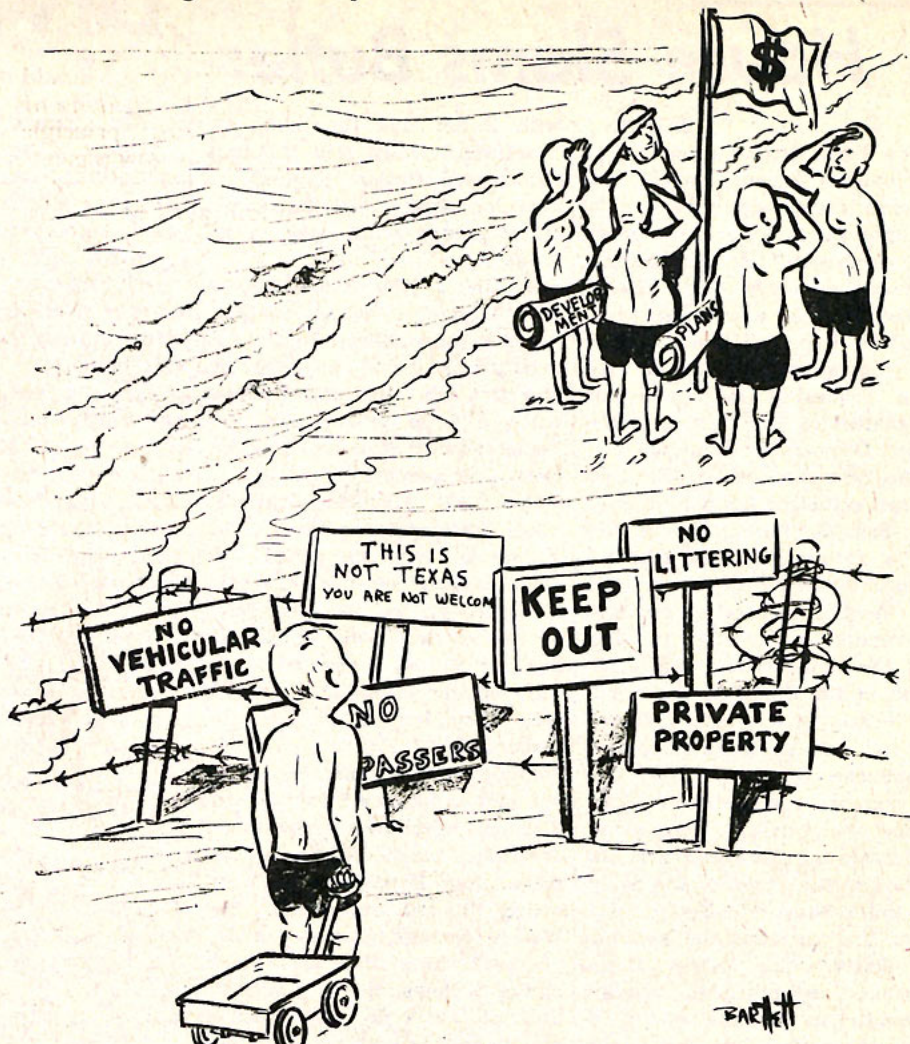
Published once a week from Austin, Texas. Delivered postage prepaid \$4 per annum. Advertising rates available on request. Extra copies 10c each. Quantity prices available on orders.

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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

'Meeting of the Royal Order of Sons of the Beaches'



Bartlett Appears Exclusively in the Texas Observer

THE BLACK BASS

(Which headline is a dirty trick)

AUSTIN, THURSDAY MORNING
This is not a column about the legislature. If it were nobody would read it. This is a column about why this is not a column about the legislature.

From the wire service stories you'd think all the boys are doing up here is sitting around in the air conditioning drawing their \$25 a day. Everybody knows the tax bill is the issue, but its vicissitudes have been as fascinating to the people as the state of mother-in-law's gout. Why can't they just pass a bill and get out of there? It's costing \$200,000 a day, and so on.

This is not a column about the legislature because the gas lobby doesn't want it to be. The gas lobby is winning. The people are bored and exasperated; now perhaps enough of the House hold-outs for a gas pipeline tax are bored and exasperated, too, and the majority can be broken, and sales taxes passed, and everybody can go home for the summer.

If not, another session! Then a journalist won't even be able to write columns explaining why he's not writing about the legislature. The people will just wad up the newspapers and cuss.

Rep. Charles Hughes said the other day, "The issue has never been clearer in the legislature all the time I've been down here." But the people have no idea what the issue is. They have been startled once or twice by tax bills to tax things they buy; they don't really understand that the choice is between sales taxes and taxes on the interstate gas pipeline companies.

If they had understood earlier, there might have been a fighting chance for the franchise tax change to make out-of-state corporations pay more to Texas. But they didn't understand earlier; they don't even understand now.

The liberals in the House and Senate accepted the shutting off of debate in both chambers when they should have been fighting—on personal privilege, or on adjournment in speeches to the press—to tell the people what it's all about. They should have been pointing fingers into the galleries and calling the names of the rogues of the gas lobby. But it is easy to say how it should be done when you do not have to compromise to try to get something passed.

THE COMATOSE STATE
of the people whenever they are asked to understand the tax issue—the co-

matose state of many of the daily papers toward the knobby facts of the case—these drive one toward a feeling of contempt for state government.

As in the beach controversy, with large numbers of little legislators running around collecting exemptions for a few millionaires and betraying the needs and rights of the people at large, so in the tax controversy, with a few favorites for each special interest—Bo Ramsey and Waggoner Carr for the gas pipelines, Jimmy Phillips for Imperial Sugar, Sam Bass for Freeport Gulf Sulphur. . . . When they count the votes the interests have the majorities.

Can a state government represent the people? It is a commonplace that the states' tax structures are mostly regressive—sales taxes, general and specific. Does government have to be distant from the pressures of local financial interests to preserve the general welfare? Is this why Washington has become the capital of the states, as well as the capital of the nation?

This time the state tax bill is going to fall heaviest on consumers. The gas pipelines which carry Texas natural resources to the north and east and west will not pay anything, or much, unless the Governor ties a severance-beneficiary tax to some pressure group like the teachers in another special session. Nor are the legislators ready for a broad-based tax.

So we may not have adequate resources taxes; we may not have, this session, progressive taxes like corporate profits, or personal income; we may have more cigarette taxes, and more beer taxes, and more car taxes; more people taxes.

BUT WILL the state government ever be much better than it is now? Eternal vigilance is the forte of the gas lobby, not the people. The people get bored. Their legislators get bored. They're not paid enough to be vigilant; they have lapses; they want to go fishing, or back home to make money.

There are a few who will watch for the people. There are a few who will always be concerned. But for them, democracy would be a farce and would fail; especially in the summertime, when the black bass are running just after dawn.

R.D.

The Wandering Meaning of Freedom

AUSTIN

Two of the state's metropolitan dailies editorially addressed themselves to the question of freedom and the arts this past week. Reading these efforts of the Corpus Christi Caller and the Fort Worth Star-Telegram, one can almost feel fearful provincial eyes peering over editorial shoulders; the resulting prose will hardly be remembered as a ringing reaffirmation of American ideals of intellectual freedom.

In an extremely guarded piece entitled "Mixing Politics With Art Danger to Free Society," the Caller remarks on the efforts of Rep. Francis Walter (D-Pa.), chairman of the House Un-American Activities Committee, to clean up the forthcoming American art exhibition in Moscow. Communist front affiliations of some of the artists is the question. Says the Caller: "It is a sound general prin-

ciple that the evaluation of art should be disassociated from the politics of the artists. But does that principle apply when an exhibit is governmentally sponsored for what is fundamentally a political purpose? It's a close question."

An odd conclusion, this. One would think that if indignation over Walter's self-appointed art criticism had driven the Caller editorial writer to the typewriter in the first place, he might have managed a more explicit defense of creative freedom. When freedom becomes a close question in the United States, the necessity of defending western civilization against the Russians becomes one of simple physical survival and little else.

Quite circumspectly, the Caller goes on to make its case for freedom: "President Eisenhower has expressed doubt that the art exhibit is 'representative' and suggested revision of methods for selecting U.S. showings in international exhibits. But we doubt that agreement could ever be had on what kind of a collection would be 'representative.' The same controversy attended the U.S. exhibit at the Brussels world's fair. As for the U.S. art exhibit in Moscow, it was selected by a four-man jury of art experts chosen by 21 cultural advisers to the State Department and U.S. Information Agency. The whole idea was to emphasize freedom of art from political pressure, as a contrast to the Communist system of cultural regimentation."

Doubtless, the Caller is hopeful the reader may see the irony of this new American competition with the Russians in the field of thought control. But lest he get excited, there is that admonition that "it's a close question."

IF THE CALLER is guilty of editorial neurosis, the Star-Telegram is fated to collapse into a catatonic coma after unveiling some of the most schizoid prose to grace this province since Joe McCarthy was defended as a guardian of our liberties.

In an editorial entitled "Slanting the Arts," the Star-Telegram indignantly blasted the American art ex-

hibit in Moscow: "The American people have a right to insist that their tastes are represented by artists who believe in the American way of life, and somebody should have seen that they were."

Yet in a second editorial within the same week, the Star-Telegram deplored what it called "The Assault on the Creative Mind." Said the S-T: "The call of President Emerson Greenaway of the American Library Association for public support of librarians against censorship pressures is more righteous than likely of response, for the amorphous public is more inclined to be the censor than the defender against censorship ... The era is so obsessed with racial and political conflicts and fears that sanity in the preparation and dissemination of books is almost impossible to maintain. Examples of foolish and ridiculous expurgations of dialog and situations are commonplace ... what is more disturbing than the assault on the libraries is the assault on the creative mind—the censorship and destruction of books before they are written. This is the irrevocable loss."

The ringing logic that the Star-Telegram applies to writers and books, it manifestly does not apply to artists and U.S. exhibits. The paper's response to the Moscow art exhibit smacks of the Ku Klux Klan era, when be-robed rednecks were the self-appointed judges of white men's morals as well as black men's political futures. Note the Star-Telegram's descent into latter-day night-riding: "It evidently has been decided that, possibly in the interest of being 'honest,' Uncle Sam must exhibit before the curious crowds of Muscovites many of his character defects. As a result these people, who may never have a better opportunity than the fair affords for evaluating life in America, are going to see the ugly side as well as the good, and for fear that someone might get the idea Uncle Sam was boasting, the very best has been withheld from the exhibit. ... Rep. Walter has charged that more than half the contributing artists have records of Communist affiliations and 22 have a total of 465 connections

with Communist fronts and causes.' With their works the U.S. exhibit is expected to portray American culture! President Eisenhower, with becoming modesty, has disclaimed being an art critic, and the average American, not having seen the exhibit, is hardly in a position to pass judgment on its quality."

Judging by the one editorial, one may infer that the Star-Telegram resents Postmaster Summerfield's recent lack of "becoming modesty" in insisting on censoring books in the U.S. mails; from the other editorial, one must conclude that if Summerfield's motives flowed from his interest in "the American way of life," it was quite proper after all for him to perform a little administrative book-burning.

THESE DISTINCTIONS are a little hard to follow; the direction in which they point is, however, frighteningly clear. You won't find such intellectual guideposts in the Federalist papers. L.G.

'DISCIPLES OF DECEIT'

MARSHALL

The defrocking of Admiral Strauss, let us hope, is another straw (or bundle of Straws, Sen. Dirksen?) in the wind that blew the winsome Mrs. Luce into obscurity. Can it be that decency is really raising its bespattered head in the morass of political morals in Washington? Even before the canonization of Saint Ike (circa 1952), President Truman was measuring his movements by their probable effect on the national fever that Sen. McCarthy had created. This left the booboisie (excuse it, H.L.) trembling with an ague as they searched for one answer: Are our leaders really traitors?

The Admiral is but one of the disciples of darkness and deceit that came upon the American scene in the wake of Ike's ascendancy. The Republican Party deliberately engaged the foremost advertising agencies of America to merchandise distinctly second rate goods in the political marketplace with as much fervor as the boys had used in causing a charmed public to ruin its teeth with peppermint flavored emory dust. There had to be, first, a suppression of fact, and second, a system of deceit for the treatment of such facts as might slip out through the minority press. The first was accomplished by classifying much public information under security regulations, even facts recognized in common calendars; the second, by a series of dodges and half-truths that were passed off as little things on which someone had misinformed our poor unread and readerless president.

If those in position to know are to be believed, the mastermind behind the Dixon-Yates contract was the Admiral, not of the seven seas, but of the private utilities. No one but the image that is Ike could have simply brushed off the existence of a government contract so stinking that it had to be repudiated by saying he did not know the Admiral had placed an employee of the Barton investment firm that was to reap the benefits of the deal in the false role of an unbiased government adviser!

The Admiral would not have scuttled the ship of state, had he been confirmed. The Eisenhower administration would have continued to peter out, as it will without Ike's sealess sailor; but the political atmosphere is cleaner, the symbol of the persecution of J. Robert Oppenheimer has been sent permanently to the showers—and well he needed them. Enjoy the brief cloudlifting, kiddies; but remember, it was a close one.

FRANKLIN JONES

\$10 Billion Gift to Banks

WASHINGTON

President Eisenhower's proposals to increase the interest rates comes as no surprise to those who have followed the Administration's funny money policy in the last seven years. From the day George M. Humphrey took over as Secretary of the Treasury and continuing right up to now under Secretary Robert Anderson's tutelage, the Administration has been committed to higher and higher interest rates.

One of the stories that newspaper editors shrugged off was told by Rep. Wright Patman (D. Texas) in a speech last winter. "The government of the United States," he said, "made a free gift of slightly more than \$10 billion worth of U.S. government securities to the private commercial banks of this country. ... If the government gave away \$10 billion under most of the methods of gift-giving, the country would hear a great deal about it ..."

Patman went on to say that \$10 billion given to the commercial banks might seem like an exaggeration. "But the term 'gift' is literally correct."

"The more exact amount of this gift is \$10,410,000,000. It was made in several lots between Nov. 27, 1957, and Nov. 26, 1958. The source of my figure is the Federal Reserve Bulletin for January, 1959, page 33. ... By reference to p. 33 one may see that at the end of Nov. 1957 all commercial banks in the U.S. held \$56,910,000,000 in U.S. government obligations.

"A year later, at the end of Nov. 1958, these banks held \$67,320,000,000 of government securities. ..."

While all banks benefited to some extent, Patman explained that 72% of these securities went to only two percent of the banks in the nation. Almost 25% of the bonanza went to 18 banks in New York City.

"How, how did the commercial banks of the country acquire this \$10.4 billion of government securities? In a nutshell, they created the money with which to buy them. They created new money in this amount on the credit of the U.S. which cost them not one penny."

Patman explained that the Federal Reserve gave its member banks additional "reserves" and that because of the fractional reserve system on which commercial banks operate, this meant that each bank could create "several dollars of new money for each dollar of new reserves."

It was not only enormous profits to which Patman objected, he explained. It was that this system of allowing the banks to create money-credit has inherent within it great future dangers to the economy. Right now, it might be added, the banks are undertaking a tremendous propaganda campaign to convince federal authorities that they be required to keep as "reserves" only ten per cent of every dollar in credit they issue.

ROBERT G. SPIVACK

Two Men Most To Blame

An editorial in the El Paso Herald-Post last week:

"LOUSY LEGISLATURE

When the people are finally defeated in the Legislature, and stuck with most of the taxes while the oil and gas companies get off easy, there are two men most to blame.

They are:
SPEAKER WAGGONER CARR.
LIEUTENANT GOVERNOR BEN RAMSEY

These men are the leaders in the fight against the people. They have great power. They preside over House and Senate. They use their power for the tax-dodging oil and gas companies.

In addition, this is a lousy legislature. A majority of it eats the food, rides the planes, drinks the whiskey, and licks the boots of the lobbyists. Legislators win at poker, too, when they play with the lobbyists. That, of course, is no pay-off. Oh, no! It is just hard luck for the lobbyists to have such poor hands when legislators are in the game. Yeah!

By the way, in one month, April, the Federal Power Commission reported, interstate natural gas companies had operating revenues of \$242,939,506, which was 12.4 per cent more than the \$216,138,340 they had in April of last year. That was a gain for one month of \$26,801,166 for the tax chiselers.

* * *

A minority of the legislators work for the people. They remember their campaign pledges and fight sales taxes and try to increase taxes on those who pay too little—the natural resources boys. They are honest and patriotic Texans. They vote for the people of Texas, not for out-of-state corporations. ...

Rep. Kika de la Garza, Mission, rose on the House floor to say H-P Editor Ed Pooley "slanders all 150 members," is "biased and prejudiced," "very unjust" to the Speaker, and ought to go before a grand jury if he has evidence of bribes. Rep. Malcolm McGregor, El Paso, said he thinks Pooley was right about Carr, who "put every parliamentary device imaginable in the way of the advocates of the gas tax." Rep. Bob Wheeler, Tilden, concurred, said Carr and Ramsey "have done everything possible to defeat a severance-beneficiary."

THE TEXAS OBSERVER

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July 11, 1959

A Writer from Houston

THE POISON TREE and Other Stories, by Walter Clemons, Houghton Mifflin, Boston, 1959. 219 pp. \$3.50.

AUSTIN

From Houston's million people we have now a writer. In his short stories, Walter Clemons conveys himself as a gentle intellectual who wishes life were suffused with kindness and love and who sees its events in the way this wish gives him to see them. He is perceptive about feelings and original in his concept of what a story is. He writes carefully, without mannerism, to tell his stories with grace and a good texture; the result is like clear apricot brandy, strong but calming. Although many writers are appearing in Texas, he seems to me the most skillful among them; I would not be surprised were his novel as gentle and moving as Katherine Anne Porter, and a little like her, as his stories are. They share a regard for people as they really have to live out their lives.

His stories arrange themselves into some order probably related to their autobiographical origins:

boy in Houston, college boy home for a death in his family, young man on a tidelands rig. Several are evidently more constructions than they are recollections. The people are ordinary, except for a gifted young man who moves among them trying to be natural with them, to forget he is different from them and to remember he is different from them. (Once he thinks to himself about his kinfolk: "I never listened to them

before. I never gave them a chance.") He is concerned against cruelty but knows this can be a little foolish. He is harsh with himself, as when he yields to an impulse to sport with others about his ailing and addled grandmother.

"The Dark Roots of the Rose," "The Merry-makers," and "The Butcher's Daughter" are the best of the ten stories.



Walter Clemons

Clemons is living in New York City now. An article from the New York Mirror (admittedly a jazzy source) runs:

"Walter Clemons, a Princetonian out of Texas, a former Rhodes Scholar and one-time seaman, plays the piano in cocktail lounges when he isn't writing music or stories ...

"I really make my living as a writer and supplement it as a musician. Writing music or playing the piano is easier than digging ditches."

"His father, a lawyer in Houston, thinks Walter's tunes are pretty and his stories gloomy. Maybe that's because he wanted Walter to be a lawyer too ...

"Always a good student. Which isn't a great advantage for a would be writer," he says. "You study the great writers, and it keeps you from getting out and seeing and learning and relating experience rather than borrowing ideas you've read. Besides, the great ones keep you scared of writing badly. That's what was so good about being a seaman. I am out there and didn't read anything at all. It cleans your mind for writing."

After a summer in Houston Clemons returns to Princeton as a writer in residence under a Hodder Fellowship. Of this he told the Mirror: "Ideal. No teaching duties. Live on a grant of \$6,500 and free for a whole year to write what I please. I think I'll try a novel again." R.D.

TO BE A WIFE IN EARLY TEXAS

LOVE IS A WILD ASSAULT, Elithe Hamilton Kirkland, Doubleday, 1959. \$4.95.

HOUSTON

This is a story of early Texas, about 1830 through 1844, and specifically the story of Harriet Moore Page Potter Ames, who, looking back over three husbands and eighteen children, sometimes measures life by the men she has loved, and other times by the children she has had.

Harriet the Brave did not fear the dangers of the frontier. She took to settling nimbly, bringing to treacherous light sixteen of her eighteen children in this, our beautiful and early state. Neither did Harriet the Kishiwoman fear the Indians. Nor, as Harriet the Courageous, did she run from the Mexicans. However, for one so wise in most ways, Harriet the Beautiful had shockingly bad taste in men, although she stuck to her guns once she had assaulted.

Any woman who jumps onto the rump of a stallion named Gadolphin and puts her arms around the waist of a stranger whose introduction begins, "You see, I am something of a poet as well as a statesman," and doesn't jump right back off, Mexicans or no, deserves to be tricked into almost anything.

On the other hand, considering what Harriet the Enduring had been up against for the past six years or so, it's not surprising. That is, she'd married a man back in Tennessee, a man she met in her father's doctor's office. His name was Solomon and he had a heroic face with hungry hands and the look of lost dreams in his eyes and a great need. She married him partly to get away from her stepmother. Anyway, it wasn't long before Harriet knew that Solomon wasn't going to be any good at all because of gambling.

Another man, also a gambler, but a rich one, tried to persuade her to go away with him, but she wouldn't. Solomon treated her badly, and finally, right after the baby came, gambled away their home so they could move to New Orleans. Her inner self told her outer self that she'd better get out and earn some money if she and that baby were to have anything to eat, so she opened up her own business—a fashionable dress shop with ribbons and styles straight from Paris. You know how those New Orleans women know about styles and keep up. She was doing fine in her business when Solomon told her Lady Luck beckoned him to settle in Texas.

TEXAS. THAT WILD PLACE.

But she went, taking all the furniture she'd bought with them. Texas turned out to be a nightmare. There's no use going through all the things he did to her there, but after he'd used up most of her money, he went off to join the army, to fight against the Mexicans, leaving her in a shack, with two children, miles from

anybody, with a panther just outside the door and nothing but haws to eat. (The same as deer.) You wouldn't believe what that woman went through before a minister of the Gospel rescued her.

No sooner had she settled down to keep house with her brother's wife when the Mexicans started running after them, causing a panic. Since she had on her good clothes from New Orleans and everything, it's no wonder really that she did what she did when she saw that handsome Colonel Potter, on his horse, Gadolphin. And the man with him, Colonel Hall, knew her father, so that made it all right.

The odd part is it's true. At least she says it is. Of course she was 83 when she wrote it and you can't tell how much of it she imagined, but the history part is really true. She wrote a sort of diary to her granddaughter, and they found it after she died. That's just the beginning and I won't spoil the rest by telling, but I will say that she finally found her great love. At least they did have thirteen children. It would have been nice to learn more about that marriage, but then I guess there's more to tell about the bad ones than the good ones.

THIS IS THE STORY of Elithe Hamilton Kirkland the Reluctant, whose outer self told Dr. Carroll she was too busy to start another book when he came to her about Harriet, but whose inner self surrendered the minute she began to read the account, and who eventually really squeezed herself into the diminutive yet heroic proportions of this "charming and dynamic woman."

Crossstitch samplerisms and psychological cutups notwithstanding, this book, difficult to pick up, is impossible to put down. Lucky Texas to have such a rich history just now when fictionalized backlooking books are so much the thing.

NANCY FAGG

THE TEXAS OBSERVER
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In victory and defeat John Bell Hood, the Texas Brigade's "fighting general" of the Civil War, was a dedicated defender of man's right to choose his way of life. Like Robert E. Lee, Hood was a graduate of the U. S. Military Academy at West Point. And, like Lee, he resigned his commission in the U. S. Army to serve his state and the South through the bitter years from 1861 to the surrender at Appomattox Court House, April 9, 1865.

From the time he took command of the 4th Texas Infantry, that—with other Texas and Confederate regiments—came to be known as Hood's Texas Brigade, because of his daring leadership. Victories and promotions came quickly. As Major General Hood he was considered the hero of Chickamauga, where he lost his right leg. As Lieutenant General Hood, commanding the Army of Tennessee, he met crushing defeat at Nashville on

December 16, 1864, and was relieved of his command.

But Texas doesn't forget her champions of freedom. A monument in his memory stands within the state capitol grounds at Austin, and Camp Hood established during World War II—now Fort Hood—was named in honor of the "fighting general," loyal defender of his state's rights to self-determination.

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.

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Texas Adlai Drive Opens

✓ Paul Thompson, S.A. News columnist critical of Sen. Henry Gonzalez, wrote that Gonzalez is getting "bigger and bigger," is "endeared ... to multitudes," and probably cannot be beaten by Reps. Strickland, Russell, Seeligson, or Bell. This, Thompson said, leaves Maury Maverick, Jr., and ex-Rep. Stanley Banks, Jr. Maverick told him Gonzalez's critics have made the mistake of "disliking him too much," and as for himself, Maverick said he didn't want to go to the Senate because of "the trashy atmosphere up there." Banks: "It would take an awful lot of persuasion..."

Rep. Zeke Zbranek, Daisetta, says he is gathering support for his 1960 race against Sen. Neville Colson, Navasota. ... Ex-Rep. Babe Schwartz, Galveston, visiting in the Capitol, said he will definitely run against Sen. Jimmy Phillips in 1962. "He's a sitting duck now," Schwartz said. Phillips won a close contest with Schwartz last summer.

✓ House members were raging mad this week about an REA editorial in "Texas Co-Op" which

Political Intelligence

said the legislature has done "nothing" and "refused to solve the problem of money for essential state services."

✓ A statewide Stevenson for President movement was announced by Jack Matthews of Houston, secretary of the Harris County Democratic executive committee. Vice chairmen are Mrs. Mae Tuggle, San Antonio, president, Bexar County Democratic Women; Reps. Johnston and Kilgarlin, Houston, and Wheeler, Tilden; Jarrell Garonzitt, Dallas; Bill Kugle, Athens.

✓ Atty. Gen. Will Wilson told a reporter at the State Bar convention that he plans a political race like a military campaign, starting with a D-day and working his way back. Does he have such a campaign now? Yes. How long in formation? Two years. When he was directing the firing of shells in the Pacific, he said, the technique was, "Soften up the enemy first. Then a good general picks his time and place for attack." He'll announce his plans not earlier than January.

✓ Some House liberals were foreseeing their bloc's support of Rep. Turman for speaker over Rep. Spilman this week after Turman voted with Rep. Eckhardt on the beach bill and Spilman fought and voted to strip the bill of its provisions Eckhardt said reserved the public's access to the beaches.

✓ Surprising endorsement: "the general sales tax" by the Houston Post. Argued the Post: the revenue will grow as "the population grows," the tax stops inflation, everybody pays, the burden would be "where it can be most easily borne." Texas Manufacturers' Assn. lost no time shooting the Post editorials to all Texas editors, concurring: "It is the citizen of this state who pays the taxes." El Paso Herald-Post said of Seeligson's \$50 deductible general sales tax: "a sales tax by any name would smell as bad." Fort Worth Star-Telegram said "there must be some lessening of opposition" to a tax on interstate gas pipelines if the legislature is to finish its job. H. M. Baggary wrote in his Tulsa Herald that the issues are larger than the costs of the special sessions: "the same old fight between Big Oil and Big Gas and the people of Texas," with Speaker Carr siding

with "the Big Rich" and Ben Ramsey the "fair-haired boy" of these same gentlemen. "Texas Businessman" dropped an interesting intelligence: that "independent samplings ... within past ten days" (from June 22) showed that the people think the "threat to manufacturing" argument against business taxes is "false, a wolf cry," favor more taxes on "big out-of-state firms," and "say yes to taxing oil companies." The business advisory also said "Ben Ramsey, more than anyone, will decide what business must take" in new taxes.

LEGALS

CITATION BY PUBLICATION THE STATE OF TEXAS

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

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

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

A part of Outlot No. Twenty-eight (28), in Division "O", of the Government Tract adjoining the City of Austin, Travis County, Texas, and more particularly described by metes and bounds as follows: BEGINNING at the Southeastern corner of said Outlot No. 28; Thence Northward with the Eastern boundary line of said Outlot No. 28, 130 feet; Thence Westward on a course at right angles to the said Eastern boundary line, 86.4 feet; Thence Southwards, parallel with said Eastern boundary line of Outlot No. 28, 130 feet to a point in the Southern boundary line of said Outlot No. 28, 86.4 feet to the place of beginning.

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

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

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

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

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

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

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

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

TO Atticuse Hagood Hatsell, Defendant, in the hereinafter styled and numbered cause:

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

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

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

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

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

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

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

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

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

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

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

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

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

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

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

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

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

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

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

Being an action and prayer for judgment in favor of Plaintiff

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

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

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

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

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

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

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

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

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

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

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

If this citation is not served within 90 days after date of its issuance, it shall be returned unserved. WITNESS, O. T. MARTIN, JR., Clerk of the District Courts of Travis County, Texas.

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

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

By A. E. JONES, Deputy.

CITATION BY PUBLICATION THE STATE OF TEXAS

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

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

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

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

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

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

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

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

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

By GEO. W. BICKLER, Deputy.

NOTICE OF INTENTION TO INCORPORATE WITHOUT CHANGE OF NAME

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

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

NOTICE OF INTENTION TO INCORPORATE WITHOUT CHANGE OF NAME

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

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

THE STATE OF TEXAS COUNTY OF TRAVIS

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

Notice is hereby given as follows:

To: Ada Richards Simmons and husband, W. M. B. Simmons, Robert D. Richards and wife, Lillian Richards, Mrs. Bonita Richards Guarjardo and husband, F. M. Guarjardo, John Richards, Sallie Louise Dodd and husband, C. M. Dodd, Mary Ann Richards, Bonita Louise Paxson, Richard Wilbur Dodd and wife, Jewell Alice Dodd, Alvine Flury, Stella Mae Richards, Norine Richards, Mary Evelyn Richards, Shirley Louise Carroll and husband, J. D. Carroll, Jacob Graham, Mary L. Canody, and the unknown owner or owners of the property herein-after described or any interest therein; the heirs and legal representatives and the unknown heirs and legal representatives of each of the above named and mentioned persons who may be deceased; and the corporate officers, trustees, receivers and stockholders of any of the above named or mentioned parties which may be corporations, de-

fect or otherwise, together with the successors, heirs and assigns of such corporate officers, trustees, receivers, and stockholders, and any and all persons, including adverse claimants, owning or having or claiming any legal or equitable interest in or lien upon the following described property delinquent to Plaintiff herein, for taxes, to-wit: All that certain lot, tract or parcel of land lying and being situated in the County of Travis, State of Texas, known and described as follows: The East Forty-five feet (E 45') of Lot Ten (10), in the subdivision of Outlot Forty-one in Division "B" according to the map or plat of said subdivision recorded in Volume 1, page 7 of the Plat Records of Travis County, Texas, which tract fronts Southerly on East Twelfth Street Forty-five (45') and extends back between parallel lines One hundred Fifty feet (150'), together with all improvements thereon situated.

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

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

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

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

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

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

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

By GEO. W. BICKLER, Deputy.

those who asked their names not be released.

Rep. Charles Ballman and six other men released a poll showing 103 of the 150 House members pledged or favor a candidate. These break down, Turman said, this way: 49 for Turman, 39 for Spilman, five for DeWitt Hale, four for Ben Glusing, three for Jerry Sadler, and three for Frank McGregor.

Forty-seven members of the House are not yet committed, Turman's poll indicated.

THE TEXAS OBSERVER

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Additional Communications on Roy Bedichek

A Special Place

Sirs: I knew Roy Bedichek in a strange way. And despite his kindness and inexhaustible humanity, I am sure I was always lost among the faceless crowds to him—he would not have known me even if I had explained.

He was involved somehow with the Interscholastic League and/or its publication at least for a while (perhaps always—I never knew) during World War II. I found myself executive secretary of the physical fitness clubs of some area while I was a junior at Edison High School here in San Antonio. It was mostly a physical education program to get us ready to carry guns, but I was impressed with the title I had. In my enthusiasm I wrote him a long, long letter in what is charitably recognized as longhand. ... I was about fifteen at the time and belabored the man with my views, my plans, my opinions. ... That man, busy as he must have been, took time to read and reply, point by point. Then he had the letter printed (it was carefully, tenderly edited—no doubt by his own hand) in the League Bulletin. Then he wrote again, congratulating me on being published. He managed to find time to encourage me in what he decided was an ambition to use words. I replied, again without restraint I have no doubt. There was just one more note from him—kind, interested, and encouraging.

It was not until several years later that I realized the Roy Bedichek who had been so helpful and stimulating in those letters to a brash highschooler was the same Roy Bedichek who ... and who ... and who ... —the famous one.

He never knew me. But he was an understanding and helpful friend when I needed one. He knew and helped, and went his way unthanked, and of course unaware that he had earned for himself a special place in my life.

That way MY Roy Bedichek.
John Igo, Rt. 2, Box 175, San Antonio 1.

Another Garden

Sirs: Mr. Roy Bedichek has been my neighbor for the five years I have lived in Austin, and I value his friendship greatly. Twilight, the end of a day of sorrow; But no matter how many tears he will not be here tomorrow. He observed and wrote of nature as Thoreau from the sailing Martin to a prairie rabbit in his burrow. He believed that when life ended that that was the end; But I can see a garden in Paradise that he tends.

Jane Dodge, 2209 Oldham St., Austin 5.

A Dream in Color

Sirs: Luckily for the Conkles, the Rodney Kidds chose to build themselves a home in 1939, and to vacate Mr. Bedichek's rent house on Manor Road. We promptly moved into it. Mr. Bedichek was teacher and friend as well as landlord.

His concern one day was chiefly about a strange bird that he was hearing in the neighborhood, and he came to me to ask me to watch for it. It lived, he said, around our block, and he'd heard it repeatedly. I said I'd help him watch for it.

Daily when he came home from

the Interscholastic League office he would ask if I had seen the strange bird, and daily I had to tell him no, though I was earnestly looking for it, anxious to please this wonderful new friend the Fates had so miraculously given me.

One afternoon he got up from the porch to go on over to his home, and at the same time I noticed that my two small children were running toward the street. I made the noise I use to call the children, a call I learned from my mother's canary years ago, and Mr. Bedichek began moving from tree to tree excitedly. "It's here now. I heard it. Look for it! Didn't you hear it?" A sudden light dawned on me. I was Mr. Bedichek's strange new bird! I began to laugh, and said, "Oh, Mr. Bedichek, I'm sorry! There's no strange bird. It's just a call I use to bring the children. Listen." And I repeated the call. I laughed again, but he did not. "You are making fun of me," he said, and turned to go. I convinced him I was not, but he never did think the incident was as hilarious as I did.

We built a house and moved away, but we never lost contact with the Bedicheks. As a result of his casual remark one day that he'd never had a birthday party, we gave him one on his 78th birthday. Some of his friends came with him to eat supper with us, and others dropped in after supper to wish him well. He was humble and modest, and he stayed at the party much past his usual early bed-time.

The next day he drove over to tell me about a dream he'd had after the party. "It was in color," he said. "I can't remember when I've dreamed in color before, but I dreamed about flowers, fields of colored flowers. I had a hard time going to sleep after all that excitement, and then when I did, I had this wonderful dream." He seemed to feel he'd had the dream because everyone had been so nice to him.

And he seemed to really wonder why they were. He asked, "And you, why did you go to all that trouble just for me?" The answer was easy. "Mr. Bedichek, you are one of the people on earth I really and truly love, and all those other people who were here love you, too." He shook his head as if he were really amazed, and went back home.

Two years later he refused to let us have a banquet to celebrate his 80th birthday. He had a horror of its taking on a commercial aspect. When he called it off, he told me we could have it on his 90th birthday, that by then he would be too feeble to protest.

Though not anxious to fritter away his time in organizational chores, he was his usual charming self in executing them once he took them on. For the ninth annual fiesta of art and crafts last May 9, he gave a nature talk at Laguna Gloria at 6 a.m. Sunday, and a lovely summer tanager came and sat on a limb over his head as he talked. He was very gratified by the number of fiesta artists who came and was pleased that for many of them this was their first early morning bird-walk. He urged us to talk with birds we saw and to make friends of them. He apologized for not going on the bird walks that followed his talk, but assured us that his young friends Fred Webster and Edgar Kincaid were as capable and well-informed as he. It was the second year he had given the bird talk, and we had changed from ten o'clock to six because he said no self-respecting bird was out at ten o'clock. After we'd changed the hour to sun-up he began to worry for

fear the people wouldn't come, but they did.

Once at Barton's when I was complaining about something, he said, "Don't worry about it. It's just that you are in the forties. I remember the forties. They are the hardest years of all. But they pass. Everything passes. Just give them time, they will pass."

A wise and wonderful man, full of fun and life and color, was Roy Bedichek. In one of the last notes I had from him, concerning setting the hour for the fiesta bird talk, he wrote: "Wayman Adams passed on as I should like to when the time comes. Less to-do and delay the better." His own passing was easy and quick. I can imagine a twinkle in his eye and him saying, "Now wasn't that clever of me? However did I manage it?"

Virginia Conkle, 510 Cater Dr., Austin.

Receptive Minds

Sirs: "Discourse, the sweetest banquet of the mind."

For years it has been usual with me to send to the Bedicheks articles that I had found especially interesting, challenging or provocative. It might be a plea for the cessation of testing of nuclear weapons by Adlai Stevenson, Archibald MacLeish's dicta on education, an unorthodox thesis of Corliss Lamont, or a discourse on modern verse by Robert Graves. The Bedichek minds were receptive to ideas from all realms.

Frequently, the next time we met, the piece I had mailed them became the subject of talk. The meeting place might be the glass table under Bedichek oaks; the Ellis grandfather table furnished at supper time with a humble casserole of spoon bread and a green salad; the dignified table of another Dobichek, or a picnic spread at Barton or Cherry Springs. We knew what Bedi had to say came from thought, experience and selective reading, from acute interest in men and things, from concern for the big values of civilization as well as for the importance of inconsequential nothings. Now, these conversations can never be the same. Bedi will not be there.

Mary H. Ellis, Austin.

Integrity in Work

Sirs: One of the rare privileges of my life was to have known Roy Bedichek for more than twenty years. It is difficult now to put into words just why so many loved him and why we know that the place he left empty will never be filled. He was a great man in a quiet way, in the way he inspired others, in the care he gave to detail, and in the integrity he gave to all his work.

But it was to those who knew him best that his bright mind and depths of his learning were most often revealed. He was cultured but not pedantic. He could talk brilliantly on almost any subject, but he could also listen.

It was on such an occasion some years ago that Mr. and Mrs. Frank Dobie entertained for dinner Fred Simpich of the National Geographic Magazine. With more than thirty years of travel and writing as a background the guest of honor was a well informed and fascinating speaker. He and Frank had known each other for years, and the dinner table conversation consisted almost entirely of a dialogue between the two men to which the rest of us listened raptly. Later, as Mr. Bedichek was taking leave of his host and hostess he remarked to Mrs. Dobie, "I don't want to seem crude, but the food was good, too."

Bedi wrote to his friends not only because he liked to write but because he liked to express his appreciation of their friendship. And he had many friends.

Clara H. Lewis, Austin.

His Influence

(J. Frank Dobie wrote an article on Bedichek in the Dallas News and Houston Post in 1955. One of the letters he received in comment was from a former student of Bedichek's in San Angelo, Mary Deal Metz.—Ed.)

August 1

Dear Mr. Dobie,

... I will not say how long it has been since I had three years of high school English under Mr. Bedichek, but all the years since then I have been grateful for that special privilege and for the love (of) the written word which he instilled in me. It was, and is, a priceless thing. I shall never cease to thank my lucky stars that I had one teacher who could give me this continuing thing. An old darky once said to me, "Miss Mary, yo' books is a shelter in the time of storm, ain't they?"—and they is.

How cunning Mr. Bedi was! "Mary, I am in doubt about giving you these books to read; I don't think you are ready for them; they may put ideas into your head," etc. They were **Man and Superman**, and **The Twelve Pound Look**. I would have fought bare-handed (to) have possessed them after that.

Also, his explanation of "blind mouths," "frets doubt," and Milton in general. The picture was there when he read, "Two massy keys he bore of metal twain, the golden opes, the iron shuts amain."

And, oh, those rules for the use of the comma! His was a paragraph one page long which began: I arose very early in the morning before the stars had gone out—and at the bottom of the page: and went down to the seashore. But between the rising and the going were phrases, clauses, compound and complex sentences with every imaginable use of the comma. And comma brother comma we had to get them right or feel the quick flick of his anger and disappointment.

In those days, the teacher came to us, no trooping to his room! One day he came in before our Latin teacher had left. This Latin teacher was a thin, nervous, loose-jointed little man who was never without chalk marks on his face somewhere. The write-a-line rub-his-nose kind, you know. This day he had an usually heavy smudging. When Mr. Bedi saw him, he began to shake with silent laughter. Without a word he went to the blackboard, got chalk and drew a heavy, white line just under his nose, turned to his class and said, "English class, attention, please."

All this rambling is my way of saying that I am so glad that the two of you have your joy of living in love and friendship. ...

I write with warm good wishes in my heart for you and Mrs. Dobie, as well as for that fine gentleman who would not remember even the name of a long-ago pupil, but whose influence knows no end.

Affectionately,

Mary (Deal) Metz

Mrs. F. C. Metz
220 N. Magdalen
San Angelo, Texas

ERRATUM on the Bedichek issue: In Dr. Wilson Hudson's article, page 7, "...the chief present course of conflict between religion and science..." should have read, not "course," but "cause."



The Bedichek Issue

Sirs: Your special issue on Roy Bedichek is superb. Congratulations on having the idea and carrying it out so successfully. The great Pancho Dobie tops himself in the lead article—which you'll have to admit is a feat of the first magnitude.—Sam Acheson, Dallas.

Sirs: A very noble issue. The idea of death cleanses writing somehow; it seems to me that all the writers rose above their ordinary skill...—Tom Sutherland, Department of English, Arlington State College, Arlington.

Sirs: Personally, I never heard of Roy Bedichek before in my life. Now I shall never forget about him. I wonder how many of us would like to be like Mr. Bedichek? To have his feeling of knowledge, happiness, and understanding of life—there will be few of us who reach that goal, I'm sure...

My family and I have just returned from Red River, N.M. We spent some time watching the water ouzel which he describes to his friend, Eugene George, in his letter of 1954. Now I am so glad we sat on the banks and watched this small bird in his search for food in those swift mountain streams.

To men like Dobie, Mewhinney, and Bedichek we owe so much...

Charlie Brown, 2103 Marshall, Pasadena, Tex.

Sirs: The eulogy of Roy Bedichek in your latest issue is wonderful. It deserves a place in any anthology of contemporary American Literature. William H. Andrew, Jr., M.D., 2312 Santa Cruz, Dallas 27.

Sirs: Your Bedichek issue was the finest thing of its type I have ever seen, and I congratulate you and thank you for it. Charles Ramsdell recently told me it was regrettable that I had never had the opportunity of meeting Mr. Bedichek. Now I feel that I have met him, and I thank you for the introduction. Keith Elliott, San Antonio.

Sirs: The writings about and of Mr. Bedichek are wonderful. Thank you for such a fine treat. Mrs. Alfred Cristoph, 7507 Caillet, Dallas 9.

Sirs: Your special issue on Mr. Bedichek is the best of many good things you are doing for Texas. The best of Texas is not, either, in its past; not when one of its quiet great men is put into the present and the future, as you have done, when he dies. I spent most of the Fourth of July reading what you have about Mr. Bedichek, whom I now know well, though I barely knew about him before today. It certainly is Texas. Please send a copy to my father-in-law ... and to my mother ... and to my sister ... and to my cousin ...

Sam B. Householder, Morgantown, W. Va.

**Do You Think
Some Friend
Who Thinks
Might
Want
The Observer?**