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THE SALES TAX TRAIL

Governor's Substitute Fails; Bill Goes to House

AUSTIN

The Senate fight against the sales tax was a wretched failure.

The governor's jerry-built substitute was turned down after only brief debate.

Sen. Henry Gonzalez, who earlier had promised a hard-nosed filibuster to end all filibusters, lost his chances for that in a strategy conflict with the governor's office.

And on the one occasion the liberals would certainly have won at least one relatively minor concession—to make the gas production tax amendment read "in perpetuity" rather than "for two years", as originally proposed and finally approved—the two key floor generals for the liberal cause, Gonzalez and Sen. Babe Schwartz, got fouled up in their signals and contributed to their own defeat.

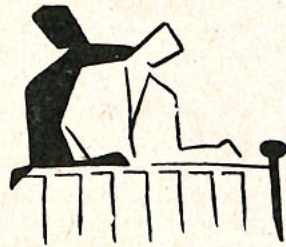
The anti-sales taxers' only consolation was the governor's promise Friday to veto the Senate sales tax bill.

Gonzalez said that his filibuster, which started at 5:53 p.m. Tuesday, was launched with a double purpose: primarily to give Gov. Price Daniel time to write his substitute tax plan with care and time for the senators to really study it before bringing it to a vote; secondly, the usual purpose of a filibuster, to build up an atmosphere of stubbornness to which the more faint-hearted of the enemies of the sales tax could rally.

As it was, his aborted filibuster didn't reach its fulfillment on either score. It gave the governor time to complete his tax substitute, but the job was rushed and careless in wording, as its opponents were quick to point out.

Gonzalez said he wanted to filibuster through that night and the next morning. The governor's strategists cut him short before midnight.

Sen. A. M. Aiken, who carried the governor's bill, which featured a \$10 deductible sales tax, was for more speed. He said later that if the vote had been taken that night, when the substitute was brought in, he thinks it might



have carried. But by recessing, and thus delaying the vote until the next morning, he implied, Sen. Wardlow Lane, who carried the Senate version of the sales tax, and his confederates could go to work on the less-loyal of the Aiken supporters and lure away a couple of votes.

The crucial ballot, 17-14, that killed the governor's tax program found these voting no: Robert Baker, Houston; Galloway Calhoun Jr., Tyler; Tom Creighton, Mineral Wells; Martin Dies, Lufkin; Jep Fuller, Port Arthur; Dorsey Hardeman, San Angelo; Grady Hazlewood, Amarillo; Hubert Hudson, Brownville; Frank Owen, El Paso; George Parkhouse, Dallas; David Ratliff, Stamford; Bruce Reagan, Corpus Christi; Ray Roberts, McKinney; Jarrard Secrest, Temple; Preston Smith, Lubbock; R. A. Weinert, Seguin, and Lane.

Switch Vote

Sen. Bill Moore, Bryan, voted to save the governor's program Wednesday, but Thursday he

switched sides, and voted for the Lane sales tax. He previously had voted against Lane.

Aiken presented the governor's program as a "limited" sales tax, meaning—so far as the average consumer is concerned—a two per cent tax on everything costing more than \$10 an item.

Aiken said \$32,100,000 would come from taxing cars and other "motor or power driven objects."

- \$31,500,000 would come from the tax on building and construction materials.

- \$17,000,000 from retail tax on alcoholic beverages.

- \$26,200,000 from tax on just about everything else costing more than \$10.

- It was not clear just how much would come from the tax on utilities. First estimates were \$31,500,000, but that was from both household and commercial users, and Aiken said he would take an amendment exempting manufacturing plants.

Restaurant meals costing more than \$1 would have been taxed at three per cent.

Some Difference

Opposition was from the expected sources. Sen. Reagan, who has held high the torch of commercial interests everytime taxes were mentioned in the Senate this session, attacked the \$10 bottom as "the most unsound, impractical business suggestion we could make. I think the collection of it is just about impossible."

Aiken shot back: "I think the main difference between you and me, senator, is you're for a general sales tax and I'm not."

Sen. Owen said there was no basic reason why the governor's program could be touted higher than Lane's, because although the

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'True Conservatism' at Stake

Tower, Blakley Enter Final Week

AUSTIN

Although the key to the election may very well rest with Texas moderate and liberal Democrats, Interim Senator William Blakley and Republican challenger John Tower were still jousting this week for the stronger claim to the "true conservative" epithet. The interplay had some curious asides.

Barry Goldwater, the Arizona archconservative imported by Tower for a hard-swinging barnstorming tour of the state, branded Blakley as "no conservative" who votes "with the radicals."

In an interview with the Houston Press, Goldwater said he found it "surprising to hear Blakley referred to as a conservative. You can only judge a man by the way he votes—and Blakley's voting record in 1957 showed he voted 80 per cent of the time with Hubert Humphrey and 100 per cent of the time with LBJ—and LBJ is certainly no conservative."

The Blakley forces, calling the Goldwater charge a "smear attack," responded in a half-page ad: "'Radical' Blakley was joined on his votes in the Senate in 1957 by such radicals as Goldwater himself, Byrd, Eastland, Mundt, Thurmond, Schoepel, Russell, Knowland, Lausche, Bricker. While Blakley was making his absurd . . . statement in Houston, Sen. Blakley, despite the demands of his campaign, was in Washington to speak against the federal aid to education bill. . . . (Of) all the opponents of the welfare state and socialism, Blakley is the most articulate and vigorous leader."

Tower had earlier protested Blakley campaign literature which

says Tower attended London School of Economics, "traditional spawning ground for young socialists."

Such exchanges, stretching the internecine conservative rivalry to an extreme, have nonetheless given a curiously exaggerated truth to the campaign as it has unfolded. With the May 27 election only days away, and with both candidates undoubtedly aware that the liberal-moderate response will be the crucial factor, neither has budged an inch ideologically.

Blakley, who trailed Tower 2-1 in the first primary, is counting on sufficient brass-collar party support to carry the day. Tower, with his hardcore GOP support in the first race practically assured, is hoping to attract a positive vote from enough conservative and liberal Democrats while counting on enough moderates and liberals to go fishing to take a majority. In this complicated geometry, the election could be extremely close.

Tower this week visited Pres. Eisenhower in Gettysburg. The two men talked an hour and participated in a filmed interview to be used on Texas television in the final week of the campaign. Tower said Eisenhower had suggested "that I keep working, which I'm going to do."

In Austin, bigwigs of the state Democratic Party convened for a session of the state executive committee to pay their tributes to Blakley. Three of Blakley's first round opponents, Jim Wright, Will Wilson, and Henry Gonzalez, participated (Maury Maverick Jr. said he would make an announcement next week) along with Gov. Price Daniel, Lt. Gov. Ben Ramsey, Speaker James Turman, national committee members Byron Skelton and Mrs. Hilda Weinert, and members of the legislature. State chairman J. Ed Connally of Abilene gave a reception, and an evening rally was carried on state-wide television.

Daniel praised Blakley "not only because he is a Democrat but because he is the best man with the most experience and prestige in this race. No new senator has ever gone to Washington with any higher esteem . . ."

Organized labor dealt a blow, though not a surprising one, to the Blakley cause by announcing a "hands-off" policy. In the most recent issue of the AFL-CIO News, Hank Brown wrote, "I know of no reason why any member of organized labor should get excited about expressing his preference when forced to choose between arsenic and blowing his brains out."

The Harris County Council of Organizations, composed of representatives of 70 Negro groups, endorsed Blakley after a controversial session. Congs. Bob Casey and Albert Thomas of Houston also announced their support.

Sen. Ralph Yarborough continues to keep his silence. Although he has been under much partisan pressure to endorse his 1958 rival, he has not taken a stand.

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Negro Boy's Fight against the Chair

(Second of Two Parts)

EAST TEXAS

Charles Elbert Williams, a Negro youth from Centerville, has been convicted of rape and sentenced to death, denied a signed confession and his guilt, lost every appeal but the last one now pending, and awaits his execution at Huntsville.

So much has happened since the day he was condemned, the Observer traced back over the facts, the accusations and counter-accusations, the trial and the appeals with the principals in the story.

The judge, the district and county attorneys, the three defense lawyers, the prosecutrix, and Williams himself—all have been interviewed on the events that led to Williams' sentence of death.

In Galveston, Williams' appeal lawyer, Thomas Dent, interviewed in his trim two-story home a block from the seawall, said he does not think Williams raped the woman; he thinks it was understood between them.

"I don't believe in capital punishment—I don't think it does any good," Dent said. Men kill from

the state's example, he said. "I just don't believe the state ought to kill anybody. Put incurables in institutions and make 'em work and help support the deaf, dumb, and blind institutions. That's punishment."

Dent did not deny he wins delays for his clients. "I hold these boys as long as I can. I had one boy six years—they finally got him," he said.

Reading a transcript of the Houston appeal hearing, the Observer received an impression that Joseph Holmes, in whose name the first federal appeal for Williams was filed, had assisted Williams write out his basic statement of innocence last Nov. 10 at Huntsville. (A paragraph so stating in last week's story, specified for omission but printed inadvertently, was in error.)

To the contrary, Dent said, Dent himself wrote out Williams' statement as he sat on the other side of the bars from Williams. A guard was sitting right beside Dent all the time, the Negro lawyer said.

"The guard sat as close to the boy as you to me," Dent told the Observer reporter. "You know I

didn't coach him. This is the affidavit he wrote out. . . . I believe what he told me. I don't believe he coulda told a story as straight as he did. I don't believe he could. A boy of 18—and standing up as well under cross-examination as he did."

In his office in the basement of the courthouse in Athens, the district attorney who asked for and got the death penalty against Williams, Jack Hardee, defended capital punishment.

"I think it's a necessary part of our law to have, not only to punish people guilty of some of these heinous crimes, but also to deter and stop and slow down the commitment of crime," he said.

Mrs. Jones, the name here given to the prosecutrix, "made an immediate cry-out," and Williams had "admitted now that he had intercourse with her," Hardee said.

As for his story about beatings and the confession, "that's a damn lie, that story he's telling now. That didn't happen at all." He was not locked up that night but was brought to the courthouse, and the county attorney took the statement down right then, Har-

dee said. "The next day they carried him before a JP."

It's true, Hardee said, Williams was later taken to Rusk for two or three days because "some of her family might get to him." But the beatings are "just a fairy tale."

If the racial roles were reversed, would there be the same penalty? "Probably quicker," Hardee said.

He had taken care to be sure the defense lawyers were good, Hardee said, because "if I'm gonna ask the death penalty I want to feel like he had every chance." If defending him, Hardee said, he would have done about as the two trial defense lawyers did.

The only question, he said, was whether Williams had used force. "The jury chose to believe what she had to say," and their verdict was "very justified," Hardee said.

"If I thought there was the slightest possibility that the story they're tellin' was true, I'd be down there tellin' 'em 'Don't do it—don't pull the switch.' I have no desire to have an electrocution during my term of office . . . I'm not trying to build up a record of prosecutions."

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Story of Senate's Tax Fight

(Continued from Page 1)
governor's tax was limited, so was Lane's—to practically everything costing more than 25 cents.

Alken remarked drily he thought that to the average wage-earner there might be a real difference between a \$10 and a 25 cent bottom.

But most of the opposition, of course, came from Lane, who said that as written the tax program did not have a \$10 bottom except on clothing, and he attacked this in his stormy trial-lawyer fashion:

"You take a one-gallus farmer who needs a pane of glass to put in the window and protect his baby from the rain. He'll have to pay a tax on that. But if my wife goes down here to the store to buy me a \$9 Countess Mara tie, which I hope she doesn't do, or a \$9 silk handkerchief, the clerk will tell her, you don't have to pay a tax on that. Oh no, the governor has seen to it you don't have to pay taxes on \$9 ties."

Lane also scorned the governor's calling his program an excise tax. Lane said it was a sales tax by whatever name. He sniffed: "We could make a law saying this

help the parents raising five kids. We could make exemptions to help the pensioner. To consider these people when writing a tax program is not demagoguery."

Gonzalez said it was clearly a tax to "rook the people, gyp the people," instituted by "powerful forces" in the state who are trying to start "a new era of soaking the poor."

Gonzalez said Lane's program was a masquerade. "This is really House Bill 803 (Rep. John Allen's old proposal), which in turn is really the Texas Research League's ideal tax program."



He said that contrary to what is popularly assumed, "this is not an across-the-board sales tax," and he mentioned such inequities as the exemption on liquor.

Slight Gesture

But the final vote, which sent the bill out of the Senate and to the House, found only Aiken, Colson, Crump, Gonzalez, Herring, Kazen, Krueger, Martin, Patman, Rogers, Schwartz and Willis voting against the sales tax.

The day before, a slight gesture had been made toward including the oil industry in the tax reaping. Hardeman had offered an amendment to the Lane bill to increase for two years the gas production tax by one per cent, bringing it up to eight percent.

A relatively brief increase in the gas production tax is a favorite play of the conservatives to fend off a stiffer and permanent severance on dedicated reserves of natural gas.

To counteract this play, Gonzalez and Schwartz each had a maneuver: Gonzalez to offer an amendment tacking on a severance tax, Schwartz to offer an amendment to make Hardeman's increase a permanent thing.

The only trouble was, Gonzalez didn't know Schwartz was going to bring up his amendment, so when the vote came, Gonzalez, thinking Schwartz' amendment would cut off chances of his own, voted against it. Here was the unique picture of liberal opposing liberal, though both had essentially the same goals. Gonzalez' vote threw it into a tie, 15-15, which was quickly broken by Lt. Gov. Ben Ramsey's siding with oil and against Schwartz' permanent tax.

And the final irony was that Gonzalez was not restricted to tying his amendment to Hardeman's, but could tag it to the tax bill at any point. So actually there had been no purpose in his

William Abington, lobbyist for Mid-Continent oil and gas company, confirmed under questioning by the Observer that the night before the Senate voted on two amendments affecting the taxation of the gas industry he had had "several senators and their wives out to supper," but he denied his hospitality had anything to do with pending legislation.

fighting off Schwartz' amendment.

Reagan, Hudson, and Kazen were among those who rose in defense of the oil industry. Kazen also decried the possibility that the tax would be passed on to the consumer.

Let Her Fry

He said: "The per capita income in Laredo (his home) is \$917, next to the lowest in Texas. When you pass this tax on to the little old lady frying frijoles, she's going to be hurt."

Schwartz: "We're talking about a tax increase of one per cent on a million cubic feet of gas. The little old lady could fry frijoles for the rest of her life without using a million cubic feet of gas and without even the smell of an increase in her gas bill."

Voting to table Schwartz' amendment were Calhoun, Creighton, Fuller, Gonzalez, Hazlewood, Hudson, Kazen, Lane, Parkhouse, Patman, Reagan, Roberts, Smith, Weinert, and Willis.

Everyone else but Martin, who was absent, voted for Schwartz' proposal.

Those who did not like even the two year extension of the production tax and voted to kill Hardeman's amendment were Calhoun, Creighton, Fuller, Hazlewood, Hudson, Lane, Parkhouse, Reagan, Weinert, and Willis.

Rep. John Allen, who has been a key figure in the conservative

Since a bill must get to the floor before it can be passed, the bedrock opponents of Sen. Lane's sales tax must be counted as those who voted against suspending the rules to allow him to bring up his bill.

By this measure, four senators showed themselves solidly anti-sales tax, because it was almost a certainty that if Lane got to the floor with his bill, it would pass. The four who tried to block his getting there were Gonzalez, Patman, Willis, and Rogers.

tax phalanx, said he and others in the House are already under pressure from the oil industry to remove even the two-year increase in the production tax, but he conceded that some such compromise is necessary if Lane's bill is to get through the House. B.S.

POLITICAL NOTES

Rep. Franklin Spears, young leader of the San Antonio delegation to the House, is reportedly high on the list of nominees for the post of U.S. Attorney, western district. His closest competition for the job is Tom Black of Austin. Spears was nominated for the post by Lyndon Johnson, a gesture of gratitude to Franklin's uncle Adrian who ably sided with Johnson during some of his earlier and stormier political days.

Spears, at 29, would be one of the youngest men ever named to the important post. Reportedly he is already trying to line up Rep. Tony Koriath, Sherman liberal, for his first assistant, but

Cautious House Delays Tax Vote

AUSTIN

Some representatives are fearful that the Senate tax bill will not raise enough money, thereby opening again the quarrel over where the rest must come from, so final debate on the Senate bill was postponed to Saturday, too late to be covered by this issue of the Observer.

Rep. Charles Ballman said the Senate tax package would raise only \$309 million rather than the \$330 million claimed for it by its sponsor, Sen. Wardlow Lane, and it was this and similar voiced doubts that prompted the House to refuse to bring up the bill for consideration Thursday. Members wanted time to take a closer look.

Because of increased benefits tacked onto his bill by other members through amendments, Rep. Bob Johnson of Dallas decided he didn't want his unemployment insurance benefits bill brought up after all, and he successfully talked down efforts of Rep. Tony Koriath of Sherman to do so.

Johnson said the extra benefits written into his bill would cost employers too much.

The merger of the House and Senate redistricting bills was accomplished Thursday, in the aftermath of Sen. Jep Fuller's losing filibuster to get Orange County taken out of his district, leaving him only with Jefferson County. He talked nine hours to no avail, although there was no question but that by population count, much logic was on his side.

Under the redistricting, there are 115 districts outside the major population centers, Dallas, Bexar, Tarrant, and Harris counties. The more sparsely populated districts have an average of 53,554 constituents.

Dallas County will get two more representatives, Harris four more, and Austin, Amarillo, El Paso, Corpus Christi, Abilene, and Lubbock will each get one more representative.

The Senate passed the 88-mile Padre Island bill, already passed by the House, which would turn

over that much of the Gulf vacation land to the federal government for natural park purposes. Sen. Hubert Hudson, Brownsville, demanded that the bill stipulate that the government must build a road down through the rustic area, but this demand was turned aside.

Motorists who get into trouble will be faced with much stiffer "financial responsibility" requirements, if legislation proposed by Reps. Ben Lewis and Robert Fairchild becomes law. Among other things, it would allow a driver's license to be revoked if he had two moving violations within a year, unless he gave concrete assurance he could pay off in case of an accident.

While Gov. Price Daniel kept saying he hopes he won't have to call a special session, most legislators are thinking not so much in terms of whether there will be a special session, but when it will start.

Daniel himself has intimated that the first special session, if called, would start in early July. And after saying he hopes he won't have to call it, he went on to say that he is willing to call any number of sessions to get through legislation that he considers essential, such as the escheat bill.

CORRECTION

The Observer, in a report last week on a resolution by the University of Texas general faculty calling for full-scale campus integration "with all due speed", said the vote was 45-34. This was erroneous. No count was made, but more than 400 faculty members were present and only a small number raised their hands against the resolution.

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Senators Jump at Request to Kill Shark Bill

AUSTIN

Under the guise of siding with some of the men who have fought loan sharks longest and hardest, the Texas Senate this week killed what was undoubtedly the last chance to pass loan-regulatory legislation this session.

The senators who wanted no shark legislation had a perfect excuse for effectively killing the legislation that left the state affairs committee, for by doing so they could claim to be following the appeal from Harvey L. Davis, chairman of the sub-committee on legislation of the Texas Committee to Eliminate the Loan Shark Evil.

The very morning the committee met, Davis released to the press and to the Senate through Sen. Culp Kueger, a long plea ending, "... rather than supporting a bill which is really only a sham to protect rather than defeat loan sharks, we should kill H.B. 7 before it is too late."

Kill it the Senate did, with a will—or rather, it killed the substitute which HB 7, a substitute which Davis considered even worse legislation, allowing, by his mathematics, possible charges of more than 900 per cent a year compared to possible charges of more than 800 per cent in HB 7, the so-called Criss Cole bill because it was sponsored by the Houston legislator.

But what was apparently forgotten in the rush to heed Davis' advice at this point in the bitter shark battle was this: Davis, whom the senators now accepted as an expert and whom several praised by that title, had earlier urged the Senate, just as earnestly, to pass a regulatory bill with a flat interest rate of 36 per cent a year or three per cent a month. That plea was disregarded.

This had been Davis' advice from the first meeting of the House committee that first considered shark legislation this session: set a ceiling to all charges on a loan, preferably 36 per cent, at worst 40 per cent, allowing no extra charges of any kind.

Davis is a professor on the SMU law faculty. The Texas Committee to Eliminate the Loan Shark Evil, of which he is one of the most effective spokesmen but does not always represent the committee as a whole, is comprised of about 100 bigwig attorneys and educators across the state.

The House had disregarded his advice to the extent that in addition to the interest rate, a special service charge was permitted as was a charge for credit insurance. Other amendments to the Cole bill hashed up its effectiveness until, according to Davis, a borrower could wind up paying 879 per cent interest on a loan—and even more than that on loans under \$25.

The bill that came out of the Senate committee this week, authored by Sens. Hardeman, Parkhouse, and Kazen, had been hashed up even more, with the help of the Legislative Council.

Under this bill, the borrower would pay \$4 every three months service charge, plus \$2 a month service charge, plus penalties for late payments—plus the interest itself which amounted to 10 per cent plus three-fourths of a cent per month per dollar.

In addition, on loans of more than \$100, the borrower would be required to pay as security for the loan: life insurance, health and accident insurance, and property insurance—all premiums for which would be taken out of his loan.

The Cole bill, ostensibly to hold back a flood of out-of-state com-

panies—although it was such a generous restriction the out-of-state chains could not have felt greatly hobbled by it—required that persons applying for a license must be a citizen of the state, and that corporations must have 51 per cent of their stock owned by citizens of the state, and that no chain could have more than 50 offices.

As a gesture of consolation to the big loan companies, the Hardeman-Parkhouse-Kazen substitute removed all these restrictions.

But then as a gesture of consolation for the small-small loan companies, (\$5 to \$99 loans), which dread the competition of the small loan companies (\$100 up), the Hardeman-Parkhouse-Kazen substitute required separate licenses for both types of lending, forbidding both types of licenses to the same company. The Cole bill had had only the one license for all loan companies.

As for the service charges allowed by the Hardeman-Parkhouse-Kazen substitute, that was consolation for all size lenders.

Francis K. Miskell of the Legislative Council, who wrote the substitute at the behest of the sub-committee, said that the bill would, for both charges and interest, cost a borrower \$4.80 on a \$25 loan for two months, for example.

But the legislative sub-committee of the Texas Committee to Eliminate the Loan Shark Evil and its corps of mathematicians put the rates in the proper (that is, annual) perspective.

Wrote Professor Davis: "The new rate sections follow the common loan shark practice of deception, setting forth the nominal interest rates and then adding high rates under the guise of 'service charges'. These service charges alone permit rates of more than 150 per cent per annum on a typical three-month \$25 loan. These deceptive 'service charges' are primarily for the benefit of the '5 to 50' lenders where loan shark practices are most prevalent."

"The people of Texas, in adopting the constitutional amendment authorizing the legislature to fix maximum interest rates did not expect the legislature to allow sky-high rates. There is no basis for the propaganda of the major loan chains that the legislature has a mandate from the people to adopt a terrible small loan law such as is now proposed which is an insult to the intelligence and intentions of the voters who in good faith called for proper legislation to combat the loan shark evil."

When the substitute bill came up for a committee vote Thursday morning, there were naturally several speeches by senators to the effect that they didn't "like" the bill but that they wanted to vote it to the floor of the Senate where every member would have a chance to improve it. It was common gossip in the Senate for the rest of the day that one senator who made a speech denouncing the bill but helped vote it out was paid \$1,000 for his troubles by the loan shark lobby.

The vote to send the bill to the floor was 12 to 8 in favor of doing so, with Sens. Doyle Willis, Robert Baker, Dorsey Hardeman, Grady Hazlewood, Abraham Kazen, George Moffatt, George Parkhouse, David Ratliff, Bruce Reagan, Jarrard Secrest, R. A. Weinert, Wardlow Lane supporting the bill.

A. M. Aiken, Tom Creighton, Louis Crump, Charles Herring, Herbert Hudson, Culp Krueger, Crawford Martin, and William Moore opposed the bill.

Not all those who opposed it

did so because they considered it a bad bill. Some of them are known to have opposed it because they are against any loan shark legislation.

Moore, for example, has consistently opposed all suggested loan shark legislation all session, and he said of this substitute:

"It reminds me of the old colored woman who said, 'Yes, doctor, I remember you. You're the man who took off my husband's foot to cure an ingrown toenail.' This remedy is worse than the evil."

It was probably the only thing Moore and Prof. Davis would have agreed on, but for different reasons.

Two hours later, Sen. Krueger, who was fighting Davis' fight by proxy, moved on the floor of the Senate that the bill be re-committed to the committee, which in effect meant banishing it for the rest of the session.

In making his motion, Krueger roundly denounced Abner McCall, president of Baylor University, for sending out wires to Texas newspapers soliciting their support in winning passage of the loan shark legislation, only to cloud the issue. (See separate story about McCall's role.)

Said Krueger: "Every time you pick up a newspaper you see an editorial favoring the loan shark

legislation, but nowhere do the newspapers print the rates that would be charged. I'm fed up with his telegrams. I'm going to stay after Abner McCall until he makes some statements that will show the people that they have been had. I think Abner McCall has had the wool pulled over his eyes."

Sen. Frank Owen, El Paso, who is an open champion of the small-small lender but a foe of the big companies such as Household Finance, pointed to the northwest corner of the gallery, sneered at it as "loan shark corner," and twitted the lobbyists for "sitting there watching us for three weeks." And he said that that alone indicated the bill was suspect.

Trying to save the bill from recommitment were Sens. Baker, Hardeman, Hazlewood, Kazen, Lane, Parkhouse, Ratliff, Reagan, Schwartz, Secrest, Weinert, and Willis.

All others but Sen. Martin Dies Jr.—who claimed he didn't know enough about the bill to vote on it—voted to send the bill back, burying it.

That afternoon Gov. Price Daniel told the Observer he would include a loan shark regulatory bill on his special session calendar. He said he didn't know enough about the industry to suggest the types of rates, but he

certainly wanted more regulation than is now possible.

Until the legislature passes a new rate schedule, loans will be made under the legal limit that has been in effect for 50 years—10 per cent a year, a limit that is openly violated. Violators are faced only with an injunction and a tedious court battle, which is as much a burden on the attorney general's office as it is on the defendants.

Meanwhile, in the House, a special meeting of the banks and banking committee was called to let Don Kennard introduce a hasty "jailhouse bill," which alters present regulations and penal sanctions only to the extent of making the charging of interest rates in excess of 30 per cent a year punishable by a minimum of six months in jail.

Kennard said his bill would not legalize interest rates of up to 20 per cent. Anything over 10 per cent would still be illegal. But interest of more than 30 per cent would bring much stiffer and immediate penalties than are possible under the law still in effect.

Said Kennard: "We sent the Senate a good bill and they mashed it around and finally killed it altogether. Okay, now we'll send them a nasty bill." He said he expected to have it to the House floor by early this week. B.S.

House Approves Sit-in Bill

AUSTIN

While the liberals were "falling between two chairs," the East Texas delegation late one evening this week advanced their bill outlawing sit-ins one more stage toward law.

It was well into the hour of the evening meal when the East Texans defeated an adjournment motion and proposed to bring up Rep. Lloyd Martin's bill. The idea of "breaking a quorum"—getting enough member to leave to make further business illegal—was circulated on the floor, and a number of members said all right. When the time came, however, only two walked out. Exactly two-thirds, the required proportion, agreed to take the bill up, so had the two who left stayed, the bill would not have come up.

"It was another case of us falling between two chairs. We just don't have any direction," said one leading House liberal.

Rep. Charles Whitfield, Houston, was the only liberal permitted to reach the microphone to oppose the measure.

The House knew, he said, the state had ample laws for the protection of property long before the racial question became an issue.

He realized, he said, that "some of you from deep East Texas feel compelled to protect your record." Even so, he continued, "They (Negroes) have used non-violent means. We should not put ourselves in the ridiculous position of the Louisiana legislature and plug up every loophole. We should not stand in the way of the justifiable aspirations of one-third of our people in East Texas."

The East Texans were agreed on an amusing sophistry: that their measure had nothing to do with segregation.

"This is a property right protection measure," Martin of Normangee told the House with a

drawn, sober face. "This is nothing more than a businessman's right to work law. Mr. Whitfield intimated this is some sort of a segregation matter. It will be applied without discrimination to any individual..."

"It will protect the businessman from losing his very livelihood and perhaps the livelihood of his employees."

At this point Rep. Oliver of Port Neches moved to shut off debate. The previous question was ordered, 68-50. This meant that none of the opponents could be heard and no amendments could be offered. The defeated members of the House, and a few others besides, bridled, but it was too late.

Rep. W. T. Dungan, McKinney, "president of the East Texas delegation," said only, "This is a business protective act rather than a segregation act." He refused to yield for questions. Martin—also refusing to yield for questions—moved the bill's passage. It passed 93-44.

Whitfield managed to say from the back microphone, "If that's the (bill) that has the seeing-eye dog exemption in it, Mr. Martin has integrated every cafe in East Texas when a colored man with a seeing eye dog goes down there."

The bitterness on the floor after adjournment was unusually mordant.

"This is nothing but a damn race bill—a filthy damn race bill," said one South Texas representative. "All this vote indicates is that the colored people ought to start buying some poll taxes in East Texas."

"The House of Representatives today was like the seventh hole of hell. You could feel the hate," he said. "If we'da had Eichmann on trial today, he'da got off."

Said Rep. John Alaniz, San Antonio, "The House of Representatives today made international news. All the anti-communists in the legislature just gave the communists more ammunition to shoot at this country and this state."

There was discussion among legislators about the one member who voted against the bill, and then, from the strain, went outside the chamber and cried, and about the East Texas liberal, Rep. Charles Wilson, who took a rough hoo-raing for voting with the segregationists on this first segregation test of the session.

The bill makes it illegal for a person to stay in a private commercial establishment after the owner makes clear his desire the person leave. It also illegalizes anyone staying in a place of business "as a means of protest" against the owner's policies.

Legitimate labor organizations are exempted; the bill applies without regard to race; and free assembly "in public places" and free speech are not to be abrogated, the bill says. Offenders could be fined \$250.

House action on the measure is not complete. If and when it is, the bill will be sent to the Senate for a filibuster. R.D.

THE TEXAS OBSERVER

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Willie Morris
Editor and General Manager
Bob Sherrill, Associate Editor
Sarah Payne, Office Manager
Ronnie Dugger, Contributing Editor

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EDITORIAL and BUSINESS OFFICE: 504 West 24th St., Austin, Texas. Phone GREENWOOD 7-0748.

HOUSTON OFFICE: Mrs. R. D. Randolph, 419 1/2 Lovett Blvd., Houston 6, Texas.

A Vote for Tower

The choice between John Tower and William Blakley is not a choice made in a vacuum, nor merely a choice between two personalities. It is, more crucially, a choice between two men who represent two entirely different organizations through which political power manifests itself.

Because local conditions in Texas, as throughout the deeper South, have their origin in our Confederate past, one of these organizations—the Republican Party—today shares some decisive political objectives with Texas liberals. On the other hand, the very existence of the second organization—the conservative Democratic machine—depends on desperate root-and-branch opposition to the coming of power, ever, of Texas liberals.

Every liberal in this state owes it to himself to consider, calmly and reasonably, the issues raised by this election. We hope he will join us Saturday in voting for John Tower.

A number of reasons point to the conclusion that this is one of the most important political races in Texas history:

1. Only in rare circumstances can the will of Texas liberal Democrats be expressed through the state Democratic Party. The reason is quite clear: that party is controlled by provincial Dixiecrat conservatives in "conservative" years, or by accommodating "moderates" well doused in oil in so-called "liberal" years.

2. Conservative Democrats primarily concerned with exercising power within the state will never leave the Democratic Party as long as they control it, no matter how unsympathetic they remain toward the Trumans and Stevensons and Kennedys and toward the aims and objectives of the modern Democratic Party. One of their primary objectives, as only a casual reading of Texas history in the fifties shows, is to keep the liberals down within the party and the state.

3. Less provincial and more daring and honest conservatives, however, realize that the impact of their cause nationally is being thwarted in presidential years by the inability of the Republican Party to carry many key Southern states which have no prominent locally-elected Republicans to lead effective GOP campaigns. These conservatives, with the courage and candor to have joined the party which embraces their deepest convictions, have formed the backbone of an aggressive and growing Texas Republican Party.

4. Liberals want to free their party from the dead weight of the Dixiecrats, of whom Blakley is an unerring symbol; Republicans want to re-orient Texas conservatism into a source of greater national GOP strength and greater state prestige. At the intersection of these two basic objectives lies a vote for John Tower.

That Texas may well be on the threshold of a genuine two-party system was forcibly demonstrated in April—the GOP precinct and state organization held 350,000 conservatives in line for Tower when there was strong reason to fear, from a conservative standpoint, that Tower would lose in a run-off against a moderate or liberal Democrat.

The Republican Party is getting stronger in Texas, a fact which knowledgeable liberals should applaud. It should be common knowledge that one of the most grievous ills of the South since Reconstruction has been its sluggish, narrow one-party system. It has created a reliance on personalities rather than, issues in politics; it has encouraged demagoguery and petty ward-healing; it has spawned groping, formless state legislatures; it has necessitated tawdry intra-party power grabs; it has been the greatest barrier to a mature political culture, in Texas as in the rest of the South.

The hold of the expedient conservative Democrats on the state Democratic Party is now a tenuous one, as revealed by Blakley's 180,000 votes

out of one million cast in April. The Republicans are gnawing away. It is time for the liberals to help.

With a duly elected Republican U.S. Senator, the Texas GOP would have a tremendous prestige factor to aid their rising organization. Tower's appearances over a period of six years before Rotary clubs and hometown political rallies would literally cut into the heart of the traditional sources of old-line conservative strength. Realizing that only through a burgeoning Republicanism could he retain his seat in 1966, Tower would spearhead a concerted effort for organization at the precinct and the county levels. Hyper-conservative Democrats would leave the party in droves, especially young people in their thirties and forties. We saw an example this week in Cameron County when 150 conservative Democrats, including many present and past Democratic officials, moved into the party where they decided they belonged. Precinct and county politics in Cameron County will be different because of it.

It is to be granted, since politics is a game of risks, that when the Republicans have finally accomplished their formidable task, liberals may well be defeated for governor and the state legislature. But they are defeated now anyway, by pseudo-Democrats who would be Republicans in any state outside the South, and without the state's sharing in the obvious advantages of a responsible two-party legislative system to replace the reeking ward-healing that characterizes Austin today.

Far from upholding the Democratic Party, Blakley-supporting liberals are shoring up the conservative-Democratic apparatus that historically has aborted Texas liberalism. If Blakley wins, for instance, don't be surprised if he campaigns for Shivers against Yarborough in 1964.

For years the Observer has repeated and defined its position on party loyalty: officials of the Democratic Party, whether state executive committeemen or participants in precinct, county, and state conventions, are honor bound by their official capacity to support the party's nominee or else resign; for a mockery is made of the democratic process when the machinery of one party is captured by those who would use it to assist another. Those thousands of Texas liberals who have fought the battle for a decent party system in Texas can, and should, judge this election on its merits.

The Dallas News' lead editorial of May 7th, as you may have noticed, was a most revealing epistle. Criticizing an Observer article which stated a preference for Tower, the politically sophisticated editorialists of the News concentrated on one theme in the Observer piece: "Electing Blakley is like sending the bottom side of a sandwich to Washington, Johnson being the top side and Yarborough the barbecue to go between them. Blakley would cancel out Yarborough's authority on patronage . . . and would enhance the strength of the conservatives within the Democratic Party."

The News, in effect, warned that a vote for Tower was a vote for Yarborough. One of the two or three most conservative big-city newspapers in the nation, the Dallas News well understands that the most effective way to keep the liberals down is to keep the Blakleys in the command posts of the Democratic Party. No two-party state for the Dallas News!

In many political situations is it necessary to sacrifice for the moment to make possible a meaningful victory in the future. We recognize Tower for what he is: a Goldwater Republican who is so conservative he cannot find a single plank in the Kennedy program he will support.

But losing to Blakley will not merely be a loss to a cynical millionaire racist who has twice served in the Senate without having been elected;

'Just Let Him Get It, Boys, He's a Rich Texan.'



Award Winners Revealed!

Texas Observer Ltd. this week announces its slate of Oscar-winners in the Texas House of Representatives. After three weeks of nominations and quiet consideration, a special committee composed of Observer staff members made its decisions.

For the most coveted awards—TMA Rookie of the Year, TMA Man of the Year, Pipelines Rookie of the Year, and Pipelines Man of the Year—the competition was unusually keen. Several other subsidiary awards were therefore given. Decisions were made on the basis of friendliness, efficiency, thoroughness, dogmatism, and devotion beyond the call of duty.

Winners will receive copies of *The Wealth of Nations* by Adam Smith, *Doubleday's Handy Guide to Manufacturing*, and subscriptions to two publications: the AFL-CIO newsletter and Banfield's Bandwagon. There are two exceptions: Neanderthal of the Year and Most Disappointing Neanderthal of the Year will receive miniature stone-axes.

Here are the Oscar-winners for the 57th Texas House of Representatives:
TMA Rookie of the Year: Paul Curington of Corsicana.

TMA Man of the Year: Wade Spilman of McAllen.

TMA Batboy of the Year: Will Ehrle of Childress.

Pipelines Rookie of the Year: David Read of Big Spring.

who takes pride in Texas' renewed senatorial allegiance with the Eastlands, Thurmonds, and Byrds; who will oppose national Democratic reforms from the position of stronger committee posts. A loss to Blakley, more important, will be the loss of a golden opportunity for reform of the archaic party institutions with which the political climate of Texas has been too long shrouded.

Wright, Gonzalez, and Wilson have all endorsed Blakley. This reflects no more than the limits in absolute freedom that politicians must accept when they join political parties.

We submit that the only people who can strengthen the conservative Democratic regime, as it is involved in this election, are the liberals who vote for Blakley. Without their votes he can't win.

As for the "emotionally satisfying" compromise of staying away from the polls, the fact remains that each conscious liberal vote for Tower cancels an unconscious liberal vote for Blakley. We appeal to reason in urging a vote Saturday for Tower.

Pipelines Man of the Year: (a tie) Jack Connell of Wichita Falls and Wesley Roberts of Lamesa.

Pipelines Utility Infielder: Kika de la Garza of Mission.

* * *

Winners of seven special Oscars: Neanderthal of the Year (for unselfish work in behalf of Neanderthaldom): Don Garrison of Houston.

Most Disappointing Neanderthal of the Year (for moving back and forth too often between the Neanderthal and Cro-Magnon periods): W. S. Miller of Houston.

Most Likely to Secede: Lloyd Martin of Normangee (whose raw political courage was most evident in his sponsorship of the Blind Negro Integrationist bill, now so unpopular in East Texas.)

The Observer Prize for Being Supreme: (a tie) Joe Chapman of Sulphur Springs, W. T. Dungan of McKinney, and W. T. Oliver of Port Neches (all three were adjudged equally supreme).

The William Abington Sportsmanship Award: Ben Jarvis of Tyler.

The Jim Yancey Good Conduct Medal: Marshall Bell of San Antonio.

A group decoration, the Frates Seeligson Purple Heart, given in honor of the valiant San Antonian who fell last summer after his vigorous work for a sales tax, will be awarded to the 79 members who voted for HB 727, many of whom will not be with us in 1962.

W.M.

Speaker's Day

Even though, compared to the extravaganzas of past "Speaker's Days," Jim Turman's last Wednesday was a modest affair, there was something questionable about it.

Why should members of the House and employees be expected, as a matter of tradition, to shower the Speaker of the House with 30 or 40 expensive gifts? Why should merchants be expected to make these gifts available at wholesale prices? Why should there ever have to be questions about whether lobbyists footed some of the bill?

One is reminded of the practices several years ago in the departments of some of the state's elected officers—"voluntary collections" which financed for the genial superiors new cars and outright cash gifts as large as \$2,000.

The 'Foul Fifty Seventh'; Let's Start Again

AUSTIN

This session of the legislature will be remembered, for a short time, as one of the worst in Texas history. "The Foul Fifty-Seventh," perhaps.

During the droning presentations of the gifts to Speaker Turman Wednesday, (presentations which left one feeling as if he'd been eating too many salted almonds), one of the speakers, in the course of his encomium, referred to "the accomplishments of this session."

What accomplishments? Reporters exchanged blank looks. What accomplishments?

Can it be called an accomplishment that both chambers of the legislature have now enacted different forms of the general sales tax? This is no accomplishment; it is the fact which brands this legislature as a failure.

What, then? Have they enacted a loan shark control law? The bill as it emerged from a Senate committee this week legalizes usury. Have they passed other taxes that would balance the burdens they are trying to place on all consumers, rich and poor? The "loophole" bill, the House's one gesture toward the rabble, the Senate turned into its sales tax, and the House itself has refused even to vote on a corporate profits tax or a natural gas tax. Have they improved the unemployment compensation law? Have they reformed the Speaker's race? Have they regulated telephone rates? What have they done? Nothing.

Of course there has been a lot of buzzing activity. Gazing out across the smoky din of either chamber you see the constant poise-and-pow of fly-swatters. Perhaps, before the session is over, we shall have on the books a statute changing the name of the Battleship Texas Commission to the Texas Navy Commission. It may be necessary to change the law against hunting female frogs in Croaker County, as the frog population is growing by leaps and bounds. And we gather that the legislature may agree that automobile drivers ought to be coerced into buying more free-enterprise insurance.

Said one moderate member on the House floor this week, "It's been terrible. We haven't passed anything good, and we've passed a lot bad. And we're not through yet."

The members most of the time wander about in a fretful distraction, fitfully swatting at the swarming flies. They know the oil and manufacturers' lobbies have united this time into a committee for the sales tax. They know the two top men on that "civic committee" get \$25,000 and \$20,000, respectively, for the session's work. They know that the letters they get for the sales tax every day have been robot-typed in some central place and farmed out to the companies, so many per junior executive and vassal secretary. They know the people have been confused by the daily newspapers' cacophony of plausible platitudes favoring the tax on the people. It is all very tiring.

Little by little, the members have found their fighting ground closed in—a corner lopped off here, a corridor clogged there, and the cover burning. This week, the Senate's liberals found themselves finessed into fighting for Gov. Daniel's \$10 deductible general sales tax—and losing!

THE FIFTY-SEVENTH has arrived at this miserable pass because of a failure of unity and a failure of floor leadership among the House liberals in coalition with the Daniel moderates. Most of the time the coalition has simply drifted. Therefore, as its leader has said, "We're naked."

Some who said they were against a general sales tax were not. Some who said they were for a general sales tax were not. Now that all fish and fowl have been forced into their natural habitats, more can be expected.

It was difficult for the half of the

House on the side of the public to agree on floor leaders for the session because there were so many issues, everyone had opponents on at least some issues.

Now the issues are narrowed to the one question, Do you want to soak the people?

Thursday afternoon it was a pleasure to watch the Daniel-liberal coalition work the House, work the members desk-row by desk-row, find out exactly where they were, and act in confidence that they could control the outcome of the vote on the Senate tax bill.

"Perhaps," said one of the leaders, "things are finally shaping up."

THERE IS ONLY one thing to do now. Destroy the session and retire to higher ground.

Detonate it. Wipe it out.

The House and Senate general sales tax bills are both hopeless. Nothing good can come out of a conference

committee trying to compromise between two forms of the same enemy.

All the tax work must be wiped out; an entirely new start made in the special session.

Everybody knows the hearings on these bills are mostly a matter of form. Tax bills are written easily enough to tax whom a man wants to tax. Nothing real will be lost by the abandonment of both the House and Senate bills—and much real will be gained.

There is going to be a special session anyway, as Governor Daniel has committed himself to call one for his bank accounts bill. Legislators refusing to consent to a general sales tax cannot therefore be blamed for a special session.

Why accept any version of a general sales tax? Why accept the unrelieved humiliations the big business lobby has inflicted on the people? Sales tax be damned!—Let's start again.

R.D.

Mr. Plato's Texas Travails

AUSTIN

With all the feverish outcries against good Mr. Plato's writings in Texas these days, the next legislative investigating session might go something like this:

CHAIRMAN: Mr. Plato, this committee's purpose is to safeguard the freedom of the American people by waging a constant battle against subversion. We want you to answer a few simple questions for us.

PLATO: I will try, sir.

C: Mr. Plato, do you see this book I'm holding here in my hand?

P: Yes sir.

C: Would you mind telling the committee the name of it?

P: No sir. It is entitled "The Apology."

C: And who is the author?

P: I wrote it. It is one of my best-known dialogues.

C: I see. A dialogue. Now just what is a dialogue, Mr. Plato?

P: Well, sir, it is a philosophic dialectic in which an argument is dramatized by two or more characters.

REP. FOGBOUND, Houston: Mr. Plato, did you say a "dialectic?"

P: Yes sir.

F: Have you ever read anything by Karl Marx?

P: No sir, I'm afraid not.

F: Have you ever heard of dialectical materialism?

P: Not to my knowledge, sir.

F: Let me remind you that you are under oath, Mr. Plato, and a falsehood is tantamount to perjury.

P: I know that.

F: I would like to call the attention of my fellow committee members to the witness' obviously inadvertent use of the word "dialectic." Now, this is a very uncommon word. You don't

use it in ordinary, every day, commonsense conversation. Am I right, Mr. Plato?

P: Well, sir, I use it quite often. In my profession it is a technical term with rather restricted import which—

F: What is your profession anyhow, Mr. Plato? Would you mind telling the committee?

P: I am a philosopher.

REP. LOGROLL, Dallas: Do you believe in God?

P: Well, that is a difficult question to answer. I think a reply would require a pretty lengthy preface, and—

L: Mr. Plato, let's cut out the rigamaroll. We're not in a philosophy class now. I asked you a plain, simple question. I'll repeat it: Do you believe in God, yes or no?

P: I suppose you could say that I do.

L: You suppose Mr. Plato, YOU SUPPOSE? You mean you don't know? Do you believe in right or wrong?

P: I believe in a good, yes.

L: You suppose you believe, or you know you believe?

P: Personally, sir I—

REP. BIRCH, Amarillo: If you don't mind, Mr. Chairman, I have a few questions I'd like to ask the professor.

C: Go ahead, John.

B: Mr. Plato, where did you attend college?

P: In Athens.

B: I see. While you were there, did you happen to know a fellow named Socrates?

P: Yes sir, I did. Very well.

B: Yes, you certainly did. Would you tell the committee what your relation to Mr. Socrates was?

P: He was my professor.

B: I see. What kind of a man was this Mr. Socrates?

P: Well, he was an extremely wise man. He—

B: Wise, Mr. Plato?

P: Yes, very wise.

B: Would you repeat that so the whole committee can hear, Mr. Plato?

P: Socrates was very wise.

B: Do you know that Socrates had admitted that he knew absolutely nothing?

P: Yes sir, and that is why—

B: And yet you will stand here before this committee and say he was wise?

P: Sir, the reason—

B: Will you answer the question? Yes or no?

P: Yes.

B: Thank you. That's all I have to ask at present.

REP. MUNDANE, McKinney: I'd like to hear some more about this Socrates fellow. Something smells pretty fishy. What did he look like?

P: He was short, a bald man, with a flat, turned-up nose. Most people thought he was quite ugly, but I—

M: How did he dress?

P: He was slovenly in his appearance; not too meticulous in his personal attire.

M: A beatnik, would you say?

P: Pardon?

M: A beatnik. You know, a bohemian. A roughneck, a radical.

P: Sir, I'm not familiar with the word or its implications.

M: Let's not try to confuse the committee with a lot of jargon and philosophical obfuscation. Yes or no?

P: I don't know.

M: Did the committee hear the witness' answer? (General nodding of heads and brief flurry of conversation.)

CHAIRMAN: Mr. Plato, what did the courts find Mr. Socrates guilty of?

P: Corrupting the local youth.

C: And what was the nature of this corruption?

P: Sir, he taught the youth of Athens to search diligently for the truth.

C: Let's not be funny, Mr. Plato. I think it is common knowledge that Socrates was a covert homosexual, a sensationalist, a perverter of the truth, a fellow traveller, a dope peddler, and a liberal.

P: Sir, I—

C: Now, I've read this little propaganda pamphlet you wrote, called "The Apology," and it seems obvious that you have done your best in that smooth, subtle, intellectual gibberish you college professors have a knack for—you have done your best, I say, to whitewash a known anti-American. Do you deny this?

P: Yes sir, I—

C: That's what I thought. You may leave the chamber. (Plato hesitates, then shrugs his shoulders, and leaves.)

CHAIRMAN: I think it is very obvious to my fellow committee members how susceptible to subversion the average so-called "liberal" university professor is. Mr. Plato is an excellent case in point. I'm sure he's not a vicious man at bottom. He means well. But he has let all these fancy ideologies blind his common sense to the danger of the enemy within.

His testimony here should point out to all loyal Texans the necessity of this committee. Call in the next witness, please.

CHANDLER DAVIDSON

Operation Abolition

From The New York Times:

"The film entitled 'Operation Abolition' is an official production of the House Un-American Activities Committee dealing with the demonstrations against it during hearings in San Francisco last May. It gives a misleading impression that the demonstrators were organized and directed by communists as part of a campaign to abolish the committee—with the implication that all who oppose the committee are communist-inspired.

The pictures in the film feature almost exclusively the disorders that occurred. They give special prominence to the inexcusable disruptions at the hearing by a few communists and others charged by the committee with being such. The fact is, however, that the demonstrators were almost

entirely students who were peacefully, though noisily, protesting what they believed to have been the committee's unfair and unconstitutional conduct and its refusal to admit them to the hearing room packed with friends of the committee.

Not only is the film itself reprehensible, but so also is the way it was made and is distributed. It is composed of cuttings—chosen without regard to sequence—from pictures made by the broadcasting companies and subpoenaed by the committee. These were turned over to a commercial company to make the film. More than 700 prints have since been sold by the company at \$100 each. This whole un-American operation by the Un-American Activities Committee is evidence not of the need of its continuance but need of its abolition—a course we have urged before. "

'This Boy Didn't Have a Friend in the World'

(Continued from Page 1)

'Ain't No Defense . . .'

Robert Fields, one of the two court-appointed defense attorneys, has a walk-up office on the town square in Athens. He has his office off one side of the reception room, and his partner is off the other side.

"It was awful mean," he said. "That's the first time I ever tried a case where there wasn't any defense at all."

"Of course, you understand about this East Texas. A Negro raping a white woman, hell, they ain't no defense to it, practically. "What really made this case bad, he used a knife, and of course he loved around on her. He was arrested within an hour. She knew him, and he gave a written confession. It was the roughest case I ever got hold of in my life."

What had Williams told them, his lawyers? "We asked him about it. He didn't deny it. He didn't repudiate the confession. He said he told 'em how it happened. He said he signed it and there was no coercion." His later arguments all "appeared after the trial," Fields said.

The beatings, Fields said, "didn't happen . . . That's the first thing we quizzed him about, any mistreatment at all."

Fields said the only defense, and it "didn't help him," was argument against the death penalty.

"It turned out that this boy didn't have a friend in the world." Witnesses for him either "were not witnesses at all or were reluctant to get into it at all."

"I argued to the jury that this boy was young . . . and had never had any opportunity," Fields said.

"He didn't have any parents, illegitimate evidently, and lives back and forth." His own relative had testified against him about telling her to say he had gone to Houston.

"I was going along this point . . . this nigger was a young nigger never had opportunity."

"When we qualified the jury I asked would they give him the same consideration they would a white boy? They all promised me they would. I asked them to consider him as their own boy. I told 'em not to gang up on him. I was trying to make 'em feel sorry for him."

But, Fields said, "It's just a matter of a case you've got to try. This is the kind of case if he'da had a thousand lawyers, he'da had no defense."

If the case had been a white man raping a Negro woman, would he have got the death penalty? Fields said at once, "Ordinarily they wouldn't have. You know that. Everybody in the world knows that." If the man was white there would be a defense, but "if it's a nigger, it's just not there."

Why had they not put Williams on the stand? "He was scared, and he wasn't the brightest man in the world. He was relying on his lawyers." County Attorney Nat Patton, who took the confession, is "the easiest talkin', easiest goin' man you ever talked to in your life." Williams, said Fields, had "committed a crime they had proved beyond a sense of a defense."

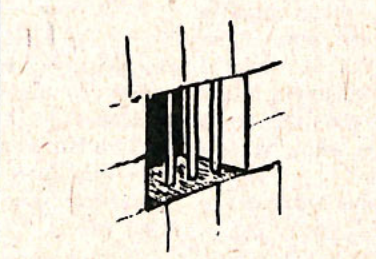
Fields indicated he and Julian advised Williams to plead not guilty.

"He would'a done anything we

told him," he said. "I think that's what he's doing now with this new lawyer he's got."

Fields said a jury should be able to give a man a number of years in prison and be sure he will get it. Now, he said, it's "all or nothing." Fields thinks execution all right in some cases, "for instance, this very case I'd be for it; gangland killings, killing people for money."

In this case, one time the jury "seemed to be hung up." They had wanted to know, "if they gave him life in prison would he serve it? There are a lot of people in the world who would not give the death penalty in a lot



of cases if they could be sure that the sentence they impose would actually be served. Fifty years is a lot of years. . . . They figure 99 years, he'll get out in 15, 20 years, and they figure that crime is more serious than that, so they figure it's the only way out" (the death penalty).

"I'm for the death penalty," he said. "I don't think it's sufficient punishment. I would think 20, 30 years in jail would be worse than the death penalty. As far as deterring crime, it makes a lot of people think . . ."

Judge Says 'Guilty'

The presiding judge at Williams' trial, V. M. Johnston, lives at Palestine. He favors the death penalty. He had tried three cases which resulted in verdicts for execution, including the Williams case, and each time it was justified, he said.

Each of these three cases involved rapes of whites by Negro men. The first one, a decade and a half ago, involved a 24-year-old Negro who "waylaid a little girl on the way home from school." She was nine years old. The second one four or five years ago involved a 30-year-old Negro who broke into a bedroom at night and raped a 13-year-old white girl "two or three times."

"I just can't see any reason at all" for abolishing the death penalty, Judge Johnston said. In any of the three cases in question, he responded, white men raping Negro women would have gotten the death penalty, too.

Money does not make it possible for a person to evade the death penalty, he said: "Under bad enough circumstances, anyone might get the death penalty."

"I've tried a lot I was pretty sure were guilty and they were turned loose. I've never tried any where there was any doubt of guilt that was given a term," said the judge in a telephone interview.

'Enticement' Claimed

Dan Julian, the other defense lawyer, has his office in the back of a clothing store in Crockett. A thin young man, native to Crockett, he went to Baylor Law School.

Had he told them nothing about his present defenses before the trial? Julian replied:

"The nigger didn't tell a—he really put us on the spot. The only thing he told us was, he claimed that he was sucked into the thing—enticed into it. The enticement was such a flimsy thing."

In the trial, the lawyers did not use this, but, Julian reaffirmed, he mentioned this."

Fields and Julian "did not want to tell the jury this," Julian said.

"We asked if (he had) any witnesses. He had none. We told him that woulda got him hung quicker than anything he could do. And I do think that was" what would have happened.

"He had no hope but to keep quiet," Julian said, "because he was just a terrible witness plus the fact he had no character witnesses. His mother came in," but they decided she would not make a good witness. No one they asked had anything helpful to say about him. It would just make the "jury mad," and there was "no proof."

As for Williams' guilt, Julian said, "There was probably less doubt about this one than any one I'll ever get mixed up with."

Julian also believes Williams "cooked our goose" when he came up with the story about beatings. This, Julian said, did not come up until after the trial.

And capital punishment? "At least three jurors" indicated to Julian that "they didn't believe in capital punishment generally except when it came to taking a mad dog off society." These three asked him "if we give him anything less than death, how long will it be before he can get parole. What they wanted to know was whether they could put him in to stay."

Julian said he believes Tarrant County D. A. Doug Crouch's plan for life without parole in lieu of the death penalty "woulda got this nigger life."

As to reversing the racial roles, "In the same situation—white boy, no friends, no character witnesses . . . same offense, it wouldn't of been the same, he'd of had a slightly better chance; but he'd of had an excellent chance to get the chair," Julian said.

A Dramatic Moment

County Attorney Nat Patton has an office in the Houston County courthouse, looking out over the square. His secretary sits in a little office outside his.

Patton is a mild, friendly man, easy-going and direct.

"We usually hope these things don't happen. We're not bloodthirsty about these things," Patton said.

"He wasn't beat. The man just made a confession that he did it. The night he did it." He had given this confession to Patton? "Sure did." Was Williams scared? "I don't think so. He admitted committing the crime twice—he outlined it, told me how he did it. I didn't even know what it was till he came in."

Asked about the death penalty, Patton said, "I've never wanted to build a record with convictions. It's hard on you to try one of these cases. You just sense it. The family there that have been injured — brothers and sisters. They shock any man with a conscience. Shock him. He'd rather they hadn'ta happened. But you hire out to the state, you got to work."

"In this case, we just tried it. We made no strong effort, and the woman made the strongest witness you ever saw."

Advised of Julian's information Williams had alleged consent to his lawyers, Patton was surprised, and went to the door and shut it.

"The boy admitted it," he said as he returned to his chair. "I said how'd you do it. He said just like . . . He had a knife on 'er—there at the house." He discussed his going to New Mexico or Arizona to get away. "She testified to all of that."

"They made us prove everything we had," he said.

"Hell, I hate to see a hot check case come in. We try to work out hot check cases, things like that."

At this joint, Julian came in. He had been aware the reporter was going to call on Patton.

After discussing another matter, Julian said there was "only one other thing." He wanted to know if any of the other trial lawyers had mentioned the enticement contention. No, he was advised. "I don't know how you're going to use it," he said, and was told simply as part of the facts for the story.

He said that "I'd testify to it if I was subpoenaed in court," but that since it had not come out on appeal, he would like to "pull it back." Advised it had come out on appeal, he was surprised, stood up, and stated:

"There was reference to it, and the reason it wasn't used was there was no substantiation, and the high reputation of the defendant."

"That's my statement, because I don't believe in suppressing anything."

No Comment

The Observer then proceeded to interview Mrs. Jones. She lives in East Texas, in the country. As the reporter entered her yard, two dogs were barking furiously. A car was parked in the driveway, and clothes were hanging out to dry. A shotgun shell, its blue case crushed by a foot, lay in the yard; on the porch were scattered children's toys. The afternoon sun played through the doors and windows on the floor inside.

To repeated knockings and callings of the prosecutrix' name, no one responded.

The reporter left. A subsequent attempt to reach her by telephone was unsuccessful. A letter to her reviewing the evidence and asking for comment on the death penalty and its being carried out on Williams elicited no reply.

Before returning to East Texas late last week to try again to interview Mrs. Jones, the Observer called again on the telephone and reached her.

She said she had received the letter. In response to a question about capital punishment, she said:

"I don't want to discuss it in any way. I feel like I—I just don't want to think about it." R.D.

(Next Week: Williams on Death Row)

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15-Day Postponement

AUSTIN

Death missed Charles Williams by ten hours Wednesday. He was to be electrocuted Thursday before sunrise, but he received a 15-day stay until June 3 under unusual circumstances.

Five students at the University of Texas stated, in a Daily Texan story Wednesday, they intended to maintain a vigil at the Capitol that night if Williams was going to be executed.

Thomas Dent, Williams' Galveston attorney, had stated that a final federal appeal for a writ of certiorari and commutation of sentence would delay the execution.

Wednesday morning, however, Jack Ross, chairman of the Board of Pardons and Paroles, said Dent's appeal was not yet "perfected." The U.S. Supreme Court had his brief, but no copies of the federal hearing record, and in a ruling by Justice Brennan and Black had denied the commutation. Ross presumed they had so acted because the appeal had not been properly filed.

"We are in touch with the Supreme Court now," Ross said. He added sharply, "I don't know why Dent waits till the last minute, till about time to pull the switch on this thing, and hasn't done what he's supposed to do to protect his client."

At 2 o'clock Wednesday afternoon, the board and the governor granted the stay. "Here's the position we're in," Ross told the Observer. "As of noon today, that record had not yet been received . . . Dent's a funny fella . . . We could legally just deny the appeal and let him (Williams) go to the chair. In fairness to the person, we feel we should give his attorney

ney a chance to get on the (Supreme Court) docket."

From Asst. Atty. Gen. Riley Fletcher, the Observer obtained a copy of Dent's federal appeal brief for Williams.

The 5th circuit court at New Orleans had rejected his appeal from the federal hearing in Houston. The New Orleans judges ruled that there was no charge of unseemly conduct or threats of bodily injury at the trial, that Williams' trial defense counsel "was alert and vigorous in cross-examination and in objecting to evidence and that the trial court was prompt to protect the accused's legal rights."

"In light of the failure of the accused to raise the issue of coercion on the trial, although represented by competent counsel," concluded the New Orleans court; "and in view of the overwhelming testimony of regularity in the giving of the confession, and further in light of the admission by the defendant in the habeas corpus trial that the act of intercourse had actually occurred—thus eliminating all question of identification present in many rape cases— . . . the judgment is affirmed."

In his appeal, Dent alleged that the confession was "extorted by brutality and violence" and Williams' trial lawyers' failure to object to its introduction was "inadvertence or incompetency," and they also "refused to allow him to testify." Dent cited Williams' removal to an adjoining county as evidence "The mob spirit was present." Williams' testimony the sexual relations were voluntary "is not contradicted, and should be believed," the appeal says. "The trial was a farce," it concludes.

Fletcher said appeals of this kind, when in good order, sometimes take the Supreme Court two months or so to decide.

Jim Tucker
Insurance Agency
Auto
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6511 South Park Blvd.
Houston, Texas
Phone MI 4-1641

MARTIN ELFANT
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Houston, Texas
CA 4-0686

Election Nears...

(Continued from Page 1)

Mrs. Margaret Carter, the Tarrant County liberal leader, said she would vote for Tower without actively supporting him. She told the Fort Worth Star-Telegram, "We who promote party integrity have talked a great deal about the desirability of building a two-party system. Now we have a chance to show we mean it. In this run-off there is no Democratic nominee." She said "I am supporting the one, who because he is flying under his own party colors can do the Kennedy administration the less harm and the two-party system in Texas the more good."

Some 150 conservative Democrats in Cameron County, including several past and present party officials, adopted a statement this week saying they "planned to participate actively in the Republican Party." The statement said:

"We believe the only way to insure a choice of philosophy for the people is through active support of the Republican Party. It is our plan to function as members of the Republican Party in holding local Republican primaries and locating candidates to run as Republicans in all local and state offices so that Texas and the Valley will have a two-party system."

Blakley spent a good part of the week in Washington for the federal aid to education fight. His substitute for the administration bill, which would have provided a two per cent rebate to states on income taxes collected within each state, was defeated 64-30. Support for the substitute came mostly from a handful of Republicans and Southern Democrats. Blakley said direct federal assistance would "open the flood gates, and let the tide rush in."

In his statewide swing, Goldwater called for a two-party system in Texas, stating that "a one-party system... does not produce the best man for Texas or the United States." He promised that Tower, if elected, "can have about what he wants in Senate committee assignments." He said the party had authorized him to make that pledge.

In a Midland speech, Blakley stressed the importance of the Monroe Doctrine "to prohibit foreign communistic doctrines from being established in the Western Hemisphere." He upheld the Connally amendment and blasted foreign aid. "I think we should look in the U.S. Senate to seeing that we are not overweighed and overburdened in programs simply for the purpose of helping other nations. We cannot carry the load of the world on our shoulders."

Blakley got a vigorous assist from Cong. Jim Wright, who accompanied him during part of his travels. Calling for party loyalty, Wright said he never believed "any good can come from playing the role of dog-in-the-manger. For those of us who desired a different outcome to boycott the election just because we didn't get our way would seem childish irresponsible."

Blakley, asked in Denton if he opposes the United Nations, said he had never advocated U.S. withdrawal from the U.N. "I just don't want the United Nations or any other organization to be able to make commitments for the United States," he said. The time has come to realize, he said, that this country was established for "the selfish, protective interests" of its people.

Tower, in a swing through the Gulf Coast area, said "the time may come when the United States will have to militarily occupy Cuba to protect the Western Hemisphere and the Monroe Doctrine from communism." He called for "some changes" in the U.N., said it should "not exercise sovereignty over anybody," and added he is opposed to the Russian Ukraine having a vote while Texas does not.

In Midland, Tower called Jim Wright Blakley's personal "hatchet man" and charged that the real reason Blakley returned to Washington this week was that "his campaign through Texas fizzled and he's pulling away." In Amarillo he criticized congressional action giving Pres. Kennedy authority to send aid to communist countries, calling it "indiculously dangerous."

Fresh Controversy

Houston's Economics Course

From Our Houston Correspondent
HOUSTON

A conservatively-slanted economics reading list and right-wing economic theory are the basis of the teaching of the subject to twelfth grade Houston public school students, the Houston Association for Better Schools has openly charged.

A group of college and university officials, some teachers and some administrators, contributed to the latest controversy when they said the course was poor preparation for colleges and slanted toward conservatism. Their accusations were contained in replies to questionnaires they filled out at the request of the association.

The association is a liberal organization with some 500 members. It backed four candidates in the last school board race; they were soundly defeated by a slate of conservatives. Until that time the association had not officially supported candidates.

Dr. Albert Abrams, association president and employee in Shell Oil Company's technical department, released the results of the questionnaires in the association's monthly newsletter "Monitor."

The association got interested in a twelfth grade curriculum bulletin dated December, 1959, which had gone into use in the school's first economics course the previous September. It was produced by Mrs. Charline Potter, secondary supervisor.

Mrs. Potter has appeared on programs held in school facilities which have included showings of the film "Operation Abolition." She was recently the cause of a controversy when she recommended to teachers a private, ultra-conservative industry-financed citizenship training course.

After the association concluded that Mrs. Potter's bulletin was slanted, it sent Mrs. R. R. Kraft and Mrs. Jack E. Conner to see Superintendent John W. McFarland.

McFarland, whose three-year \$25,000 contract runs out in August, told them the bulletin is balanced, fair and objective. He told them he thought the main reason for their visit was to get Mrs. Potter out of the school system. "At that time, we did not know who wrote the study guide," Abrams said.

McFarland agreed to study the bulletin and to let the association know if he had changed his mind about it. In February, 1960, McFarland told the association that his opinion of the bulletin had not changed.

Deciding not to rely only on the opinions of its own members, the association sent questionnaires about the bulletin to faculty members at 23 U.S. colleges and universities. Replies were received from Texas A&M, University of Texas, University of Illinois, Harvard, University of Chicago, and Grinnell College. Four of the respondents asked not to be quoted. Abrams showed reporters the original questionnaires and the signatures of those replying. Each questionnaire was accompanied by a copy of the curriculum bulletin.

'Propaganda'

One of those who asked not be quoted by name is from a state-supported school in Texas. He had this to say: "Even the high school student should not be led to believe that a free market solves all problems, and I would merely suggest that a reasonably objective description of the actual performance of our system will make students loyal to our way of life. . . . A large percentage of

the material is predominantly propaganda rather than objective analysis of our economic system."

Mrs. Potter's bulletin is intended as a guide for teachers in preparing and presenting material for economic classes.

Dr. Lewis Wagner, professor of economics at the University of Illinois, said of the course outlined:

"Students would be better off if they had not had the course. Just in terms of the more widely-used college texts, the student would find it necessary to unlearn much of the material required in this high school course, and to adopt an entirely different frame of reference."



"For most college students, this would require adjustment of considerable magnitude."

Dr. Wagner, answering a question about the course being biased, said:

"The course definitely reflects a right-wing point of view. I should add that I would be just as violently opposed to a course which reflected an extreme left-wing point of view."

An educator from a state that borders Texas said, "The general tone seems to reflect a desire to indoctrinate the student rather than educate him."

Dr. Edward Owen Edwards, chairman of the department of economics at Rice, said:

"The principal bias, I think, is anti-government. If one teaches the effectiveness of democracy it is a bit contradictory to then claim that government activities are primarily a burden. There are also benefits. The appreciation of the system is stressed to the detriment of the more important teaching objective, namely, understanding."

A University of Houston associate professor of economics, Dr. John Fry, was no kinder:

"Obviously, it is biased in the direction of favoring our present economic and social system. This in itself is not bad. What is bad is that the presentation is preachy. . . ."

Another Rice professor, Dr. James B. Giles, director of admissions and lecturer in economics, had this to say:

"It seems to have a goal of promoting a full and unquestioning acceptance of the American economic system as it is, rather than to promote an inquiry into its achievements, problems and shortcomings."

Three answered no in reply to the question of whether it was good college preparation. There was one yes and a qualified yes. Another said, "I doubt it."

'Indoctrination List'

The other most pertinent question concerned the references Mrs. Potter placed in the curriculum. The association wanted to know

if these offered the student a balanced picture of the economy.

Fry does not think so, for he said:

"Some of the references are of little intellectual quality. Enthusiasm for free enterprise—while meritorious—does not in itself qualify anyone to speak with understanding of the nature and workings of the system."

The references include many writers whose specialty is far removed from economics as a social science. They include J. Edgar Hoover, John T. Flynn and Admiral Ben Moreel. Dr. Giles observed: "This is an indoctrination list. It needs to show the method of scientific, objective inquiry into the search for a solution to complex problems."

Edwards felt this way: "No labor materials are included among the pamphlets. Ultra-conservative views by non-economists are well represented, but no ultra-liberal views are. I would favor omitting all interest groups. Teach economics principles, not views."

Wagner said that the materials prepared by the United States Chamber of Commerce, the American Economics Foundation, and Foundation for Economic Education should be labeled as special interest groups since they are financed and supported by big business interests.

"This is definitely a slanted list of references and employed as suggested in the course outline, will lead to serious misconceptions regarding the structure and operation of our economy," Wagner said.

Here's what Giles thought about the references:

"There are only a few authors listed who would be rated as economists by the profession. . . . Why should the pet peeves of Adm. Ben Moreel, Fred G. Clark, J. T. Flynn, Clarence Manion, etc., be paraded as economics?"

Two Defenders

Associates of an organization that recently honored Mrs. Potter, the American Economic Foundation, rushed to the defense of the course.

Mrs. Potter was honored at a foundation breakfast last March in Philadelphia. She was given a medal and a certificate which said her course in economics is what is needed in this country at this time.

The day after the first story of this controversy appeared in Houston papers, Roscoe L. West, president emeritus of New Jersey State College in Trenton, N. J., wired the Houston papers. He said the course was balanced, fair, and objective. He said it is a shame the course is not available throughout the country.

West, who said he has done work for the foundation, could not remember who told him of the criticism the course was receiving, he said.

Ben Wood, director of educational research at Columbia University, was quoted in the Houston Chronicle as saying the course was a fair and objective study. Wood is chairman of the national schools committee of the foundation.

Frankie Sends Letter

HOUSTON

Mrs. Frankie Randolph, former national committeewoman, this week sent out hundreds of letters on her personal stationery with the following message:

"Dear Democratic Friend:

"So many of my friends have asked my opinions on the Senate runoff I have decided to set them down.

"Blakley cannot be considered the Democratic nominee—there has been no party primary, no convention to name a Democrat or to place a Democrat in the runoff. Blakley was decisively rejected the only time he sought the nomination — against Yarborough in 1958. Support of party nominee is the main principal we have followed as loyal Democrats, even to voting for Shivers when he was the nominee. But it is a principle Blakley has not followed—except on the promise of a free senate seat for backing Johnson.

"Blakley has consistently worked against the Democratic program since he has been in the Senate; he has voted against the Democratic program almost 100 percent even after he got in the runoff. Blakley, even now, turns a Democratic majority into a Republican majority on Senate committees. Tower would be just another minority member.

"Blakley was the keynoter at

the huge Freedom in Action meeting and is friendly with the John Birch Society.

"We can't expect to elect a man who would help Yarborough implement the Kennedy program. Therefore, many of my friends admit that they are voting for Tower, especially since there is no party nominee. I personally cannot vote for a Republican, but I don't disagree with those who honestly feel that Blakley would do Texas and our party more harm than Tower; that Tower asserts his beliefs honestly while Blakley is deceptive about similar views; and that Tower's election would crystallize two-party sentiment and prevent resurrection of Dixiecrat elements.

"I will do one of two things on May 27: either write in the name of some good Democrat, or go fishing. I can't vote for a Republican and I won't vote for a Dixiecrat."

To this she added the P. S.: "Don't worry about liberal Democratic party officials who announce for Blakley. Many feel that, as party officials, they must offer support to the man who claims to be a Democrat. And don't let the Blakley press fool you—Kennedy has not announced for Blakley."

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House Fumes, Postpones

School Board Firm On ACLU Denial

AUSTIN
The Daniel-liberal coalition in the House, thwarted twice again, fumed angrily this week, waiting for the general sales tax to arrive from the Senate. The sponsor of the House general sales tax, Rep. Charles Wilson, conditionally turned on his own legislation as "compromising."

The House postponed until Monday—when the Senate tax bill probably will have reached them—corporate income and natural gas tax proposals. At the same time, immediate consideration of the Eckhardt natural gas tax on pipelines received 69 votes, evidence that it has replaced the unconstitutional severance-beneficiary gas tax in the thinking of the more liberal half of the House.

Rep. Tony Koriath, Sherman, also received 57 votes for the consideration of his corporate profits tax exempting all businesses with net income of \$20,000 or less. He said credit would be allowed for state property taxes, and all the revenue would be allocated to the public school program.

The business franchise tax, which Koriath's corporate tax would replace, is, said Koriath, based not on ability to pay but the simple fact that businesses exist. Rep. Wilson argued for the corporate profits tax on grounds that it is fair, "a balanced companion for the sales tax," and that postponement of a vote was actually avoidance of the issue. When the House postponed the bill 74-57, Wilson snapped, "See you in July" (at a special session).

Rep. Bob Eckhardt, Houston, tried to bring up his tax on certain major gas pipelines immediately after Koriath's tax was postponed.

Texas producers, Eckhardt said, get only 12 cents per thousand cubic feet of gas, compared to Louisiana producers' 17 cents.

Four large pipelines—El Paso Natural, Tennessee Gas Transmission, Texas Eastern, and Panhandle Eastern hold 75.6 trillion cubic feet of Texas gas under long-term low-price contracts, he said. Without his tax, Eckhardt said, the state loses \$126 million in taxes.

Eckhardt's tax would require pipelines which buy Texas gas at very cheap prices to pay the difference between the present producers' tax and a one-cent tax per thousand cubic feet. It would not raise producers' present taxes, nor the pipelines' taxes if they are paying more than 15 cents a thousand cubic feet for their gas. It would, he said, tax the pipelines "which are making a big profit getting their gas cheap." The revenue would be allocated to the cost of medical care for the indigent aged.

Last year, he said, the four named companies produced 15 per cent more gas than before and made 8 per cent higher profits. If the House does not tax them, he said, it will have defaulted its responsibility to the Senate.

Under questioning from Rep. George Hinson, Mineola, who carried the governor's severance-beneficiary natural gas tax in 1959 (since declared unconstitutional), Eckhardt said the unconstitutional provisions appeared in versions subsequent to the one Hinson introduced.

The courts held that the attempt in the 1959 bill to tax pipelines "downstream" from production was a burden on interstate commerce, Eckhardt said. His bill taxed extraction at the point of production only, he said.

"Earnestly working with those (various) court decisions," Eckhardt said, "I think we've got all the constitutional bugs out of the bill."

Rep. Truett Latimer, Abilene,

moved to postpone without discussing the merits of the bill. Eckhardt closed:

"Let us today work on something which will affect the far distant future, which will decide whether a great amount of resources from now on will be taken from the natural wealth of the state rather than from the pockets of the consumers of the state."

The bill was postponed 72-69.

Afterwards the three losers of the day were interviewed.

Wilson said: A special session is now certain. "I further think that the worst thing that could happen to the state would be (for the governor) to sign the sales tax without getting these other taxes—because the only justification for passing a regressive tax measure is to feel that the end, the appropriations bill, justifies the means, and right now we've got a compromising means and no end."

As of now, the sales tax "won't raise enough money for medical assistance to the aged, for a school teachers' raise over \$500, for any more money, for higher education, or to give the Department of Corrections what they need," Wilson said.

Koriath said: "The big issue now is whether to concur or not to concur in Senate amendments to House Bill 334," that is, to the Senate's tax bill. "If we win the battle, we get to conference and might could get a good bill. If the conservatives can concur in Senate amendments to H.B. 334 here in the House, then they've won."

Eckhardt said: The gas bill came up at an inopportune juncture after one postponement, the members wanted to get on with the suspension calendar, and with the Senate bill coming out, the impetus for postponement was strong, but "I had to try it."

"I think we're in for a special session. I don't think that a tax

HOUSTON

The wrangle this week in the Houston schools concerns Supt. John McFarland's denial of the use of a school auditorium to the local chapter of the American Civil Liberties Union.

Ben Levy, writing the board at McFarland's suggestion, asked for such permission. J. W. McCullough, Jr., a post commander in the American Legion, was ready with his answer.

He was indignant that such a bunch would ask to use a school building. He read from a 1952 Legion publication which accused ACLU members of being communists, slackers, draft dodgers, and intellectual cowards. He moved that permission be denied them.

Joe Kelly Butler, president of the Oil Well Production Maintenance Co., a drilling firm, proposed, instead, "that it be the policy of this board not to allow the school auditoriums to be used by an organization we have information concerning their activities not in keeping with the feeling of the people of Houston."

Mrs. Charles E. White, the only liberal on the board, was having none of this, but to no avail; five to one, the board agreed.

Patrick Malin, national ACLU head, spoke elsewhere in Houston without incident. Meanwhile, many school patrons began wondering how the board was going to gauge "the feelings of the people of Houston." A special meeting was called to reconsider.

In the staccato 30-minute reconsideration, the board voted (again 5-1) to make each applicant for a rental permit for school

bill that doesn't have something on gas in it will escape the governor's veto," Eckhardt said. ..

R.D.

property sign the same non-communist oath that teachers, school employees, and trustees must now sign under state law. Butler proposed the new regulation. Mrs. White objected:

"I am against this because freedom of speech is such a precious heritage and too important to be tampered with at all, especially by a school board, who should set an example that all may follow. I am not willing to accept the judgment of one citizen, or one group against another group, as to whether they qualify as good citizens. It seems to be a fad now by some groups to accuse the last three presidents of the United States of not being good Americans."

Bang went Mrs. Frank Dyer's gavel, as she ruled Mrs. White out of order. Mrs. Dyer, insurance saleswoman for a subsidiary of Tennessee Gas Corp., told Mrs. White that the board was not discussing "who is a good American and who is not. You are trying to say that you are for good Americans and the board is not. We are discussing a matter of general board policy about the renting of school facilities."

Mrs. White was not through: "That may be, but I don't see what the difference is between renting to George Roberts and C. J. Bracken Lee and to the American Civil Liberties Union. They all seem to be controversial."

When questioned about the speech by former Utah Governor Lee, a Birch Society defender, in a school facility, Mrs. Dyer asked what was wrong with that?

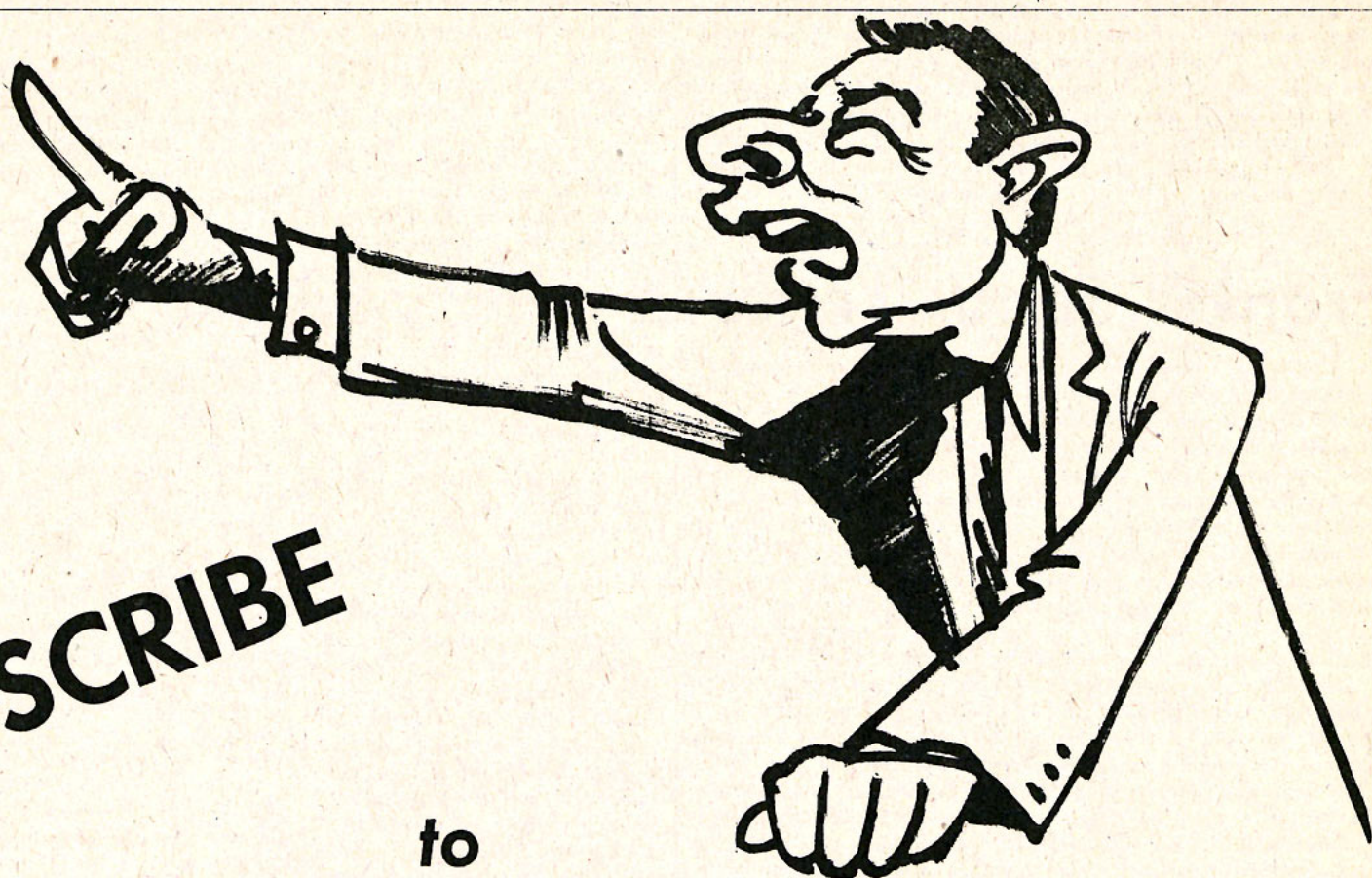
Malin, while he was here, advised the ACLU chapter not to file suit against the school board. This is probably because the ACLU has a similar case en route to the U. S. Supreme Court now.

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