

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.

Mrs. Creelmore  
2616 Salado  
Austin 5 Tex 78701

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## Intensive Report on Marshall Sit-ins

### MARSHALL

Joel Rucker of Bakersfield, Cal., a Wiley College student leader, was fined \$200 after a six-hour trial in Marshall Thursday on a charge growing out of his participation in the Marshall lunch-counter sit-ins. Trials of other Negro students proceeded.

Rucker called no defense witnesses; he will appeal. Press and spectators were barred from the trial. Officers guarded the entrances to the court. Ruth Hughes, a member of the national student staff of the Y.W.C.A., said she tried to attend but was ordered out of the court-room as an "outsider."

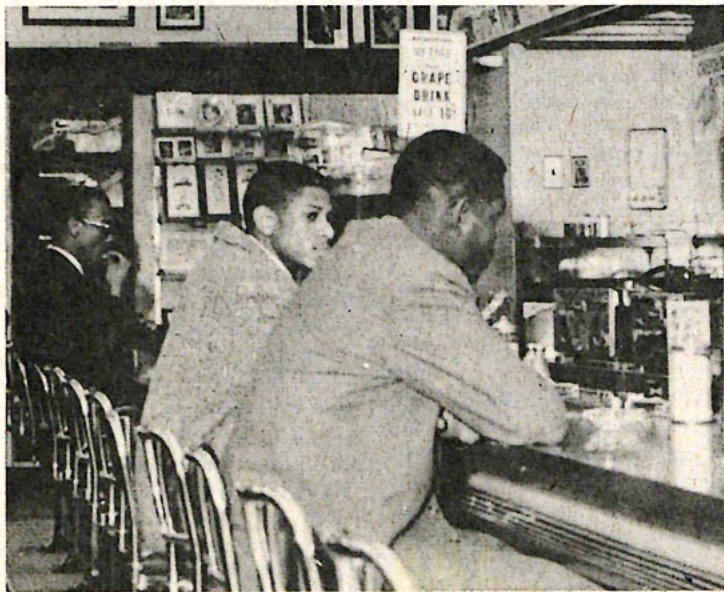
More than seventy Negro college students were jailed and now face trials here on various charges of unlawful assembly, unlawful picketing, and refusal to leave places of business when asked to leave.

The presidents of Wiley and Bishop Colleges for Negroes here, while approving the goals of the students' demonstrations, asked that they be discontinued on grounds that the students had made their point.

Roosevelt Peabody, one of the student leaders, said he knows of no further plans for sit-ins, and that "while we do not know what form our future action will take, we are not stopping but are going ahead in our drive to obtain our rights as American citizens."

Romeo Williams, attorney for the students, said the charges against them involve "many constitutional questions" and will probably lead to appeals to higher courts. "This is just the beginning," he said.

Emotions in Marshall were exhausted by the students' dramatic



—Photo by Willie Sapp

### Negroes Ask Service in Marshall's Woolworth's

Joel Rucker of California, left, was fined \$200 Thursday; others are George Holmes, Mississippi, center, and S. J. Briscoe, Louisiana, right

lunch-counter sit-ins and demonstrations in the face of hostile whites, more than 100 police officers and Rangers, fire hoses that were used to douse them and push them off the square, snarling German shepherd dogs, and tear gas grenades carried openly by patrolmen.

A professor at Bishop, Dr. Doxey Wilkerson, was fired when it was made public that he was a U.S. Communist leader as late as 1957. Dist. Judge Sam Hall ordered the Harrison County grand jury to look for possible outside influences and told them, "If you can carve out any indictment against such outsiders, you would be doing a service to the county and to local Negroes."

As Marshall, one of the strongholds of the Southern way of life,

sought to resume normal business (which dropped sharply during the strife) and to assess the im-

## From Chapel to Dousings

### MARSHALL

The Marshall sit-ins were carefully planned in the Gandhian tradition of passive resistance. Students at Wiley and Bishop Colleges received suggestions, but not instructions, from an emissary of the Rev. Martin Luther King of Birmingham, Alabama, who seems to enjoy an esteem among many Southern Negroes comparable to Gandhi's

among Indians in South Africa and India. As little as possible was left to chance, with groups and target counters designated, schedules carefully timed, watches synchronized, and responses to various possible situations agreed on in advance. Advisors who urged delay so they could raise more bond money in advance of the expected arrests were told by the students that they were going ahead, bond money or not.

The Observer received a step-by-step account of the sit-ins, as seen by the Negro students who conducted them, from George Holmes, a 22-year-old pre-med biology and chemistry student at Wiley. In an extended interview in Coe Hall, a dormitory at Wiley College, Holmes gave his account of the sit-in planning and execution from the first student meeting during a scheduled chapel worship to the fire-hosings of the demonstrators in the Marshall courthouse square the afternoon of March 30.

The hosings-down brought to the city, by car and plane, representatives of the national press and television networks. Up to that point, press reports from Marshall had been relatively cryptic.

Holmes, who was in the thick of the demonstrations from the beginning and is one of the "spokesmen" for the students—they do not acknowledge that they have leaders—came to Wiley College from Starkville, Mississippi.

"In Mississippi, education is bad," he said. "When I came over here at first I had to stay up all night to keep up. In high school our twelfth grade books were their ninth grade books. If they keep you down like that, they can always say you're not ready."

He had several offers of football scholarships to Negro colleges in Mississippi, but took one at Wiley College, instead. "In Mississippi the medical schools are nice medical schools, but you don't get the

recognition you get in Texas. I was thinking in terms of when I leave college. If the high schools there are behind two or three years, what do you think about the colleges!"

### Non-Violence Drilled

The sit-in planning was formally launched at a Wiley College chapel meeting of about 70 students Tuesday, March 22. Holmes said he and three other students interrupted the regular program and started talking from the microphone. "We talked about Emmitt Till, South Carolina, Nashville, Little Rock—things of this nature."

"It's more than just going downtown," Holmes said. "This passive resistance means you've gotta take it. We drilled them time after time. They spit in your face, slap you, cuss you—you gotta take it. If they get you down and are kicking you, that's mob action, you know—passive resistance stops there. We're supposed to help. But if you can take it, then you can go downtown. Four guys wanted to go bad—but they can't take it—so they can't go. Three guys said to me at the gym, they wanted to go, but I can't stand it for a white man to hit me," so I said, 'You can't take it, and you mess up the whole show—stay here and help us with the student body. Tell 'em why we're in jail.'

"We drilled a whole week. I haven't studied chemistry in a week and a half. We had meetings at Wiley and Bishop both. You just gotta be ready to take it. We're saying, we're helpless, you know. We drilled passive resistance, had meetings and talked passive resistance. We brought India in, and Gandhi. South Africa, where they killed 76—we told 'em that. We told 'em how in South Africa they went down to the altar and just knelt down like dogs—you understand? The idea is to break it down—get next to a man's heart—

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## Galveston: a Contrast

### GALVESTON

Merchants of Galveston, where slaves were traded and shipped a hundred years ago, this week integrated most of their lunch counters by agreement. Negroes began eating with whites at the integrated counters Tuesday. The citizens seemed calm, there were no police patrolling the streets, there were no arrests; the contrast with Marshall was almost bizarre.

As in San Antonio several weeks ago, in Galveston the change occurred after interracial conferences between merchants, clergy, and other citizens. In Galveston, however, the meetings were precipitated by the sit-ins of senior and junior high school students here; in San Antonio there have not yet been any sit-ins.

On March 11 about 45 of the students, led by 16-year-old Kelson Sams, a high school junior, asked to be served at various Galveston counters. Four closed. As the sit-ins continued, the Negroes were not served, but police made no arrests, simply requiring the Negroes either to sit down at the counters or move on.

The day before the sit-ins began, Sams says, he conferred with T. D. Armstrong, a wealthy Negro busi-

nessman and merchant here. Armstrong made suggestions and agreed to open negotiations with white friends. "I was fortunate to know some of the high class people in town, and I could get to them on a 'Tom' and 'John' basis," Armstrong said.

The difference between the Marshall and Galveston situations, Armstrong added, was "some good white citizens" in Galveston, "with some idea of right and wrong."

The local N.A.A.C.P. head denied knowing about the sit-ins until they happened. Sams said the students had no outside help, from N.A.A.C.P. or from any other city, but wanted to do something and were affected by "but were not trying to imitate" the South-wide sit-ins.

The Rev. James Mosley, 28-year-old minister at Westminster Presbyterian Church here and vice-president of the Galveston Ministerial Assn. for white ministers, became the informal liaison for a group of between 20 and 40 citizens whose contact on the issue ramified into a larger group of perhaps 100 persons.

Mosley said that this amorphous committee was merely the catalytic agent in an atmosphere of good will that already existed in Galveston. He said the Negro pop-

ulation "have been very gracious" and have taken measures to be sure that Negroes sitting at the counters will be "very respectful, genteel, and so forth." He does not himself approve of "extremists on either side" of the race issue, he said.

"Our leading principle," Mosley said, "was that where responsible leadership was lacking on a community problem, extremists would assume the role of leaders. This is a sociological principle." Next, he said, the clergy, merchants, and Negro spokesmen agreed, the issue at hand was confined to stores which solicited patronage from Negroes in some departments, but did not extend them service in all departments. (This ruled out hotels and restaurants which do not solicit any Negro trade.)

The final phase of the negotiations was concerned with assuring merchants that the Negroes would "keep faith in a respectful way," he said. The Negro leadership agreed that Negroes would avail themselves of the new services slowly, and first only adults would go to the counters, the students waiting two weeks.

"Not a vote was taken. It was all just a consent situation," Mosley said.

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# Marshall Becomes Tense, Suspicious City

(Continued from Page 1)

wasn't sure; he was nervous." With 52 percent of the county's population, he said, "We have everything in our hands."

Albert Campbell, 27-year-old religion and philosophy senior at Bishop College and president of the student center there, asked if the students were afraid when they walked into the stores, replied, "they were not concerned with violence. It was not on our minds." Anyway, he said, they were prepared to "die for freedom."

## An Armed Camp

Bishop College, a Baptist institution, has about 400 students in Marshall (and another 200 in Dallas). Wiley College, which has about 500 students, is a Methodist school. Both are located about a dozen blocks from downtown Marshall. The students come from Texas and many other states; comparatively few are native to Marshall, a fact which rankled many white townspeople. In retort, the students led off their sit-ins last Friday with a Marshall girl and a Tyler boy.

Evidently a few students at the colleges who openly opposed what the demonstrators were doing came under considerable pressure to join up or fall silent. Holmes said those opposed to the sit-ins were told, "You gotta go along with the program. You can't say I'm not going. You're a Negro, you got to go with us." One girl who held back at first was invited to become a leader and badgered for her reluctance; she wound up leading some of the singing in a demonstration. Thus the sit-ins involve an element of group pressure, just as anti-union workers found themselves outcasts during the organizing strikes of the thirties.

A sign committee kept signs posted on the campuses, although they were being torn down by passing whites every night. Signs at Wiley said "God Is With Us," "First Class Citizenship," "No Discrimination!!!" "We Want to be Americans, Not Good Negroes," "Justice for All." Signs at Bishop, along Highway 80, said "Segregation Is Dead," "Freedom Now," "How Long America?," "We Want 1960 Justice," "There's No Color Line in Heaven."

Marshall became an armed camp. Texas Rangers, plainclothesmen, at least one F.B.I. agent, state highway patrolmen, and local lawmen from all over East Texas patrolled the square on foot during the day and cruised about the town day and night.

Cars with two or more teenagers inside were stopped and searched for weapons. Patrol cars pulled up beside persons walking around at night and asked for identification. Whites cruising around in the Negro section were sent on their way; at the height of the tension, 21 white youths were called downtown to the courthouse for a reprimand on this count (but they were not arrested or charged).

A Negro, Jeffrey Gunn, 26-year-old social sciences major from Illinois, said he was arrested at 11 p.m. one night near the Wiley campus while returning home from seeing his girl, jailed and denied use of the telephone, and released after two days incommunicado in jail with a warning not to get caught out again without identification.

The Negro students tended to turn to the F.B.I. when they felt they needed protection. One case of alleged police brutality (verbal abuse and slapping) was reported to the F.B.I. in Shreveport, and one of the students said he tried

to get the badge number of a truculent Marshall officer "so I can tell the F.B.I. about him."

With the city virtually garrisoned, one cab driver complained, "You don't know who you're talking to." Another cabbie said, "I've never seen as many laws in one time in my life."

The man in the middle was criminal district attorney Charles Allen. City and police officials referred newsmen's questions to him at first; he was the acknowledged man in charge.

At one point he lectured Negroes in the district courtroom while incidentally warning an officer not to be rough with one of them. Before the dousings of the demonstrators he had argued with them from the courthouse steps and in the courtroom.

On the one hand he threatened to hold the 57 students charged from early sit-ins on \$1,500 bond each; on the other, he promised them he would drop the prosecution if they would drop the sit-ins. He called 21 white youths to the courthouse and warned them to stop prowling around the Negro section of town at night.

This week he prevailed upon a group of six businessmen to call off a meeting to plan action against the demonstrations.

Thus he steered a course of trying unsuccessfully to get the Negroes to drop the demonstrations, restraining what he regards as potentially dangerous white hostilities, and prosecuting the Negroes, about whom he said this week, "We are going to make them pay for every violation."

## Students Rally

Rumors raced from mouth to mouth as though the city faced invasion. Three busloads of Houston Negro students were on their way to Marshall (they were not). Sit-ins would spread tomorrow to Shreveport, Longview, Tyler (they did not). The Negroes' local attorney had made a deal, promising no more sit-ins in return for the demonstrators' release without bond (he denied it). Some of the rumors, like the one that Gov. Daniel had ordered in the dogs, worked their way into news stories and had to be formally denied. Some, like the report that the Negroes had applied for and been granted a permit for a parade, (a report confirmed to the Observer by the county judge) kept the townfolks and the lawmen worked up for half a day before it developed that the Negroes had not asked for a permit, but would have been granted one if they had asked.

The Harrison County courthouse is brownstone with columned temple-like projections and a squat silver dome decorated with clocks. A statue of a Confederate soldier stands in the square (one inscription begins, "No more they hear the rebel yell"). American flags fly over the courthouse itself and over the city hall building, the U.S. postoffice, and the First National Bank on the sides of the square.

In the aftermath of the firehose dousings, police patrolled Woolworth's and the Rexall drug store on the square. Whites and Negroes stood around in small groups, leaning on parking meters, talking, and watching. The appearance of a few Negro students dressed like college students would often cause a stir, but often they would cut off the square and walk off, causing speculation they were scouts.

Mid-morning after the hosings, 16 whites, including three sheriff's deputies, were sitting at the 22-seat Woolworth's lunch counter, and nine of eleven seats at the

drug store were occupied by whites, but the bus depot cafe, which is off the square, was deserted except for the waitress and the police guard at the door. A cameraman for NBC kept his camera trained at the drug store all day, until after 5 o'clock: no Negro students tried to enter all day.

Plenty was going on—but at the Wiley campus. Students congregated in front of a class building and chatted with reporters.

Ernestine Stubblefield of Galveston said, "If they don't want us to eat with them, why don't they put in a place for us to eat?" She laughed and added, "I was one that was mugged: I guess I'm now a criminal." She complained she had not been permitted to use the courthouse restroom marked simply "Ladies." "There it said 'Ladies.' It didn't say white or colored. I'm a lady," she said.

Joel Rucker, 21, a calm, sophisticated chemistry major from Bakersfield, Cal., and one of the Marshall movement's leaders, said, "We're gonna continue this thing until all places that discriminate against Negroes open up, and we have complete freedom."

Wiry Roosevelt Peabody, 24, of East St. Louis, Ill., said: "If death is what it takes, we have all orientated ourselves that if we have to die, we hope it will not be in vain.—I don't want to make a speech. We will continue this at any cost."

He said a study in a sociology class indicates that Negroes are now 65 percent of the Harrison County population. His major is sociology.

"The flame is up, the flame is up," Rucker said. "The whole town is on fire. We were the spark and now the flame has started. We will go all the way, if it requires death, all the way."

The sit-ins would "lead to other rights," Peabody said, "if the population ever get together and realize their strength in this town." But both Rucker and Peabody conceded they could not say confidently that the rural Negro population of the county were behind them. "We realize that they have their hands in some of the pockets downtown," Peabody said.

Herman Clark, English major and an aspiring writer from San

Francisco, said he was proud the Negro people were sticking together. Later he was to be arrested for unlawful picketing.

After lunch about 250 students from Wiley and Bishop congregated at the wooden Wiley bell-tower, which houses, beneath a green peaked roof, a brass bell which tolls the class periods. They cheered and yelled as though they were attending a football pep rally.

They laughed gaily when Holmes told them an officer had said while they were in custody that "there's not gonna be any more Bible reading in this courtroom." When he shouted that despite the dousings "we're going back down!" the students shouted "Yes!" and one wit added aloud, "with raincoats."

Peabody told them, "There's quite a bit of danger, which we have discussed, and we are well orientated to that extent."

Another speaker asked, "If God be for us, who can be against us?"

Rucker urged the students to keep up their class attendance and announced "a boycott throughout the entire community."

"We are contemplating boycotting town, period," Peabody amplified. "We will let the world know that we are here for what is ours, for our rights as Americans. We are Americans and we will be treated as Americans."

One speaker, saying that if there was any violence, it would not be the students' fault, said the movement was immersed in "Rev. Martin Luther King's passive violence—I mean, passive resistance."

Rucker told the group that 5,000 students had demonstrated against segregation at Baton Rouge, and "If 5,000 students can get together, I know that 700 can get together."

The meeting ended with the group bowing their heads and saying the Lord's Prayer together.

## A Protective Arc

By Friday morning everyone with any sources at all knew the Negroes were going back downtown at 12:30. Seats at Woolworth's were roped off, and the counter closed, while the counter machines kept circulating their grape drink, Cuban punch, and

(Continued on Page 3)

# Eleven Rules

## MARSHALL

The teachings of Christ, Gandhi, and Martin Luther King are invoked in the name of "non-violent protest" in instructions mimeographed and circulated among Wiley and Bishop College demonstrators against race discrimination here.

The instructions, a copy of which was given to the Observer by one of the student leaders of the protests, state:

"These are the 11 commandments presented by Rev. James M. Lawson, divinity student at Vanderbilt University, to guide Southern students in non-violent protest.

"1. Don't strike back or curse back if abused.

"2. Don't laugh out.

"3. Don't hold conversations with floor workers.

"4. Don't leave your seats until

your leader has given you instructions to do so.

"5. Don't block entrances to the stores and aisles.

"6. Show yourself friendly and courteous at all times.

"7. Sit straight and always face the counter.

"8. Report all serious incidents to your leader.

"9. Refer all information to your leader in a polite manner.

"10. Remember the teachings of Jesus Christ, Mohandes K. Gandhi, and Martin Luther King, Jr.

"11. Remember love and non-violence and may God bless each of you.

"—We are adding one more for Wiley and Bishop students—dress neatly and act intelligently."

(The instruction sheet said "Mohandes Gandhi," as above; Mohandas Gandhi is correct.)



—Photo by Burns, Marshall News-Messenger

## Students Leave the Courthouse

They Expected to Be Arrested and Prosecuted

# 'Now I'm a Jailbird,' A Girl Student Laughs

(Continued from Page 2)

orange drink. A mustard cellar was overturned on the counter by the opening to the back of the counter. The square was full of policemen, reporters, photographers, and townsfolk. Three large German dogs had caused the main stir in the morning, but by noon they had been closed into cars parked in the square.

Sharply at 12:30, William Wilburn, a sophomore music major at Tyler, and Patricia Anderson, a first-year student from Marshall at Wiley, walked down the long block ending at Rexall's drug. A few reporters followed them; they cut into the drug store, sat down, and were taken by the arm at once and arrested. Two newsmen were shoved out of the drug store ahead of them.

The earlier sit-ins had involved larger groups, and it did not dawn on police at once that by coming in twos Friday, the Negroes rendered the state unlawful assembly statute, which requires that three or more be involved, inapplicable. The two students, therefore, were marched around the square and two blocks to the county jail, cameramen and reporters following, and townsfolk gawking but not heckling. Highway patrolman Tom Linthicum attended them. Some of the press followed into the jail while they were being booked, but before long an officer came barging in and said, "Get those cameras outa there or we're gonna book you!" and reporters did not again get inside the county jail.

About 1:10 the police dogs were loaded onto an open truck and driven out of town.

As the afternoon proceeded, more Negroes arrived in pairs at the drug store, were arrested, and were taken to the city jail and booked.

The excitement on the square during the arrests took many forms. Reporters trying to keep

up with the arrests checked with each other. "They got two more?" one would ask another. Three white boys at one point blocked the sidewalk in front of two Negro boys and a Negro girl, who turned around and walked the other way; whereupon the three whites faded back against the side of a building. When a car of Negroes, including Rucker, turned onto the square, a cameraman began taking pictures, and an officer shouted, "All right get out of the street if you're gonna take pictures." "Was that one of them?" a white bystander asked. Told yes, he said to a friend, "I told you it was them bastards."

By mid-afternoon, 16 Negroes, nine men and seven women, had been taken to the city jail in the basement of the city hall. At 3:54 p.m., five well-dressed young Negro men—Rucker, Holmes, Peabody, Willie Sapp, and S. J. Briscoe—strode onto the courthouse square.

All wore coats and ties except Peabody who had on a tie and short-sleeved white shirt.

They walked to the courthouse without looking to either side and climbed the inside stairs to the district attorney's office. A reporter told them the students who had been arrested were at the city jail. "The city jail," Rucker said, and they started for there.

A policeman met them at the door to the jail. He asked for their attorney in charge; Rucker said he was not in town. "We have orders to allow no admittance," the officer said. "Are they charged?" Rucker asked. "I don't know. See your attorney," the officer said. He nodded politely and they walked back across the square to their parked pink-and-black Buick and, drove back to the college to await their own arrest.

White citizens of Marshall formed a striking arc—almost a

protective formation—two or three deep around the sunny side of the courthouse. Though the five Negroes had driven off, the whites stood looking after the direction in which they had departed.

"I don't know what that was supposed to be. I guess," said a white boy, "that was the N Double A C P or something. They gotta be smart to be the N Double A C P." "You know," said another, "it's funny, all these people in town. Everybody standing around. All the stores about to go broke." "Boy, if everybody would stick together," a white man was saying. A local newsman speculated that the students' visit had been "a probing action" and they might come back in force and "storm the jail."

The square calmed then. A Ranger paced up and down. An old Negro man, his head sunk into his shoulders, his eyes starting from his dark, fleshy face, worked his way around the courthouse. The flag over the courthouse billowed out in the late afternoon breeze. A cameraman sat down on a bench, put down his load, and said, "Ah, well."

## 'Now I'm a Jailbird'

The \$100 bonds for the girls in the city jail were made about 9:30 that night by Negro attorney Romeo Williams of Marshall; the men spent the night and most of the next day in custody.

At the Wiley campus, Rucker said, "We aren't worried about the bonds. We didn't have anybody behind us when we started. We're in it for good." C. B. Bunkley, Dallas attorney who has handled cases for the National Assn. for the Advancement of Colored People, had entered the case, but he said he did so on the request of the students and had not heard from the N.A.A.C.P. in the matter. N.A.A.C.P. spokesmen have pledged full support to the sit-ins.

Emerging from a student lounge where about 50 Negroes were watching television, Holmes said, "We been coolin' all afternoon, waitin' on 'em to come."

About 6:15 that evening, Sheriff Earl Franklin, Ranger Ernest Daniel of Dallas, and another sheriff's deputy arrived in two cars and parked near the student cafeteria. They went inside and waited.

Peabody, saying "I'm going to look for them," led a group of students over to them. Franklin emerged from the cafeteria.

There then ensued a strange and affecting scene.

About 100 of the Negro students drifted over and formed a silent semicircle opposite the officers.

In the twilight Franklin squinted at a sheaf of warrants in his hand and began calling out names, as a teacher might call the roll.

Some answered. "Nathaniel Smith." He came forward. "Come right over here, Nathaniel." He was a California student who, when he had been told by his folks he had gone to Marshall at the wrong time, had replied to them, "I think I came at the right time."

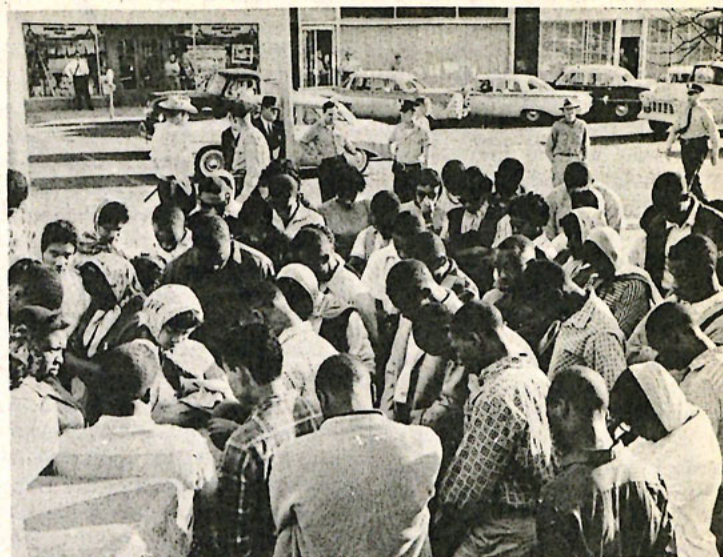
"Hey, Peabody, where's all the rest of 'em," Franklin asked. "I don't know exactly where they are," he replied. Six were assembled and loaded into a car and driven off.

Matthew Miller was called. "He's practicing tennis," someone said.

Girls began arriving from the girls' dorm, but none of them were called then. Another five answered to their names, and were driven off by the officers.

Dispersing, the students spoke to each other in low tones.

By nightfall 51 had been arrested and taken to the district court-



—Burns, News-Messenger

## Demonstrators Pray in Marshall Square They Came Downtown from Two Negro Colleges

room, where Justice of the Peace J. G. Stauts told them one by one that they were charged with "unlawful assembly to prevent any person from pursuing his labor, a misdemeanor," told them they could plead guilty or wait two days to decide whether they wanted a trial, heard each of them say they would wait, and set \$500 bond on each of them. Then, in groups, they were led off and driven to the county jail.

Some of the students said thank you to the judge, while others did not conceal their bitterness or disinterest. They were dressed as college students might ordinarily be.

Over at the square brick jail, three girls, waiting in the back of a sheriff's car to be booked and assigned to cells, called out to the Observer reporter through the fence.

"The last time I talked to you," one of them said, "I was a college student—now I'm a jailbird." She laughed.

"We don't mind being in jail for the cause," said Hattie Jean Whittenburg.

"I think this is going to be an enjoyable stay, because as long as I have the cause in mind, it's all right," said Ernestine Stubblefield.

What did they have to read? One had the Bible and a book on biology; another, the Bible and Literary Masters of England; and the third, the Bible and a book on the U.S. Constitution.

An officer came up and said they were ready for them, so they said "bye bye" gaily and walked into the jail.

There was a bonfire on the Bishop campus about 1 o'clock that night.

Although the windows and doors of the jail had been closed, reporters could hear the students inside singing some jazzy songs together. By 3:30 a.m. all was quiet.

In the morning, six more students tried to picket Woolworth's and the drug store and were promptly arrested and charged with unlawful picketing, in that they did not keep 50 feet apart nor did they stay 50 feet from the doors of the businesses they were picketing.

Their signs said "Why Pay More for Segregation?" and "Our Money Will Not Buy Segregation."

All of the arrested students were released by Sunday. Half a dozen who had gone home for the weekend were charged and released Monday. R.D.

## Dogs, Tear Gas

MARSHALL

Three sharp-toothed, attack-trained German shepherd dogs—all of them weighing more than 100 pounds—were brought to the Marshall courthouse square during the height of the tension here. They were removed to private cars parked on the square only after Gov. Price Daniel had told Ranger Captain Bob Crowder by phone to get them out of there. D. A. Charles Allen backed up the Governor's position.

State highway patrolmen openly carried tear gas grenades around the courthouse while awaiting the arrival of Negro students for their sit-ins last Friday. The students came, but neither the dogs, by then out of sight, nor the tear gas were used.

Russell Milroy, Nacogdoches dog trainer who had two of the dogs, and Don Cooper, Longview trainer who had the third one, explained they brought them to town in hopes of selling them, and for advertising.

Ranger Capt. Crowder, asked if the Rangers had asked that the dogs be brought, said no. "Pretty, aren't they?" he mused. When asked if he planned on using them, he said, "You can't ever tell. . . . I'm just glad to see 'em."

Milroy said all dogs are "color blind" and could not tell Negroes from whites, but Cooper said they could distinguish Negroes by "scent discrimination."

Cooper said his dog, Big Boy, weighing 120 pounds, would attack when told, biting and clawing. Cooper said he never had any better protection. "You can be right or wrong and you're still right to him," he said.

Cooper said he had just come over "to see what's going on" and had not been asked to come over by authorities. He added, "It's been talked about. I wouldn't say I was asked to come." Officers had not asked him and Milroy to leave, he said.

Asked by cameramen for a "demonstration," Cooper said, "I have to have a villain." A 17-year-old white boy volunteered, though he kept a respectful distance. Cooper said "Watch 'im," and the dog charged (but was held back by the leash), raised up on his back legs, barked, and snarled, baring his teeth. This caused a sensation all over the square.

Several local merchants and a local Baptist minister entered the courthouse to tell D. A. Allen that the dogs were making a bad impression and were not necessary. On the other hand, one white man on the square was laughing and saying, "Get them niggers runnin' with them dogs."

Word of the dogs reached Austin and Gov. Daniel. As reported on the square and confirmed later, Daniel telephoned Marshall and said to get them off the square. Allen confirmed that he asked the trainers to remove the dogs, too, and another report said he threatened them with prosecution if they did not do so.

The dogs were taken into Allen's office first; then they were taken off the square and placed into private cars parked around the square; in the afternoon, after the sit-ins had resumed, they were driven out of the downtown area in a pick-up truck.

## Press Incidents

MARSHALL

The out-of-town press were resented by many of the local officers and the white townsfolk during the demonstrations here. A woman told an AP photographer God should strike him dead for photographing the Negro demonstrators. A Shreveport radio newscaster blamed prolongation of the disturbances on the out-of-town reporters. On the other hand, one local white citizen told a reporter the people of Marshall might as well get used to all this, because "it's coming," and another one said with a trace of admiration that the Negroes "aren't going to quit now."

Friction between reporters and lawmen led to several incidents. An assistant district attorney, R. P. Watson, Jr., challenged the Observer's reporter to a fist fight and they started outside, but the district attorney called Watson back to his office and told him not to go. When a UPI reporter and photographer went to the home of ex-communist Wilkerson late one night to interview him, police stopped them as they left, they were asked what they were doing in "a nigger house," the reporter's wallet was snatched from his hand, he said, and the photographer believed he had been threatened with bodily harm.

When several press men followed two Negroes into Fry-Hodge drug store to see if they were going to sit down, two of the newsmen, including the Observer reporter, were shoved out of the drug store by police. For several hours reporters were barred from city police headquarters while demonstrators were being booked and jailed pending bond. Police Sgt. J. O. Burts at one point rushed a TV cameraman, clapped his hand over the camera lens, said he would not be photographed, ducked behind a nearby car while the cameraman ground away, and ran across the street, threatening to "break the b-----'s camera."

However, the intercession of calmer officials prevented any serious conflicts. Gaines Baldwin, the city attorney, had the police station thrown open to the press. Sheriff Earl Franklin, after a nudge from Marshall News-Messenger publisher Millard Cope, told his men to respect the rights of reporters. When newsmen protested D. A. Charles Allen's plan of arraignment the 57 Negroes arrested Friday night in the county jail—thus behind a nine-foot barb wire fence reporters could not pass—Allen had second thoughts, moved the proceedings to the district courtroom at the courthouse. After about a day and a half of intensive coverage, the press and the law developed fair working relationships.

# Student's Story

(Continued from Page 1)

"But this is not talk. It's actually, you know," Holmes said suddenly. He sat at a desk in his dorm room. Behind him, on the wall, was a calendar which told of "the history of the Negro in America." Down one floor, along the hall in another student leader's room, a meeting was proceeding on what to do tomorrow.

Thursday night, March 24, the leaders of the movement met to lay down the rules all were to follow. Holmes said these were the decisions reached that night:

If asked to pay for coffee, "refuse to pay for it if it's over a quarter."

"Continue our procedure no matter what the crisis may be."

"Two groups will never be in the store at one time."

"If someone at the counter occupies the seats, move around the store, and when they leave, take their seat."

"If the store's closed, follow around the store. If they're not gonna serve us, they're not gonna serve anyone."

When the students began to suspect that one of their number had told persons downtown that they planned to sit in on Saturday, had one of their number telephone the newspaper and the radio stations of the town and say, without identifying himself, that they planned to go down Monday. "We're decoyin' 'em," Holmes said. They also spread the story about sitting in Monday on the two Negro campuses.

Holmes said the manager at Woolworth's said his hands were tied and he could not do anything, he lived with Marshall people and could not serve them. "We didn't care, we're gonna hit 'em," Holmes said the man was told.

The students stopped transacting plans on the telephone, surmising that their lines were tapped. "Who runs the telephone company? They're white," Holmes said.

They agreed Thursday night to keep a scout in each store to carry word back if the demonstrators were jailed or there was any violence, so that subsequent sit-in teams could delay until the scene was cleared up.

Some persons had urged them to wait a week or so, Holmes said, because sufficient bond collateral had not been raised. "We said we're not gonna wait—we're goin' at ten o'clock Saturday. As soon as we decided to do it, the bonds came in. There was argument for procrastination, you know—'try to get 'em to hold off.'"

They decided not to take girls on the first sit-ins. "If I'm a man, lemme wear the pants," Holmes said. "I don't want a woman fighting my battles."

Another factor was concern that passive resistance would be more difficult if girls were abused. "I ain't never been beat in a fight with a man in my life. I can't stand a man whippin' a woman—I can't stand that, that's too much pressure," Holmes said. It was agreed they would not take girls.

Finally, Holmes said, the Thursday night meeting resolved:

"We have started and we will carry out our movement whether the residents of Marshall are with

us or not. They are still victims of circumstances."

## The Night Before

The night before the first sit-in, a group of the leaders met again. One said six should go; Holmes said ten, because "a guy would think twice, you know"; one who had checked Woolworth's and counted 22 seats at the lunch-counter said ten would be just enough, but another said, take 22. "We said no, we wouldn't be achieving anything—we're dominating the place, we don't want to dominate the place, they got rights too," Holmes explained. It was decided that ten would go, five from Wiley and five from Bishop.

One said, "Send some of the underdogs down," meaning don't send the leaders, but, said Holmes, "It's a tough task to walk down and sit there the first time, you know. I said, if we go, it must be the leaders—if we go down there, they'll follow us. If not, they might not stick with it." So the leaders would be first and would sit in at 10 a.m. for 25 minutes, after which they would be replaced by second, third, and fourth groups on the half-hour for the next three half hours.

There was nervousness. "First of all to me it's like before a football game, we kidded around, said 'he gonna beat your brains in'—we were just havin' a good time," Holmes said. One of the stories they told to buck themselves up: "A dog was runnin' after a big rabbit through the woods, and a little rabbit jumped up, and the big rabbit said to the little rabbit, 'You think you're gonna make it, little brother?' and the little rabbit said, 'I jumped up, I gotta go now.'"

"Because they'll stop you if you look suspicious," they agreed in advance that two of them would be inside Woolworth's while the others approached in pairs from four different directions. Their watches were synchronized—"It matters not what Marshall time is, you know, this is the time we're gonna sit down, you know," as Holmes put it. They all wore coats and ties.

Holmes said he and his partner were walking down the sidewalk toward Woolworth's when a policeman and a plainclothesman passed behind them into a barber shop. "He passed so close, he was in my pocket, you know."

They watched the officers follow them, once stopping suddenly, at which point, Holmes said, the officers turned to a store window, but finally, Holmes said, "We

can't mess around with those pretty poppas, we gotta job to do," and they went into Woolworth's. Holmes said he held up a bottle of lotion with 15 seconds to go, and when he dropped it to a counter at 10 o'clock, they all sat down together, "boom, boom, boom, boom, timing just like that." (Since then, "we often talk about who has the best job—who's the coolest, you know.")

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—Clyde Foster, News-Messenger

## Marshall Firemen Turn Hoses On Students at Height of Demonstration

Students' Outlines Can Be Made Out As They Are Driven From the Square

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## The First Sit-in

"Turn the lights off!" Holmes said he heard one of the waitresses cry out three times, and they were turned off; someone else said turn them back on, and they were turned back on. A sign was posted that the counter was closed: "We just sat there." Police, Texas Rangers, and sheriff's officers arrived. "The Texas Rangers, I like their procedure, they just stood there cool and nonchalant. The locals, not. One of them passed behind me and raised his hand like he was gonna hit me. I suppose I was supposed to climb up on the counter—I just sat there, nice and cool, passive resistance, I was just braced up to take it."

Holmes said he heard one bystander, not an officer, say, "If it was left to me I'd take my shotgun and clean up the whole goddam mess."

Willie Sapp, a Wiley student, was taking pictures of the group—some of which the Observer later

obtained—and Holmes said he had a hard time of it, with nudging and shoving. About 10:20 an officer told him to "get your --- out of here," Holmes said; he left.

On schedule, the students rose at 10:25 to leave. Holmes said the spectators formed an aisle for them to pass through; one stood in front of him and jockeyed from one side to the other, finally letting him pass. He said he heard a spectator say, "I oughta take a knife and cut the black son of a bitch's throat" (about which Holmes said, "Well, passive resistance: I didn't hit 'im, you know.")

Holmes understands that a policeman "deliberately stuck his foot out" to try to trip the last one to leave, who was then detained. The others got off a distance before they missed him; Roosevelt Peabody went back for him and came back with him.

"The second group hit 'em at 10:30. When they walked in at 10:30, they closed the store up."

## The First Arrests

The students reassembled at Bishop and "The girls met us, hugged us and kissed us, and this inspired me to go back—big man you know—and we had a prayer meeting, too." After lunch, they had a rally at the wooden bell-tower on the Wiley campus: "We talked, and told 'em what happened, and then we prayed, and we rejoiced, you know." They

formed into a very large circle, hand-to-hand, 300 students with no one in the middle, and sang the National Anthem, school songs, and Glory, Glory, Halleluyah.

When a photographer wanted a group picture with their leader out front, he was told he had to take the group, or no picture. ("That's to keep the pressure off one man," said Holmes.)

The question for the afternoon was "what places shall we hit?" The bus station was settled on. One of the officers who apprehended them as they left, Holmes said, lectured them "like your mother chastises you, you know," saying, in substance, "We just don't do that here in Marshall." One of the Negro students told him he, the officer, had a boy in an integrated school (the University of Texas) and "was blowin' pure stuff to him," as Holmes said, to which the officer is said to have replied he knew that, but "we just don't do this in Marshall."

Sunday night plans were laid to "hit" Woolworth's, the bus terminal, and Fry-Hodge Rexall drug store. The leaders went to Rexall's because it was a new place. Holmes and the others were arrested: four were fingerprinted.

One of the group, Holmes charged, was grabbed "brutally" by the collar when he seemed to be inattentive to what was being said, but District Atty. Charles Allen told the officer not to be rough. Holmes alleges that when this student was taken to another room, the officer jammed a digit into his eye, shoved him down, grabbed him by the collar, and—says Holmes—"slapped him a couple of times." Holmes said this incident was reported to the F.B.I. in Shreveport.

Allen, Holmes said, told them that if they came back, they realized what they were up against; that his job was to maintain the peace; that even if they gained their objective of lunch-counter service, race relations would not be improved; and that he did not want any violence, and wanted to prevent anyone getting hurt. Holmes said one policeman dealt with them contemptuously, another fairly.

## Fire Hosing Climax

The next day, March 29, "We let 'em think they got us" while they planned Wednesday's sit-ins at 12:30 p.m. and 3:30 p.m. The leaders would go back, with girls for the first time. They would approach in pairs, a boy and a girl in each pair.

At Woolworth's, Holmes and the girl he was with were arrested—

(Continued on Page 5)

# GALVESTON: A CONTRAST

(Continued from Page 1)

White merchants who were involved have been shielded from identification and publicity, spokesman Mosley said, because they may want to be effective again when issues such as desegregating the schools come up in the future.

Stores which integrated included McCrory's, Woolworth's, Kress, Weingarten's Supermarket, and Texas, Wright's, Seawall, Central, and Star drug stores. Main hold-out was Walgreen's.

Only seven Negroes sought integrated service Tuesday, and 12 Wednesday. Thursday it seemed that somewhat more Negroes were being served than the first two days, but still not many. There were no unusual incidents. However, a reporter overheard one lady in a group leaving one of the integrated stores saying, "I wouldn't any more eat there than the man in the moon."

Father T. J. Monahan, white pastor of the all-Negro Holy Rosary Catholic Church, took part in the meetings. "The love of God and the love of man are the two great commandments," he said. The problem had been worked out in the spirit of President Eisenhower's recommendation for community cooperation, he said.

Rev. George W. Barron, Live Oak Missionary Baptist Church minister, and president of the Galveston Ministerial Alliance, which is the group of Negro ministers in Galveston, said, "We feel that it is the purpose of all faiths to meet

the needs of all mankind." Barron, a native of Marshall, is a graduate of Bishop College there.

Rabbi A. Stanley Dreyfus of Congregation B'Nai Israel in Galveston said happily, "It's quite a contrast with South Africa and Marshall. . . . A small group of us, moved by the ideals taught by our various religions and by a common concern for the welfare of this community which we so love, met together to try to work out this problem in a spirit of harmony and understanding. . . . This is a simple act of justice due to our fellow man."

Sams, spokesman for the students, was asked if they felt they had achieved their goal. "No," he said. "Our goal is Galveston." Viola Merritte, 17-year-old Negro high school student, agreed with him, saying, "We want better paying jobs. We want all opportunities that are given to first class citizens." Sams said, however, that the change this week was "tremendous progress." R.D.

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Ronnie Dugger  
Editor and General Manager  
Sarah Payne, Office Manager

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.

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# A STUDENT'S STORY

# Economic Weapons Are in Background

(Continued from Page 4)  
he said the officer told him he was under arrest, "You hear me boy?"—and Holmes added that "I just took my time—took my girl by the arm and walked to the courthouse." Twenty of them were arrested during the lunch hour.

"They proceeded to fingerprint us one by one," and once, asking a Negro the color of his eyes, an officer, not waiting for an answer, said "red" and wrote something down, Holmes said. The first group were leaving the courthouse at 3:37 when the second group, from the 3:30 sit-ins, were brought in, whereupon the 12:30 group were taken back into the courthouse, as Holmes recounts it. A total of 57 students had been arrested.

The girls asked to use the rest room connected to the courtroom, Holmes and one of the girls said; they were told there was not one for them, but later they were led outside and downstairs to a place without windows, and dirty, a girl said.

In the courtroom, the students began reading passages from the Bible out loud. Roosevelt Peabody recalled that "I read the passage, 'Of whom shall I be afraid?'" (the 27th Psalm: "... The Lord is the stronghold of my life; of whom shall I be afraid?"). William Smith of Bishop read something from John. A girl from Bishop read the 91st Psalm. Yvonne Tucker read the 23rd Psalm. Hattie Jean Whittenburg of Oklahoma City was reading the 140th Psalm (which begins, "Deliver me, O Lord, from evil men; preserve me from violent men") when an officer stopped her.

Holmes said the officer said, "No more reading in the courtroom. If you're gonna read, read to yourself."

Then the group began to sing, Glory, Glory, Halleluyah, and then, "loud and diligently," the Star Spangled Banner, during which, Holmes said, "the cops sat back with cigarettes, feet up, and stood talking like it was just nothing. I think it was a disgrace. If I were God I'd slap their brains out, you know. Not one of 'em moved."

After the courtroom doors were closed, Holmes continued, the voices of their fellow students singing reached them from outside the courthouse. Not 500 to 700, as last week's early report had it, but about 200 had come to the square upon hearing of the arrests. "When we heard them singing, we joined them—we stood up and sang the Star Spangled Banner again. It was an inspiration to us," Holmes said.

After the Star Spangled Banner they sang Onward Christian Soldiers.

**Outside, several later accounts indicated, when an officer sought to place a large number of the students under arrest, they all came inside, filling the courtroom and the balcony overhead. Just before 5 o'clock, Holmes said, the courtroom and balcony were filled and the students sang some more: "Let Every Voice Sing"—a loud yell and applause; "My Country 'Tis of Thee"—"loud and with spirit and inspiration."**

Allen asked those who had not been picked up to go back to the campus. After conferring with leaders of those arrested, they all decided not to leave unless all left together. Holmes said Allen assured them they could leave quietly and peacefully if they would; told them they had made their point but had gone to the extreme; said business had dropped by two-thirds in the stores they had visited; said he did not want to jail "people of your intelligence"; and told them if they would drop their sit-ins, prosecutions would not be pressed. Thereupon the first group left.

Firetrucks had been driven into position, and fire hoses laid along streets of the square.

Officers explained later that the water was turned on the Negroes because they refused to disperse when asked. A city fireman who held one of the nozzles told the Observer that the situation was very touchy, with groups of 10 or 15 whites threatening that if the police couldn't move them, they would. He said the hoses were never turned over to teen-agers, as several of the Negro leaders charged.

Martin said four fire trucks were used, and three hoses. "When

they (the Negroes) refused to leave, why then the firehoses were brought into play. . . . There was force to the water," Martin said.

Holmes said that the students were leaving when the hoses were turned on them. He concluded: "Then they turned the fire hose on. . . . They (the students) sang the Star-Spangled Banner and walked slowly away while they washed 'em down with water. It was inspiration. They just wet every one of 'em down. Then they gave the firehose to teen-agers and they washed 'em down. They didn't run, they didn't fret."

## Weathered Expands Conservative List to 57

AUSTIN

Business lobbyist Preston A. Weathered's list of endorsed conservative candidates has been expanded to include 57 races in a letter from Weathered dated March 18 which has now reached the Observer's attention.

Writing from "Adolphus Tower," Dallas, attorney Weathered asserts he will also report later on open races with multiple candidates on the theory that most of them will go into runoffs.

Weathered's letter alludes to "our report," but only he signs it. In designating as favored "those of a conservative political philosophy," Weathered's latest letter emphasizes that "no other qualifications for office" are considered apart from philosophy.

Weathered also says that the right of the individual to vote as he wishes is recognized; liberals and conservatives in the legislature respect and befriend each other; and the list he is circulating could be used to select liberal as well as conservative candidates.

In a letter dated March 7, Weathered asserted that liberals are within striking distance of legislative control, and consequently "field help" had been engaged in grass roots areas for conservative candidates. He specified two Senate and 19 House choices in this first communication.

On March 18 Weathered singled out four Senate races. Repeating his endorsements in two

races, he said Sen. Neville Colson, Navasota, is "economy and efficiency minded" and has a "solid record," while Rep. J. C. (Zeke) Zbrank is "a liberal leader who supports AFL-CIO and DOT line." Sen. William S. (Bill) Fly, Victoria, is commended for "proven sound, conservative leadership," while his challenger, William N. (Bill) Patman, Ganado, is not classified ideologically, and is identified as "son of Congressman Wright Patman."

In Bexar County, Weathered backs two Senate candidates, Rep. R. L. (Bob) Strickland, "a strong-well-liked conservative leader," and ex-Sen. Ozzie Latimer, "consistent conservative record," while opposing Sen. Henry B. Gonzalez, "a consistent liberal record," and R. L. (Bob) Strickland, the businessman.

Sen. Hubert R. Hudson, Brownsville, "has developed from a moderate to a conservative member," Weathered says, and is favored over Rep. Jim Bates, Edinburg, identified as a first-term conservative and, in his second term, "moderate to liberal."

In Dallas he endorses only two incumbents, Bill Jones and Tom James. He passes over Fort Worth races without comment except to endorse Reps. Tommy Shannon and Warren Cowen. In the San Antonio races he endorses Reps. Bob Vallance, James McKay, Marshall Bell, and Frates Seeligion, and the opponent of Rep. Franklin Spears.

Other incumbents opposed by

## Church Council Criticisms

AUSTIN

Two independent oil operators in Dallas and a Philadelphia industrialist are underwriting major costs of a fundamentalist campaign against the National Council of Churches, the New York Times reports that executives of the council charge.

In a story listing Maj. Edgar C. Bundy of the Air Force Reserve, Rev. Billy James Hargis of Tulsa, Okla., and others as the originators of the charges, that the council is Communist-infiltrated, the Times reported it tried to contact the persons allegedly bankrolling the campaign but did not succeed. The Times therefore did not give their names.

The newspaper also said: "Churchgoers in Houston, Tex., seemed by far the most disturbed over the charges of communism. A council official described it as a 'disaster area' for old-line Protestantism."

"This may be because the area mixes religion with conservative economic and social thought: A car parked outside a large fundamentalist church has a sticker that reads 'Constitution Party—Repeal

the Income Tax'; a lighted sign in front of an insurance company division office says, 'Joy shall be in heaven over one sinner that repenteth.'

"Independent, emotional-appeal churches are springing up all over the city in attractive contemporary buildings containing church schools, nurseries, and air-conditioning.

"At one, the Berachah Church, Major Bundy last Sunday drew 4,000 persons to four rallies against the National Council. . . .

"He said a retired professor at Union Theological Seminary in New York had been identified as a Communist. He charged that the professor had been active in the National Council, which was not true," the Times said flatly.

Observing that the Council is on the same block in New York City as Union Theological and Columbia University, Bundy said, "Birds of a feather, eh?" and his audience laughed, the Times reported.

"There is a readiness of the people in the Bible Belt to accept these charges," the Rev. Virgil E. Lowder, executive director of the

MARSHALL  
Economic boycott may be counter-attacked by economic reprisals in Marshall.

Basically the sit-in strategy which Negroes have been using in many Southern cities is designed to exact an economic penalty from stores which persist in refusing to serve them at lunch-counters. Negroes are asked to refrain from trading in other parts of stores in which the lunch-counters are reserved for whites only.

In Marshall student leaders told a rally at Wiley College that they intend to boycott "the town—period," that is, all the merchants in downtown Marshall.

Friday night, Negro students circulated throughout "the sunny South," which is Marshall's name for the Negro section, an eleven-point mimeographed statement urging economic boycott of the three places of business which closed their lunch-counters rather than serve Negroes.

The statement said, "Why pay for segregation? If you can't eat, don't buy! . . . Don't be a coward, stand for your rights. . . . Be proud of this student movement, for we

Weathered in House races: Neil Caldwell, Alvin; Lloyd M. Guffey, El Campo; Ronald W. Bridges, Corpus Christi; Sanford Schmid, Fayetteville; Tony Koriath, Sherman; Herman Kezak, Bremond; Tony Fenoglio, Nocona; Grainger W. McIlhany, Wheeler; Max Carriker, Roby.

Other incumbents favored by Weathered in House races: Ben Jarvis and Byron Tunnell, Tyler; John Huebner, Sr., Bay City; R. H. Cory, Victoria; Pete Matthew, Yoakum; Ben Glusing, Kingsville; Eligio de la Garza, Missions; Jack Woods and Frank McGregor, Waco; Murray Watson, Jr., Mart; Max Smith, San Marcos; Paul Brashear, Cisco; Vernon Stewart and Jack Connell, Jr., Wichita Falls; Truett Latimer, Abilene; Leon Thurman, Anson; Will Ehrle, Childress; J. Edgar Wilson, Amarillo; Jesse M. Osborn, Muleshoe; Robert Bowers, Jr., Brownfield; Wesley Roberts, Lamesa; Richard Slack, Pecos; and John Blaine, El Paso.

are your sons and daughters. . . . Remember the laws of passive resistance: non-violence. . . . I will not spend my money where I can't eat: Woolworth, Rexall drug-gist, Union Bus Terminal I can eat but it's segregated so I won't buy."

This statement was an attempt to bridge the gap between the students and the Harrison County Negro population. Wiley and Bishop College students come from all over Texas and from many other states; only a few of them are natives of Marshall. A boycott could not work without support from the local Negroes.

The local Negroes, however, could become the object of economic reprisals to which the college students are not so vulnerable. The morning after the boycott circulars were distributed through the Negro section of the city, a letter signed by six Marshall small businessmen, but including none of the city's major business figures, was delivered by mail to the white business and professional people of the city.

By Monday the plan for a businessmen's meeting had been called off and intentions of economic reprisals against the Negroes denied. The Saturday morning letter, however, addressed to "Dear Fellow Businessman," stated:

**"This letter is being sent to all business people and all industry in Marshall to try to organize the strongest organization possible to cope with the present situation and all future situations that may exist of this type.**

"We feel that there is one way to cope with this situation and that is economically. However, we would like for you to attend this organizational meeting and let us hear your ideas.

"You must bring this letter to be admitted to the meeting." (The letter then specified the time and place.)

"Please be present at this meeting. This is a serious situation and may affect the lives of you and your family for years to come.

"Lets (sic) try to stop this before it gets into the blood shed stage."

(Blood and shed were written as separate words.)

The letter was signed by Hiram S. Post, Jr., wholesale business owner; Earl Senn, manager of the Union Bus Terminal and owner of the cafe there, where sit-ins occurred; George D. Ford, a contractor; T. H. Post, the local Studebaker dealer; Lamar L. Smith, owner of an insurance business and an interest in a restaurant; and J. Mac Prothro, operator of a laundry.

A businessman not involved in the call for the meeting explained to the Observer that while the Negroes might try to boycott downtown stores, a boycott "can work two ways." Businessmen "all the way from the bank on down could put pressure on Negroes by calling in notes, refusing loans, cutting off utilities if bills are not paid by the discount date and then charging to have them re-installed, and so on.

**Monday, however, the businessmen who had signed the letter issued a statement calling off the proposed meeting and denying that it would have been aimed at bringing economic pressure to bear on Negroes. They said, "purpose of the meeting was to work with all citizens in order that no intervening groups create dissension, unrest, and economic reprisals."**



# Ranger Sterling, in the Tradition

## The Religious Issue

Sir: Your editorial concerning religion, specifically Senator Kennedy's Catholicism, and its political significance (Obs. Mar. 18), was apropos.

For enlightened people to deplore bigotry is praiseworthy, but to insist upon dismissing any consideration whatever of religion when assaying a candidate is neither admirable nor sensible.

Sincere religious conviction is likely the single most sensitive gauge of one's innermost character, and its tenets could easily set the pattern for one's attitudes toward social welfare, war and peace, internal improvements, scientific inquiry, and other vital questions of public policy.

One's religion, the intensity of his conviction, or the total lack of either should not make or break his candidacy for high office; neither, however, should we blindly refuse to consider this one of the many factors making the composite person.

With Adlai Stevenson, for instance, the Unitarian position naturally emphasizes what can be done, here and now, by man himself; and such humanism spurns "pie-in-the-sky" preoccupations.

On the contrary, an adherent of a strict and dogmatic religion well might consider a vigorous social or reform program as irrelevant to what he considers his "personal salvation" or to mankind generally. Any set of philosophic absolutes, for that matter, would appear antipathetic to the empirical method, to social and economic change, and to scientifically-oriented society generally.

The absolutist dichotomy of Heaven-Hell, with its system of swift and sure rewards and punishments, may have distinct theological utility; but it could be quite a detriment to one's perception of the need for improvements in this world. The tribulations of such mental giants as Socrates, Huss, Galileo, Darwin... to mention only a few... were attributable to narrow theologians who happened also to be government officials.

Your thesis, then, is correct in my opinion. Just because a particularly despicable type of bigotry happens to provide the current fountainhead of religious disputation in America, informed persons must not permit revulsion to obscure the thoroughly legitimate religio-political questions involved.

Craig Raupe, Washington, D. C.

## Creeping Fascism

Sir: I want to thank you for the article, "F.I.A., the Inside," in the April 1 issue. It was the most poignant article exposing the creeping fascist tendency of our day.

Being a minister and supporter of the National Council of Churches, I have been acutely

## TRAILS AND TRIALS OF A TEXAS RANGER, by William Warren Sterling, 1959.

XALAPA, Vera Cruz  
This is a 525-page book by Bill Sterling, a somewhat legendary hero in my mind, for he figures in the Border exploits my father and others used to talk about. As I read the book with pleasure and interest, it refreshed my childhood memories of the brush country and bandit days. The men I listened to then liked Bill Sterling and respected him for a straight-shooter—in every sense of the word.

There is nothing in the book, I am sorry to say, to indicate who published it. Ex-Ranger Sterling covered his trail too well—a pity, because there are many readers who would enjoy its eye-witness authenticity and Texas-type of story-telling flavor.

## Tom Sutherland

Sterling has put together, not always with organization, much of the story of law-enforcement in Texas, largely as he has seen it and learned it by word of those who saw it. Along with the facts, a certain amount of group and personal prejudice is honestly set down. He lauds his friends and gives his enemies thunder, a Texas characteristic; but such aspects of the writing, while giving flavor, also help form an accurate sociological and psychological document, as good an example of the Texas mind as any I know. **The Trails and Trials of a Texas Ranger** is not only entertaining in many places; it is a valuable addition to frontier folk history.

**STERLING IS BEST** on the Border where he grew up. Bandit raids, shooting scrapes, cattle-stealing, a healthy respect for luck and chance, and a tendency to make a jest of say nothing of one's own part, respectful talk of good guns and good horses (necessary within recent memory)—all come through with the realism that goes with telling first-hand experiences tasted with the sauce of danger. Here is a sample that caught my attention:

"In 1913 I was placed in charge of a bunch of cattle in a back

country pasture known as Los Indios. It later became a part of Richard King's Santa Fe Ranch. The cattle belonged to the late George W. Armstrong, who subsequently gained wide notoriety as a white supremacy advocate in Mississippi. There was no highway from the valley and no automobile could pull the heavy sand. The entire region was isolated, and I saw only one Anglo during my sojourn. There was neither house nor other shelter on the place. My saddle blanket and slicker served to keep me warm and dry. A large, sandy field had been cleared on the adjoining ranch, San Esteban, and it was crudely farmed by share choppers. One of the renters was Donaciano Sanchez.

"He had three sons about my age, who did all the work. They were very friendly to me, so we made our camp together and pooled our scant rations. The father was a large, formidable looking man who rode a fine horse and always carried a Winchester. This attracted no particular attention, as it was a custom of the country. He only came to see his sons occasionally, and always rode in about sunup. After sleeping most of the day, he would ride away as mysteriously as he had arrived.

"When the Bandit War opened in 1915, the first man killed was the father of my camping companions. Cattle-stealing and not territorial disputes, however, caused his death. Sanchez and another notorious cow thief were taking some calves out of the Mula pasture on the King Ranch near the Mesquite windmill when they were discovered by Frank Martin.

"Martin was foreman of La Andrea. He suspected one of his

vaqueros of being in league with the men who were stealing cattle. One day he ordered his buggy hitched up, stating that he was going to Raymondville. Martin drove a few miles through the brush, then went back to the ranch. The suspect had saddled his best horse and gone to notify the rustlers that the coast was clear. Martin then rode out to the Mula pasture where he encountered Sanchez and the other man. He was armed only with a pistol, while the two rustlers had Winchesters, so Martin put spurs to his horse and burnt the breeze with the bandits in hot pursuit. They had the advantage both in number and weapons. Frank emptied his pistol, shooting back as he ran. One lucky bullet hit Sanchez in the head and killed him. His accomplice gave up the chase and lit a shuck for Mexico. To my knowledge, he stayed on the other side for nearly forty years before returning to Texas.

"Later, when talking to Frank Martin about this incident, he said to me, 'Bill, I was riding one of the fastest horses on the ranch, but it seemed to be like he was crawling until that chance shot stopped Sanchez.'

"Several days after the killing, Ramon Guerra was riding in his father's pasture. The young man saw a flock of **totaches**, a variety of vulture found in Southwest Texas, circling over a mesquite thicket. He went to the spot and found seven dead King Ranch calves that had been tied up with rawhide thongs, ready to be branded by the thieves. When Sanchez was killed and his **companero** fled, the animals were left to die."

**BILL STERLING** rose in the Ranger Service and had a long and honored career before retire-

ment; but not without the frustration that honest public servants seem often to be cursed with. Reading these memoirs makes it clear that he has a high code for the Rangers, cherishes the memory of the good captains, and suffers keenly when he writes of Ranger misuse by political connivance. Sterling quotes his mother:

"'Son, I am enveloping you in a mantle of prayer. Memorize the Ninety-first Psalm. 'The Sword of Robert E. Lee' is a great poem; treat your pistol as if it were the sabre of the Peerless Leader. Always think of me before you draw it.'"

If Bill Sterling has not changed since I saw him last, he is the tall, striking and classic type of Texan that seems to call for a portrait. I remember well seeing him at a holiday parade back in the days of Governor Ross Sterling (no relation). On a paint horse in front of the state Capitol, he was, like Buffalo Bill Cody, the sort of magnificent spectacle to lift a boy's heart or make a Hollywood scout reach for a contract form. But I prefer to think of the Ranger as he was when he must have been turning twenty. Among the several memory-evoking photographs that he has included in his book, in one of them (page 152) he appears to be such an age; and he is the real thing, the frontier type that he defends in his history of Rangers: a lithe and lanky youth in washed-out ducking jacket, pants of the same brush-proof cloth inside high boots, work shirt and weathered stetson hat, pistol belt slung low on a hip and rifle in hand. The print, which must be half a century old, conveys the unmistakable impression of muscle and nerve in prime readiness for the kind of action that has given the Texas Rangers a place in national legend.

and honored career before retire-

# Tests and Ability Grouping

(Dr. Bruce Meador, graduate in education from the University of Texas who is now teaching at the College of Education in Arizona State University in Tempe, was moved by Mrs. Robert Sexton's article, "IQ Says Who?" Obs. March 18, to contribute to the article these complementary reflections.—Ed.)

TEMPE, Arizona

Problems connected with "intelligence testing" become more acute as our schools attempt to identify talented students and give them special training. In the elementary grades this may take the form of placing above average students (as defined by standardized tests, scholastic achievement, and teacher evaluation) into one classroom, the average students into another, and the below average into a third. In the secondary grades this same system may be used for only a few courses, or the track method may be employed. Schools using the track method divide the curriculum into tracks. The student climbs aboard one track and it takes him to college. Another track might be for students interested in manual training, and another might be for those who want a traditional high school education but who will not go on to college.

Usually these decisions must be made during the eighth or ninth grade, and it is usually difficult to switch from one track to another. The conscientious school administrator does not want such important decisions to be made on the basis of parental pressure, nor does he want to exclude from college the student who "goofed off" during his elementary school ca-

## Or, Choo Choo, IQ

reer and ended up with low scholastic achievement. He must, therefore, rely in part on an objective measure of the students' potential. He uses an "intelligence test."

**ONE PROBLEM** connected with "intelligence testing" involves students whose cultural or language background is different from those for whom the test was designed or on whom the test was standardized. The authors of these tests recognize the unfairness of giving the same test to a person who has had a great deal of experience with language (any language) and one who has not, and they recognize the fallacy of giving the same test to persons from different cultural backgrounds. They have attempted, therefore, to construct tests which minimize the verbal factor or the cultural factor or both. The performance part of the Wechsler Intelligence Scale for Children, the Columbia Scale of Mental Maturity, the Goodenough Intelligence Test (also called Draw-a-Man), the IPAT Culture Free Intelligence Test, and the Cattell Intelligence Tests are examples.

These tests have been successful in decreasing the handicap carried by Spanish speaking, lower socio-economic Latin Americans of Texas (for an example) into the testing situation. But this has created a dangerous situation! It has given the impression that we now have reliable tests for measuring something called "intelligence" that is independent of our language and cultural experiences. Such is not the case.

Even if we agree that the "intelligence test" score for a typical middle class, English-speaking student is a good predictor of his future academic success, we should keep several qualifications in mind: There are notable exceptions. This is not the same thing as "native intelligence." This is not necessarily applicable to groups who are not middle class and English-speaking.

**THE REASONS** why Latin-Americans in Texas score low on "intelligence tests" can be divided into three categories: First, there are the reasons that apply to any economically impoverished group. An absence of books, the lack of stimulating travel (not in the back of a windowless truck), and an inadequate diet are examples. Second, there are the reasons that apply to any group which considers itself as an intruder in the world which gives the test. Third, there are the reasons that apply to any group which is tested in a language with which they are not familiar or in which they do not feel comfortable. Even if you give the test in Spanish the students would be disadvantaged if they had learned to feel uncomfortable speaking Spanish in the English-speaking school.

If a school administrator feels he should divide pupils according to "ability," he should use a so-called culture free, nonverbal test. He should test every year. He should have misgivings. And he should work hard to eliminate the factors which make it presently impossible to fairly test for "intelligence" most Latin Americans in Texas schools.

BRUCE MEADOR

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# Foe of Federal 'Intervention'

WASHINGTON

Walter Rogers, 52-year-old Pampa attorney, this year is seeking his sixth term in a Congress which he fears is attempting to slowly federalize the nation.

Rogers sees the mark of "centralized government advocates" on virtually every piece of major legislation facing Congress — from civil rights to aid to education.

"These are all facets of an overall program to centralize and federalize the government," he said. "They can't take over the government in one fell swoop, so they are doing it by steps."



**Congressman  
Walter Rogers**

Rogers's concept of states rights is plainly manifest in a ten-year voting record that is overwhelmingly conservative. There are some liberal exceptions, particularly in the fields of water power, and farm legislation.

This spring Rogers is carrying his conservative philosophy before the voters of his 28-county district in a race against Arthur Glover, Amarillo tax accountant. The 18th District, lying in the Texas Panhandle, is a region of varied interests and problems. It is a land of irrigated farms, of dry-land farming, of oil wells, cattle, and some industry.

When he is talking about centralized versus decentralized government, Rogers takes on a serious and almost lecturing manner, but in the next breath he might be quite folksy. He seems as much at home discussing the problems of a Panhandle chicken farmer as expressing his theories of government.

The Americans for Democratic Action, which compiles a yearly scorecard on the congressmen, has found only 20 percent of Rogers's votes acceptable as liberal over the past nine years (19 right votes out of 93 counted).

Negroes make up a relatively small percentage of the population in Rogers's district, but he has been one of the House's most consistent foes of civil rights legislation. He opposed this year's bill.

Explaining his opposition to a Fair Employment Practices Act, Rogers said that "it is not a question of a race situation in my district, but the people are fiercely independent and don't want to be dictated to by someone else. No one in that country is cheap, but they don't want a lot of dead-heads on the payroll."

He said that civil rights legislation is "designed to wipe out state lines," and he has a special warning for minority groups:

"Once a minority group gets hold of a government, it kicks the stuffings out of other minority groups. Minorities lose sight of the fact that under a dual form of government we have more democracy than under a federalized form."

He sees the voting rights plan of current civil rights legislation as a "means for the Attorney General to control elections." He envisioned the Attorney General

"appointing some gangster from Indiana to act as a federal referee in Mississippi."

## Exception for Power

Rogers abandons at least some of his conservative theories when he gets into the area of conservation and power development. A spot check of his votes indicates that the Pampa congressman has generally sided with the liberals on these issues. In 1954 Rogers voted against a bill described by many liberal groups as "the atomic energy give-away." Three years later he opposed an amendment designed to eliminate from Atomic Energy Commission appropriations money for the construction of a plant to study peaceful uses of atomic energy. In 1958 he voted in favor of the Glen Canyon project for water supply in Arizona and Utah and for another project in the Central Valley of California.

"I'm in favor of federal money for big power projects," he said. "Private industry cannot develop them at a cost that is commensurate with what people can pay. I also think they should stay in the hands of the federal government until the people have gotten their tax money out of the project. I am not in favor of the federal government building at a low interest rate, then selling to a select group of people."

Rogers is chairman of the irrigation and reclamation subcommittee of the House interior and insular affairs committee. He is the second ranking member of the mines and minerals subcommittee.

Of particular importance to his own district is the Canadian River project. Rogers said that federal appropriations for the project are awaiting the signing of a contract between the Canadian River Authority and the Bureau of Reclamation. The contract will be signed as soon as the CRA agrees on the rates it will charge for water, he said.

Survey has just begun on another watershed project in his district—one along the Red River, Salt Fork and Prairie Dog Town Fork.

Rogers has mixed feelings on federal aid to education, but generally adopts a conservative position on the issue. He approved of aid to federally impacted areas, but in 1957 he cast his vote against a bill which would have provided money for general school construction.

He said that pending proposals are "driving toward federal control and are another case 'of things being taken over one step at a time.'"

Rogers did not commit himself definitely on this year's school construction proposal, indicating he might support it "after sizeable amendments." However, he apparently would not support federal aid for teachers' salaries, a provision of the bill which has passed the Senate.

Rogers said the "cry for federal aid for education" has arisen because the federal government has taken "such a large bite in taxes." He said that he personally favors part of the federal income taxes being left in areas for aid to below standard schools.

## Favors Child Farm Work

Rogers was one of 17 Texas representatives who voted for the Landrum-Griffin labor bill in the last session. Support of the bill apparently is causing some congressmen re-election troubles, but Rogers sees no difficulties in his district.

"We worked very hard to get the bill worked out so that it would be fair to the individual," he said. "It ended up being a good bill." He has not heard of any opposition from labor in his district because of his vote.

Rogers is opposed to any further increases in the \$1 minimum wage law, which probably will be debated in Congress this year. He also opposes extending the minimum wage law to cover additional persons.

"The proposals move into intra-state areas," he said. "What is considered legitimate intra-state business, should be left up to the states."

**One of Rogers's first legislative crusades in Congress dealt with another labor issue—migrant farm**

labor. For several sessions Rogers tried to amend the Fair Labor Standards Act so that children of migrant laborers could work in the fields during school hours.

Both Democratic and Republican Administrations opposed him, and in a speech on the House floor in 1951 he told about receiving criticisms from across the country on his proposal. He passed the critics off as "these centralized government advocates who know how to run everybody's business but their own . . ."

Rogers is in sharp disagreement with the Republican Administration's farm policies. He has been a supporter of farm price supports and sees little value in the soil bank plan.

"The farmer has been having trouble with his income, not with growing products. Under this administration the farmer has been drowned in his own products," he said.

## Wants Gas Bill

Rogers is distressed about Eisenhower's 1956 veto of the gas bill, which would have removed gas producers from federal price regulations. Eisenhower vetoed the bill after a furore over pressure applied by supporters of the legislation. Rogers said that if he had his way, "there would be a gas bill tomorrow," but he does not think that Eisenhower will recommend one to Congress.

"If Lyndon Johnson were president, I think he would get one up," Rogers said. "I don't think Humphrey, Kennedy, nor Symington would bring up a gas bill." He said that presidential support was almost necessary for passage of the bill in Congress.

Rogers, like the other Texas congressmen, is supporting Johnson for the presidential nomination. "He has a much better chance than people think," he said.

Rogers generally is opposed to the foreign aid program, but he says that he is in favor of military aid "to help foreign countries carry out their desire for freedom as we know it."

He said, however, that the foreign aid program "should be re-evaluated and properly adminis-

tered." He said the program is "permeated with situations that are not good for this country."

"Foreign aid made more little groups independently wealthy in these foreign countries, and has not found itself down to the people whom we intended to get the aid," he said.

Rogers also is critical of the Administration's interest rate policies. He said he would not vote for the proposal to raise long-term government bond interest rates.

The Republican Party has pockets of strength in the 18th District, and Rogers has met GOP candidates twice in the general election. He replaced a Republican, Ben Guill, who was elected to a seven-month term in a special election in 1949.

ANNE AND JAKE LEWIS

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## LEGALS

### NOTICE OF INTENTION TO INCORPORATE FIRM

TO WHOM IT MAY CONCERN: Notice is hereby given that Paul Wright dba Paul Wright Electric Co., whose principal office and place of business is at 211 San Pedro Ave. in San Antonio, Bexar County, Texas, intends to incorporate under the name of Paul Wright Electric Company, Inc., whose principal office and place of business will be at 211 San Pedro Ave. in San Antonio, Bexar County, Texas. This notice is given under the provisions of Article 1307, Vernon's Revised Statutes of Texas, and is dated this 15th day of March, 1960. A. D. PAUL WRIGHT ELECTRIC CO. By Paul Wright

### CITATION BY PUBLICATION THE STATE OF TEXAS

TO Charny Brown, Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 98th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 25th day of April, 1960, and answer the petition of plaintiff in Cause Number 117,208, in which Mamie Lee Brown is Plaintiff and Charny Brown is defendant, filed in said Court on the 10th day of March, 1960, 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 and plaintiff lived together on or about Feb. 27, 1942, until Feb. 17, 1951, at which time defendant left plaintiff; plaintiff alleges that plaintiff and defendant have not lived together as man and wife since Feb. 17, 1951; plaintiff further alleges that there were five children born as result of said marriage, namely, to-wit: Ruby Louise Brown, female, 15 years of age, Nathaniel Brown, male, age 14 yrs., Ella Mae Brown, female, age 12 yrs., Linda Sue Brown, female, age 11 yrs., and Sylvester Brown, male, age 10 yrs, and plaintiff prays for custody of said aforesaid mentioned children since plaintiff is employed and fully able to care and educate said children; Plaintiff further alleges that there was no community property 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 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 10th day of March, 1960.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas. By A. E. JONES, Deputy.

### TO WHOM IT MAY CONCERN:

Notice is hereby given that Hoke Probst, O. B. Cox and Burt Dean, a partnership composing the firm of Anson Implement Co. of Anson, Texas, intend to incorporate such firm under the name of Anson Implement Co., Inc.

Dated this 21st day of March, 1960.

ANSON IMPLEMENT CO. Hoke Probst O. B. Cox Burt Dean General Partners.

### CITATION BY PUBLICATION THE STATE OF TEXAS

TO Thomas Bailey, Defendant, in the hereinafter styled and numbered cause:

You are hereby commanded to appear before the 98th District Court of Travis County, Texas, to be held at the courthouse of said county in the City of Austin, Travis County, Texas, at or before 10 o'clock A. M. of the first Monday after the expiration of 42 days from the date of issuance hereof; that is to say, at or before, 10 o'clock A. M. of Monday the 9th day of May, 1960, and answer the petition of plaintiff in Cause Number 117,372, in which Lillian Bailey is Plaintiff and Thomas Bailey is defendant, filed in said Court on the 23rd day of March, 1960, 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 she and defendant married on or about August 16, 1936, and continued to live together as husband and wife until on or about April 15, 1944, at which time time defendant deserted plaintiff; plaintiff alleges that defendant began a course of unkind, harsh and tyrannical conduct toward plaintiff, and that

plaintiff did nothing to bring about the acts; plaintiff alleges that defendant was guilty of excesses, cruel treatment and outrages toward plaintiff of such a nature as to render their further living together as insupportable; plaintiff further alleges that no children were born of their married and no children were adopted, and that no community property was acquired as a result of 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 23rd day of March, 1960.

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 Walter Samuel Gillman 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 11th day of April, 1960, and answer the petition of plaintiff in Cause Number 117,038, in which Birdie Faye Gillman is Plaintiff and Walter Samuel Gillman is defendant, filed in said Court on the 23rd day of February, 1960, 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 began a course of unkind, harsh and tyrannical conduct toward plaintiff, and this continued until plaintiff and defendant found it necessary for separation; plaintiff alleges that mental suffering and shame was of a nature as to render further living together as husband and wife were insupportable; plaintiff alleges that property agreement has been reached

between parties and no children were mentioned in the Plaintiff's Original Petition; Plaintiff prays for cancellation, annulment and setting aside the marriage relations of the plaintiff and defendant and plaintiff 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 28th day of March, 1960.

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 Rex Van, 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 16th day of May 1960, and answer the petition of plaintiff in Cause Number 117,451, in which Fay Van is Plaintiff and Rex Van is defendant, filed in said Court on the 31st day of March, 1960, 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 began a course of unkind, harsh and tyrannical conduct toward plaintiff and plaintiff did nothing to bring about this conduct; plaintiff alleges that defendant was guilty of excesses, cruel treatment and outrages toward plaintiff of such a nature as to render their further living together insupportable; Plaintiff alleges that no children were born of this marriage and no community property was accumulated during the marriage; plaintiff prays for judgment of divorce and that plaintiff's maiden name of Fay Mitchell be restored to her; 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 31st day of March, 1960.

O. T. MARTIN, JR. Clerk of the District Courts, Travis County, Texas. By A. E. JONES, Deputy.

### NOTICE OF INTENTION TO INCORPORATE WITHOUT CHANGE OF NAME

Notice is hereby given that W. P. Southwell and W. P. Southwell, Jr., doing business under the name of The Southwell Company, Inc., at the same address. All bills and accounts due can be collected or paid to either of the partners.

W. P. SOUTHWELL  
W. P. SOUTHWELL, Jr.

TO WHOM IT MAY CONCERN: Notice is hereby given that T. A. Harrell and T. A. Harrell, Jr., partners, composing the firm of Harrell Petroleum Company, intend to incorporate such firm without a change of firm name after the expiration of thirty (30) days from this date, the 15th day of April, 1960.

HARRELL PETROLEUM CO. By T. A. Harrell, Jr., Partner  
T. A. Harrell, Partner

### IN THE MATTER OF THE ESTATE OF ELFRIDA SWARD (SVARD), DECEASED

NO. 21,341 IN THE COUNTY COURT OF TRAVIS COUNTY, TEXAS, PROBATE DIVISION NOTICE TO CREDITORS

Notice is hereby given that Letters Testamentary upon the Estate of Elfrida Sward (Svard), deceased, were granted to me, the undersigned, on the 29 day of March, 1960, by the County Court of Travis County, Texas. All persons having claims against this estate are hereby required to present the same to me within the time prescribed by law. My post office address is 1401 Devon Drive, Corpus Christi, Texas. PAUL ROBERT SWARD Executor of the Estate of Elfrida Sward (Svard), Deceased

# Top Party Chiefs Argue

AUSTIN — Top Democratic officials in Texas continued their dispute this week. The committeeman, Byron Skelton, said national chairman Paul Butler should be removed from office. The committeewoman, Mrs. R. D. Randolph, said Skelton should go easy talking about obligations when the Texas Democratic quota has not been raised. J. Ed Connally, the state chairman, said he is busy with a fund drive for "the state party, whose main purpose" is to nominate Sen. Lyndon Johnson.

Connally also said he questions whether Mrs. Randolph would support Johnson as the party nominee. Mrs. Randolph said "what I have said before. I will support the nominee of the Democratic

Party, no matter who he is . . . I have never failed to support the nominees of the Democratic Party."

Skelton led off in Temple saying Butler should unite the party and stay impartial about candidates but invited the Southern states to take civil rights or leave the party; said a Southwesterner would not likely get the nomination and attacked congressional leadership; said Kennedy would get the nomination; and "incited open rebellion" in the South. Butler should be removed "before he completely wrecks the party," Skelton said.

Mrs. Randolph said whenever she brings up the subject of the Texas quota to the Democratic Party, Skelton says, "another day."

"He now speaks of June: when June comes, will it be July? and when July comes, will he speak of August? And so on, ad nauseum," she said. Skelton, she said, criticizes Butler for allegedly supporting one candidate while Skelton spends all his time and uses his office for an unannounced candidate. "Could it be that Mr. Skelton and Mr. Connally are not interested in supporting the Democratic Party on the national level?" she asked.

Connally said he has "supported and contributed more money this year to the national fund than has Mrs. Randolph, and she has not contributed one cent to the state party program." He said he will cooperate with "any fundraising affair for the national party."

# TIPRO Magazine Roasts Majors

AUSTIN — Texas oil independents, gnashing their pumps under the restraint of oil production cutbacks, evidently have turned a corner, for they are now openly attacking the oil pipeline companies, the Federal Power Commission, and "tax windfalls" for "large U.S. corporations" in the oil business in their official magazine, the TIPRO Reporter.

The current issue of the magazine draws a deep breath, considering how dependent independent producers are on pipelines and major companies, and argues that the FPC's concept of the public interest "generally coincides with the interest of pipeline companies." Recent decisions are reviewed, with the conclusion that FPC policy advances "the relative position of the true utility—the interstate pipelines—at the expense of the non-utility—the independent producer."

One FPC decision nettling the independents: denial to producers of the right to renegotiate their gas contracts with pipelines when the end-of-service date specified in the contract arrives. Many independents are caught in long-term contracts with pipelines at very low prices.

The magazine attacks the pending Boggs bill permitting tax deferrals on foreign profits by saying that its primary beneficiaries "would be a handful of large U.S. corporations involved in large-scale foreign oil operations who would be allowed . . . to reinvest foreign earnings into operations abroad tax-free."

The magazine even reprints extensive excerpts from a U.S. attorney general's report saying the national oil pipelines network has "grave potential for control of crude oil markets" and suggesting "anti-trust litigation."

And TIPRO quotes, evidently approvingly, from the Saturday Evening Post last month on the subject of federal regulatory bodies: "There is also a strong suspicion that many of them have ceased to function in the public interest and have become, in effect, Washington branch offices of the industries they are supposed to regulate."

Whether this outspoken criticism from the more and more independent Texas independents will worry the pipelines and the majors, one cannot say, but it is something new in Texas.

## Review of the Week in Texas

- The Dept. of Public Safety began investigating four of its Denton officials on charges they dated married women. Sen. Floyd Bradshaw, Weatherford, criticized D.P.S. for making this public to the damage of the men's families before all the facts were known.

- A Tarrant County grand jury accused Sheriff Harlon Wright of "highly reprehensible, irregular, and perhaps illegal conduct" and some of his deputies of "highly unsavory" conduct but returned no indictments.

- Two Dallas policemen were cleared of brutality charges by a three-member trial board in the alleged roughing up of a man and his wife on a traffic charge.

- The historic Austin county courthouse burned at night. It was a three-story brick and plaster structure. Only the frame was left.

- The State Board of Water Engineers, by 2-1 vote, approved building of two reservoirs on the lower Trinity River with a 70-30 division of the impounded water between Houston and the Trinity River Authority, also assuring residents of the Trinity Basin certain rights to water that falls in that area.

- The Rev. Rhett James, Negro candidate for the Dallas school board, lost to Mrs. T. H. Rutherford, the white incumbent, 15,683 to 7,578. . . . Dallas school board has asked for a rehearing in the Dallas school integration case and authorized circulation of petitions for a desegregation referendum. . . . Mayor Lewis Cutrer, Houston, appointed a biracial committee on race relations.

- Dist. Judge P. L. Bush in Dallas signed a temporary restraining order forbidding a Cedar Crest property owner from showing or selling her property to Negroes. A rock with a match attached was tossed through the window of a Dallas Negro preacher who earlier had bought, then sold a house in a mixed-race area.

## Ferree Says Work May End

HARLINGEN — Frank Ferree, "the border Samaritan" who was the subject of an extended Observer study in January and February, 1958, has advised supporters of Volunteer Border Relief that without new financial aid his program will end shortly, perhaps within a couple of months.

Ferree and others incorporated Volunteer Border Relief to help the poor along the Texas-Mexican border. V.B.R. is registered and approved by the International Cooperation Administration of the federal government and has distributed government surplus foods and other goods and services to needy Mexican nationals and U.S.-side Latin-Americans.

"The E. C. Sams Foundation," Ferree said in a written report to supporters of his program, "has decided to discontinue our allotments due to an editorial I released objecting to the nearly one fourth of United Fund collections in the four (Rio Grande) Valley cities, going to the Boy and Girl Scout National Organization while local Valley families were badly in need of milk, food, medicine, etc."

He borrowed \$300 from a bank in February, and he contributes \$100 a month himself, Ferree wrote, "but to operate a bus and car six days a week the length of the Valley, with other costs, makes it impossible to continue without new help."

Since Christmas, when, Ferree said, V.B.R. "gave cheer to some 5,000 Mexican border children," he has been hauling heavy loads of fruit and vegetables given by Alexander Packing Co. of San Benito and Elmore & Stahl, Texas Valley Citrus, and Bolin sheds in Pharr. "Pharmaceutical firms are sending us large shipments of medicine and vitamins," he said.

## 'THE CORK' AND F.C.C.

WASHINGTON — A \$60,000-a-year Tennessee Gas Transmission Co. attorney, "Tommy the Cork" Corcoran, will be the key figure in House hearings investigating his private representations to Federal Power Commission members in what House members say were "unethical" procedures.

Public testimony here has established that Corcoran made "ex parte" calls on F.P.C. commissioners to solicit a seven percent rate of return instead of 6.25 percent as recommended by F.P.C.'s staff for a Tennessee Gas subsidiary, Midwestern Gas Transmission Co., on a new pipeline system to import gas from Canada. The theory against such contacts is that private contentions cannot be answered by other interested parties.

Subsequently F.P.C. reversed its staff and left the rate of return open pending Midwestern's completion of finance plans.

The forthcoming investigation may have oblique political implications for Sen. Lyndon Johnson. Another oil scandal could not help his presidential candidacy, particularly since Corcoran has been one of the leading figures in his showcase of supporters from New Deal days.

The New York Herald Tribune dug up the fact that Tennessee Gas paid Corcoran's firm \$60,000

and the Chicago law firm of Jake Arvey another \$15,000 in connection with a previous case in which F.P.C. awarded an \$8 million rate increase to Tennessee Gas. F.P.C. held that these two fees related "to matters of an entirely different character" from the ordinary legal fees in the case and decided that Tennessee Gas could not pass them on to consumers but would have to pay them out of profits.

AP has reported that FPC records showed Corcoran received \$305,907 for legal services and expenses from Tennessee Gas in the five years ending with 1958.

One of Corcoran's law partners, James Rowe, a former aide to Johnson, is now a top adviser to Sen. Hubert Humphrey.

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## 'The Gilmer Road'

AUSTIN — "The Gilmer Road," its critics' label for a proposed farm-to-market road in Edwards County which will cross telephone lobbyist Claude Gilmer's ranch, threatens to become a focus for slowly increasing criticism of the entire farm-to-market road program.

Joe Harry Bower, the Edwards County rancher who has tirelessly inundated state officials and newsmen with written and telephoned protests about the \$335,000 project—first examined as a public issue in the Observer—wrote the Observer about his latest exploit.

"I made one test (on a Thursday) for the purpose of determining the average traffic volume of the Gilmer Road," he said. "I went to a place, south of Claude Gilmer's house and north of Hackberry, on the present county road that the Gilmer Road will replace, and I parked my car by the side of this county road at this place.

I arrived at this place at 8:40 a.m. and I stayed at this place until 7:46 p.m. During this period of eleven hours, absolutely no vehicles passed by me on this county road. During this period of eleven hours, I did not see a single person."


Bower charged the present county road has an average traffic volume of two cars a day. Bower's interest: he does not want the road cutting through his land.

Recently the Senate tax-saving committee heard Bower, and afterwards Sen. Floyd Bradshaw of Weatherford said that under present law the Highway Dept. must spend the third of a million dollars, even though no one wants the road and it will damage the ranches. Bower suggested changing the law.

Officials of the Highway Dept. have stated that the county's officials have provided the necessary formal requests, and the 16-mile road will be built.

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