

# The Texas Observer

MAY 30, 1963

AN INDEPENDENT FORTNIGHTLY

25c



*The three most powerful men in the Texas legislature, left to right, Senator Dorsey Hardeman of San Angelo, House Speaker Byron Tunnell of Tyler, and Lieutenant Governor Preston Smith of Lubbock.*

## The Legislature: An Afterview

With Photographs by Russell Lee

# Connally's Crusades

In the legislature just adjourned, the public interest was so completely sold out by the minions of corporations, thoughtful men watching closely could not successfully resist the emotions of despair for the democratic process in this state government.

The legislature lowered state taxes on the state banks and the sulphur companies. It lowered state taxes on all Texas business by fixing things so that the 1957 corporation franchise surtax will expire after one more year. It raised taxes on buyers of automobiles and buyers of items of clothes costing \$10 or less—in other words, on ordinary people. It passed and nearly passed so many special interest bills, readers will find them scattered throughout this special issue of reports on the session.

Presiding approvingly over this debauch of democracy has been the new governor, John Connally. It must be made clear at once that he is implicated. If he had carried the truth to the people and fought the good fight, he could have appealed from the circumstances as the ones he found here and had to work with. Instead, he has proclaimed to the people again and again his admiration for this splendid group of statesmen; he has journeyed to Tyler to preside while the speaker received, from unidentified donors front-named "the people of Tyler," a new automobile; he has ridden at the head of a parade with W. S. Bill Heatly, chairman of the House appropriations committee and surely one of the crudest and most ruthless practitioners of political coercion in modern times. By his genial proximity and his failure to protest, the governor has become party to these things; first of all he is supposed to be the moral leader of the state's political life, and a man in such a position is inescapably responsible for what he does not say.

As the session has advanced it has also

come clear that the governor's plighted troth to a certain number of carefully chosen liberal objectives is so much humbug. He has run out on the fights for the liberal programs he has endorsed, he has overblown the significance of those of his proposals the legislature has deigned to enact, and he has failed to resist and has silently signed the reactionary bills the legislature has sent to him.

Consider the Democratic platform we are all told he wrote. He has failed to fight for an industrial safety program, correction of inequities in prevailing wages paid by the state, establishment of a bureau of labor, control of air pollution, "a strong voter registration statute," to all of which he was pledged. He has signed with murmurs of approval the outrageous loan shark licensing bill. When, realizing, perhaps, that he had over-courted political disaster, he vetoed an unemployment decompensation bill, the situation had deteriorated too much for gratitude even for little things.

On one issue we have all been sure he really does want to deliver: more and better higher education. Then we are shocked to realize that his special committee on the subject is stacked 15-to-10 with big businessmen and that his chairman of this committee has stumbled over himself in his haste to endorse higher college tuitions and the better use of monies presently appropriated to the colleges (which is fine, except for an implication).

The governor asked for adequate college appropriations—no quick road to greatness, but at least enough money to keep things going along okay. But he then permitted the business-serving legislature to dribble away at least \$20 million of the state's resources in business tax remissions. Now he tells the legislature that it has to give him \$13 million more for the colleges—and damn the other services to the pre-

cise extent necessary. There is a limit to how much humbug even politicians can stand. As Sen. Martin Dies, Lufkin, said in another connection in the Senate last week, "We politicians almost always fool the people—sometimes it is our business—but we never fool each other." No doubt Connally wants this money appropriated, but he bears the responsibility for its unavailability. Extension of the corporation franchise surtax was one of the planks in his program—and one of the planks he gave up. In a closed conference in his office with leaders of "the team," he assented to a tax package that dropped \$11 million by dropping that surtax for the second year of the biennium. He lacked the courage to fight for the taxes for his program when it was easier to play along with Tunnell, with Smith, and the T.M.A.

Let him make what amends he can, and save what he can for the colleges, as the results of his cooperation with the team ramify into the summertime. Let him tell the legislature—we must have the second year's franchise surtax now. Let him, if he will, give them an alternative, to accept his line-item vetoes and give the money thus released to the colleges. Surely he would not dare consent to higher college tuition, after such a session. Or would he? It is the red light against his political future that after five months of him as governor, we cannot be sure.

Connally should have learned from the experiences of his predecessor. Price Daniel did not want to sign the general sales tax, but as long as a governor is weak and accommodating—obsequious and contained—the legislature runs Texas. Only when Daniel struck out at the lobby—struck out for direct voter support—did he jar the power structure. Connally has done the opposite, throwing in with that structure. But, gentle readers, this should not surprise us, for he has, after all, been an executive in that structure ever since he became Sid Richardson's lawyer. He has been trying to convince the voters that he is most deeply concerned about the progress of the state, while maintaining his comfortable, long standing eminence in the brotherhood of big business. He is a curiously elusive governor, a non-governor, really, trying to manipulate non-existent enthusiasms on behalf of substanceless crusades.

## An Inspiration

The Observer continues to enjoy somewhat wary, but quite genial acquaintanceships with Republicans, so perhaps we may be forgiven if we make a suggestion or two. Those Republicans who really want a two-party state might see to it that a Rockefeller-Goldwater preferential contest is conducted in next spring's Republican primary in Texas. This would surely bring those Republican celebrities into our fair state, and might also relieve some of our native celebrities from the public burdens for which they seem so ill suited.

## THE TEXAS OBSERVER

An Independent Fortnightly

Vol. 55, No. 13

 FUTURA

May 30, 1963

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The Observer is published by Texas Observer Co., Ltd., biweekly from Austin, Texas. Entered as second-class matter April 26, 1937, at the Post Office at Austin, Texas, under the Act of March 3, 1879. Second class postage paid at Austin, Texas. Delivered postage prepaid \$5.10 a year for subscribers living in Texas (this includes sales tax) and \$5.00 a year for subscribers living elsewhere in the U.S. Foreign rates on request. Single copies 25c; prices for ten or more for students, or bulk orders, on request.

Editorial and Business Offices: The Texas Observer, 504 West 24th St., Austin 5, Texas. Telephone GR 7-0746.

Change of Address: Please give old and new addresses and allow three weeks.



*TEAM MEMBERS* guiding through the appropriations bill despite the menace of the governor's veto: L. to R., Reps. Bob Johnson, Dallas, W. S. Heatly, Paducah, and Maurice Pipkin, Brownsville. (The man in the portrait is the late Jim Hogg.)

## The Team Carries Through

"The Team," that aggregation of conservatives who run the Texas legislature, last Friday, May 24, gave Gov. John Connally a thorough shellacking. On the issue he had challenged them about in a dramatic press conference, more money for higher education, Connally's support in the legislature was reduced to just six senators and 31 representatives, about one-fifth of the members. Far from being merely the final disagreement of the session, this was the dramatic episode that informed the governor of the locus of real power in the state government.

This is what happened.

On Tuesday of the last week of the session, the ten conferees on how to spend the state's three billion dollars the next two years laid out the final bill on the

subject. Thursday morning, Connally told a jammed press conference that he was "deeply disappointed" that the \$153 million higher education appropriation from general revenue was \$13 million lower than he had recommended. He said he would not have recommended the taxes he did had he known the money would not be spent as he wished in this respect. For the next day and night, the conferees, the governor, and Lt. Gov. Preston Smith and Speaker Byron Tunnell negotiated in private. The governor was offered just \$4.4 million more for the colleges, money the conferees would have raised by dropping a new state finance building and shifting funds here and there. This did not satisfy the governor. Therefore, Friday morning, the ten legislators returned to their respec-

tive chambers, told their colleagues there was no prospect for agreement with the governor, and proposed the acceptance of the budget they had prepared. The vote accepting the budget as written was 24 to 6 in the Senate; in the House, it was 117 to 31.

This meant that the legislators thought Connally was wrong in the way he wanted to allocate the money that was available to spend. Lt. Gov. Smith said Connally wanted to take \$5 million away from the hospitals and special schools. Two conferees said Connally suggested they cut down the appropriation for the new medical school in San Antonio. Connally had pointed out, he granted, items in the budget

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he thought could be cut, and the money given to colleges, but, as he carefully told reporters, he did not "advocate" any specific cuts. Yet most of the legislators had been satisfied that institutions in their areas, and state services in which they were interested, were getting fair treatment in the bill, and every member knew that excellence in higher education is the principal argument Connally hopes to use next summer to effect his re-election. The legislators had been laboring for four months in the appropriations fields—furrows of facts, orchards of figures, meadows of needs and desires—and they believed that they knew best how to spend what was available, in what proportions.

It meant, too, that Connally has failed to attract to himself the devoted personal following that could have delivered the goods to him, or at least could have kept him from being treated so cavalierly. In the legislature, it is the veteran members, the speaker, and the lieutenant governor who have the real power; what the governor can hope to do is to help or hurt enough members with legislation they are interested in, and kibitz socially with enough of them to enough effect, to be able to turn out a majority when he really needs it. Connally has pushed only relatively minor, uncontroversial parts of his program, has left legislators who sponsored liberal planks in his platform out on a limb, and has paid little personal attention to most of the members. The last day of the session one liberal legislator said he had not been approached one time about anything all session by the governor or any of his aides. The day of the appropriations vote, one supporter of the governor's program said he was not told until five minutes ahead of time that Connally wanted the bill rejected. It was obvious that he did, but politicians like to be dealt with.

**L**ATE IN THE DAY of the governor's press conference, Rep. Bob Eckhardt of Houston, the influential liberal leader in the House, rose on personal priv-

ilege and bitterly scored Connally. His speech was the political climax of the session, and when the vote on spending came, most of the liberals voted against Connally.

"I have supported the governor on every one of his platform proposals," Eckhardt said. "By his statement issued today, the governor places each and every one of those who have consistently supported him in an untenable position, one in which we can all be criticized for not affording real excellence in education, yet the where-withal to accomplish such excellence was not in the reach of those of us who would have maintained an adequate tax base by opposing extensive cuts in existing taxes.

"The governor is right that the appropriations bill is inadequate in the field of higher education. But he is wrong in asking that the pie be cut in such a way as to take from the afflicted and unfortunate in order to give to the talented and the fortunate. There was no reason why Texas needed to make such a choice. The governor at an earlier date could have put his foot down on tax cuts and giveaways and preserved enough money in the treasury to take care of both needs."

Eckhardt reviewed some of the session's tax cuts—on sulphur, state banks, retail merchants, newspapers, the corporation franchise surtax—adding up to \$20.7 million "at a time when the governor is talking about excellence in education. Where was the governor when these slashes in our present tax structures were made?" The governor is responsible in taxation as well as in appropriations, and in bringing the two into balance, Eckhardt said, and if he has let the pie shrink so much there is not enough for the various state services, "it is not the responsibility of those who sliced the pie, but of those who baked it.

"The slogan 'excellence in education' has been but window dressing," he concluded. "The governor knows that when the session is over, the ivory towers will fold up into a mass of crumpled cardboard, and it will be apparent to all that excellence in

education is but a pitchman's cry, a fraud, and a mockery."

The legislature—the team and the liberals as well—had decided to put Connally's "feet to the fire." Connally knew this, and decided the day of the negative vote that he would veto the bill and call a special session. During the day, however, he was counseled, by various legislators, that he had better not veto the whole bill. It was emphasized to him that if the members, in a special session, once again face an open appropriations situation, in which the team's leaders can threaten low or no appropriations for the districts of legislators who do not cooperate with the team, Connally might lose just as heavily, or even more heavily than before. Instead, Connally could "line-item" veto enough in the spending bill to finance what he wants for higher education and sign the rest of the bill, thus refusing to give the whole deck back to the team. It is understood that he may do this, then telling the legislators in the special session that they can get the money he wants for the colleges, about \$10 million, either by accepting his item-by-item vetoes or by spending this money in spite of his veto and raising what he wants by a further one-year extension of the corporate franchise surtax.

This surtax was extended, this session, just one of the two years of the biennium. In effect since 1957, it is an additional tax on corporations in Texas, and is labeled temporary. When leaders of the team met with the governor and they all approved the \$33 million tax package for the session, it was agreed that they intended to repeal (not the entire franchise tax, as stated in error here recently, but) the surtax, in that the legislature would not be in session next year to renew it before it would expire.

**T**HE DIFFICULTY in news stories about government spending is the ambiguity of large quantities of money. The appropriations bill calls for an increase in spending from all sources for the next biennium of \$324 million. The largest increase, \$106 million, went to public schools; the colleges get \$59 million more; a total of \$1.4 billion is approved for all public education. A token \$30,000 is provided Texas Southmost College in Brownsville to inaugurate a state program of education for Texas' 900,000 functionally illiterate adults (provided, however, the money can be matched from private sources). The \$124 million for hospitals and special schools, an increase of \$16 million, includes increases for a new institution to replace the "Confederate Home" firetrap in Austin for senile mental patients, new schools for mentally retarded persons, and youth institutions. The "El Paso plan" allowing contract treatment for state patients on a local out-patient basis gets half a million dollars. Screwworm eradication gets \$2.8 million, \$300,000 of which Connally will veto. The state parks get \$2 million, including \$1.6 million for development of specified parks—not including the 4,778-acre Wheatley ranch, which automatically, therefore, reverts to the Wheatleys. Tourist attrac-



L. to R., Reps. Wilson, Quilliam, Nugent, Cotten, and Koliba.

tion and industrial development get about \$300,000 each.

Yet who, save those who have studied the details, can say what is what in this area? It may be the best one can do to report that general comments on the appropriations bill by those who passed it and some of those affected by it indicate that it has satisfied most of the state agencies.

The colleges are the major exception. The committee of governing boards of state-supported colleges and universities, a private organization of representatives of each of the boards, issued a statement that it was "dismayed and disappointed at the low level of support" which it said "would cause serious deterioration in the educational programs and services of our Texas schools.

"The committee has previously taken the position that the recommendations of the governor represent the minimum level which would permit Texas colleges and universities to maintain even the current level of our academic offerings," the educational spokesmen pointedly continued. "The conference report for the 20 [colleges and universities] is approximately \$13 million under the level asked by the governor—and the governor's recommendation was more than \$4 million below the amount recommended by the Texas commission on higher education after a two-year study of the educational needs of the state."

Connally, in his conference, clung to his theme that the legislature this year is an exemplary one, but he had to deviate from this on higher education. "The spirit with which the legislature . . . has performed throughout this session, is one of the brighter notes of our recent history, and I have nothing but commendation and admiration for these efforts," he said. ". . . their responsibility and performance has been excellent, and the people of Texas can be justly proud of them. But the appropriations bill . . . short-changes the people of Texas . . . in the critical area of higher education. . . .

"I want to invest our dollars in productive, creative applications—brains and people to provide us a dynamic economy," he said. "I urged economy in government on matters that could wait." He declined to say whether he would veto the pending appropriations bill, but made clear it was in his mind that he might.

Friday, presenting the bill, Sen. George Moffett, Chillicothe, chairman of the Senate conferees, said it provides \$59 million more for higher education for the next two years than was spent in the last two, and average \$400-per-teacher raises for the colleges. He said there was no possibility of compromising with the governor; "all the conferees would say the same thing." He said the conferees tried to tell the governor they didn't agree with him, "but we couldn't get the floor."

Sen. Louis Crump, San Saba, asked: "If you accept the governor's recommendation, would it require a new tax bill?"

Moffett: "Well, senator from San Saba, we could starve some of the other institutions and put more in higher education."

Crump: "I'm not in favor of taking away from our hospitals and special schools."

Sen. Don Kennard, Fort Worth, defending the governor, said he wasn't, either, but asked, "Are you spending it on treatment or warehousing 'em?" Yet Kennard saw that it was a lost fight, and gave up trying to get definite figures from Moffett, who did not seem to have them right with him.

Sen. Charles Herring, Austin, protested the most curious of the bill's curious riders, giving the attorney general, Waggoner Carr, a veto over designation of the state insurance liquidator. Rep. W. S. Heatly, House boss of appropriations, is very close to Carr politically and has planted riders giving him more power all through the bill, and increased his budget 33%. (But the rider about the liquidator is probably unconstitutional in that it would amend a general law, which an appropriation bill cannot do.) Herring also protested the omission of merit increases for state employees the second year of the biennium. He wanted to know why the University of Texas had got less than he thought it should, while Midwestern University, in Moffett's district, got more than 50% more than it had ever had before. Moffett (obviously winged) said the little colleges don't have building funds as the big ones do.

As Moffett and the team prevailed, only Sens. Blanchard, Herring, Kennard, and Tom Creighton, Mineral Wells, Culp Krueger, El Campo, and George Parkhouse, Dallas, voted on the governor's side.

**I**N THE HOUSE, when Heatly tried to answer questions about Connally's position, Tunnell called him down, saying the governor had a veto, and "Let's let the governor face what he has to face, and let us face what we've got to face." Rep. James Cotten, Weatherford, pointed out a few items for the members' amusement, \$60,000 to air condition a gymnasium at Southwest Texas State in San Marcos, \$60,000 to cover a swimming pool at Sul Ross



Sen. Moffett

College, \$1,075,000 for a parking garage for the Texas employment commission. Rep. Reed Quilliam, Lubbock, said the higher education section provided only "about a four percent increase for excellence," to which Heatly replied, "If this [spending] formula is continued, within four years we'll be on the national average."

Symptomatic, however, of the basic satisfaction with the bill was Trinity Rep. Charles Wilson's remark that the state's grotesquely underpaid prison system guards are getting raises of \$57 a month. The Fort Worth and Sabine area representatives were relieved that, in the final bill, their college libraries got enough money to keep them accredited nationally. The Galveston representatives could take solace in the restoration of most of the money they wanted for their city's maritime academy. San Antonians got their medical school appropriation.

One gap in the edifice of state institutions, to which liberal legislators have been calling attention for six years, continued unrepaired. While the state maintains homes for neglected and dependent white children, it maintains none for such Negro children. Sen. Murray Watson, Mart, and Rep. Dick Cherry, Waco, had been plugging diligently for money to add a Negro unit to the Waco state home for such children. The money was not in the bill.

Heatly, a saturnine man, seemed strangely embarrassed when Cherry asked him on the microphone why neglected Negro children continued to be neglected, also, by the state. "We endeavored to take care of that home . . ." he said, "we ran out of money. I regret . . . I know about the situation . . . I have talked about this type institution some six or eight years. . . . I hope in the not too distant future something can be done."

The only floor oratory against the bill came—not from liberals, most of whom voted for it—but from Rep. Ike Harris, Dallas Republican, who said it tremendously overspends the taxpayers' money. He charged that Connally "campaigns on a 10% reduction in state government [spending] and here he has offered to him a 21% increase in state spending, and from my information, it is insufficient." Harris also complained that all the legislators could do at this point was take the bill or reject it—a point that Rep. Malcolm McGregor, El Paso, made almost frantically the day the House passed its appropriations bill, knowing that it was skeletal, a mere dummy bill. "We leave it up to ten men to determine what the appropriation bill for our legislature shall be," Harris complained.

Rep. Charles Whitfield, Houston, sought to defend the bill against Harris' attacks. The legislature controls only 14% of the budget, the rest of it being dedicated by other enactments, he said; and besides, he said, "We have a weak governor, constitutionally—not speaking of the man . . ."

At which juncture, a reporter lifted his eyes from his pad at the press table and said, "We're fixin' to find out."

25¢  
 a vote **25¢** A VOTE **\$ .25** A VOTE

This is the voting situation which now confronts Texans for the presidential year 1964.

On Nov. 9, 1963, the voters will decide whether to abolish the Texas poll tax by constitutional amendment. If they vote to do so, the \$1.75 poll tax will not have to be paid for the right to vote in any election in 1964. Citizens will have to qualify to vote in 1964 by registering before Jan. 31, 1964, and by paying a 25 cent registration fee. Because the legislature refused to make the registration system semi-permanent or permanent, voters will have to register anew each year under the present law.

However, if the voters next November refuse to abolish the poll tax, citizens will have to pay the \$1.75 poll tax to qualify to vote in state and local elections in 1964. Should it come to pass early in 1964 that the federal constitutional amendment to abolish the poll tax in federal elections is ratified by a sufficient number of states to put it into effect, Texas voters who have failed to pay their poll tax will be given thirty days, after the federal repealer takes effect, to register to vote in the federal elections, without having to pay the 25-cent fee. If both the Texas and federal repealers fail as to 1964, of course, the \$1.75 poll tax will be required to vote in all elections next year.

The "agency form" method of selling poll taxes, the mainstay of political organizational drives to get people qualified to vote, has been illegalized by this legislature. County tax assessor-collectors can deputize poll tax agents as before, and poll tax payment sub-stations can be established as before, but roving poll tax agents, working door to door or picking up poll taxes in personal contact, will not be permitted. A husband or a wife, or a parent or a child, can pay the other's poll tax.

To Republicans' chagrin, the new election reform law provides that the party that receives the largest gubernatorial vote in the most recent election gets the first column on the ballot. On election day, the law will permit poll watchers to come from any part of the county. A proposed requirement that they live in the precinct where they serve as precinct watchers was abandoned before the bill was finally passed.

**I**T APPEARED until the last day of the session that the Texas poll tax abolition election would be held in November, 1964, not a year earlier. This would have left the Texas poll tax in effect at least for state and local contests, and perhaps also for federal contests, in 1964.

Spokesmen for organized labor had contended with Sen. Abraham Kazen, Laredo, Senate sponsor of the state poll tax repealer, and with Gov. Connally that because of the low number of qualified voters, repeal is "not likely" this year, and it would be safer to try to repeal the poll tax in a 1964 vote, when it would be very likely to be abolished.

Roy Evans, secretary of the state labor organization, says Connally was not quite convinced at first, but went along, as did Kazen and then the Senate, 22-7. Meanwhile, the Senate rejected a move by Sen. Roy Harrington, Port Arthur, for permanent registration, 17-14, and passed an annual registration system with a 25-cent fee attached. (Such a system goes into effect only upon the adoption of poll tax repeal.)

Meanwhile, Reps. Bob Eckhardt, Houston, and Malcolm McGregor, El Paso, were coming to the conclusion in the House that a 1963 election was called for, because of the confusing and demoralizing effects they believed a half-on, half-off poll tax would have on liberals' turnout in state and local elections next year. They were willing to risk repeal's failure in 1963 on behalf of a definitely poll taxless 1964. The House majority, composed in part of liberals and some members apparently opposed to poll tax repeal, went along with the motion of Rep. John Traeger, Seguin, for the 1963 election date, requiring, therefore, a House-Senate conference committee to resolve the two chambers' differences.

On May 1st, Rep. Don Hefton, Sherman, "ran" with the Senate annual registration bill in the House. He defended the 25-cent charge for registration as "merely a fee to help defray the cost of writing the registration. It isn't any sort of tax," he said.

McGregor warned that the pending federal repealer says that the right to vote shall not be abridged by a "poll tax or other tax" and that there is a "very serious danger" that the fee will be held to be a tax. The issue, he also said, is "whether you want to put a restraint on any individual's right to vote." By a three-vote margin, the House cut out the 25-cent fee.

During attempts by Reps. John Alaniz, San Antonio, and Eckhardt to change the poll tax (or registration) payment deadline from Jan. 31 to a month or several months later—on the argument that as issues develop, more people will get interested and will qualify to vote—Rep. Jack Woods, Waco, offered a statement of fundamental opposition to the open franchise.

He is highly critical, Woods said, of those who "say that democracy is the equal distribution of equal political rights. . . . The theory is good, but we all recognize that in practice, it is not. . . . People who take the most interest in government are the ones that are leading the community. There is no need to get voters by the truckload coming to register. The mere argument that you want to get more voters to the polls has never appealed to me in its bare, raw form," Woods said.

Rep. Carl Parker, Port Arthur, moved that Woods write out his remarks and put them in the House journal, explaining later, "The thing is, if he doesn't want stupid, uneducated people votin' for him, they oughta know it."

McGregor offered, in lieu of annual registration, a "re-registration by voting" amendment, which he described in detail as cheaper, safer against frauds, and more efficient, with only about ten percent of the total electorate having to re-register annually (other than by voting every two years). Although its elections committee had recommended re-registration by voting, the House now rejected it, 83-59. Despite an amendment that required old folks in small towns to register (later dropped in conference committee), the annual registration bill passed the House, 67-64.

Last Thursday the House-Senate conferees' report was submitted. The Senate accepted it. Once again a hard fight materialized on the House side. McGregor said the key issue was "the two-bit poll tax—We're to a critical point of philosophy, whether you believe the right to vote is so precious that people shouldn't have to purchase it."

Rep. Forrest Harding, San Angelo, re-



Rep. McGregor

newed a point made three weeks before, that local property owners would have to pay it if the voters did not. Rep. Gene Fondren, Taylor, upheld the final report, explaining the 25-cent fee "as a matter of compromise . . . to defray the cost of registering."

As the members voted finally on the measure, the chamber was filled with gutteral demands to vote aye or nay and a muttering hum of the kind heard at wrestling matches. The bill was passed with the 25-cent fee, 84-61. Rep. Jake Johnson, San Antonio liberal, quipped, "I believe Br'er Fox just threw us in the briar patch."

**T**HIS LEFT the one issue, poll tax abolition in 1963 or 1964, still to settle. Speaker Byron Tunnell's five conferees were divided, three to two, in favor of a startling proposition: the three's condition for submission of a state constitutional amendment on poll tax abolition was the writing of annual registration into the state constitution in the same constitutional amendment. They would not yield.

But for this development, the conferees would almost certainly have returned a 1964 election date to the legislature. At this point, however, as Kazen says, he had but one choice: forget the conference com-

mittee and accept the House version—that is, the 1963 election date—or give up the idea of a Texas repealer altogether; for had the conferees returned with 1964 abolition and annual registration hooked together, Kazen figured the proposal would certainly have been rejected.

The three conferees who held out for the repealer-annual registration hookup were Reps. Ben Jarvis, Tyler, Bill Parsley, Lubbock, and Hefton. Reps. Bob Hughes, Dallas, and Honore Ligarde, Laredo, were willing to go along with a 1964 date, without the annual system becoming part of the constitution.

In the ensuing Senate debate, Sen. Gallo-way Calhoun, Tyler, spoke against the abolition of the poll tax. Its repeal, he said, "is something that has been foisted on you by people from the outside . . . from the northern states." Kazen at this point accused Calhoun's Tyler colleague, House Speaker Byron Tunnell, of opposing poll tax repeal, too. "He's helped put the block to this bill," Kazen said.

But the Senate accepted the 1963 repeal proposal, 23-7. Thus it is that Texas, one of the last five states with the poll tax, will decide next November whether they shall charge themselves \$1.75 to vote—or 25 cents.

tion, suggesting—even insisting—that state legislators are hardly equipped to give advice on military policy in a nuclear age: "It's completely silly." Furthermore, he said, U.S. military affairs are run by President Kennedy, "and it is important for all good Democrats in this House to support our Democratic president on this."

Two Democrats, Reps. Bob Johnson, Dallas, and Bill Hollowell, Grand Saline, were not to be affected by such a consideration. They persuaded the House to add a declaration that "the sovereign state of Texas will never release her state military forces to any international organization." Hollowell, an officer in the Texas National Guard, exclaimed: "We're going to retain our right to bear arms. I will never fight against the people of Texas, no matter who orders me out."

The resolution was adopted by a vote of 124 to 17. Then it was sent to the Texas delegation in Washington and to the vice president. Cong. John Dowdy, Athens, a Democrat, said he thinks the resolution represents the vast majority of public opinion. Sen. John Tower, who is not a Democrat, placed the resolution in the Congressional Record.

**R**EP. W. T. DUNGAN, McKinney, introduced a bill to require high schools to teach a required full term course in the ways in which capitalism is better than communism. This "capitalism vs. communism" bill was opposed by some educators, although largely in private, on grounds that they do not need to be required to teach this subject for a term, that they already teach aspects of the subject in many other ways, and that it would not be wise for the legislature to tell teachers that it is their job to propagandize.

Dungan said that as chairman of the House textbook committee, he learned that a lot of state textbooks "tend toward so-

## Texas' Foreign Policy

*The Texas legislature gave serious attention to foreign policy this year. While no treaties were signed, the legislators exorcised an undetermined number of communist demons and exercised ninety three sets of vocal chords. A poll of Observer contributing editors confirms that Texas flags are flying a little higher as a result of the labors of the stout Texas patriots of the fifty seventh. (Or was it the fifty eighth?)*

*What follows is a straightforward account of the legislature's deliberations in this area. However, the reporter feels constrained to say that he is not qualified to give foreign policy subjects the expert handling they deserve, being as he has been covering the Texas legislature too long.*

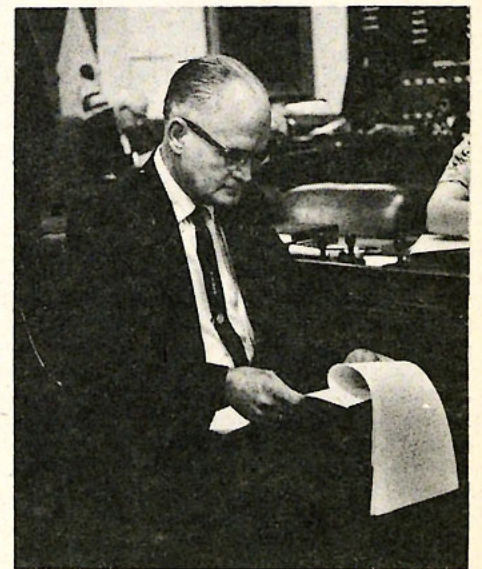
**T**HE FIRST MENACE of which the legislature disposed was disarmament. Rep. George Macatee III, a Republican from Dallas, introduced a condemnation of any "surrender of sovereignty of the United States to the United Nations." The Democrats in the Texas House have been loath to let Republicans among them get credit for anything, so two Democrats, Reps. Bill Clayton, Springlake, and Hudson Moyer, Amarillo, stole Macatee's scene

with a resolution criticizing the U.S. arms control and disarmament agency.

That agency, created by congress in 1961, has, according to the Clayton-Moyer resolution, "supported and promoted the U.S. program for general and complete disarmament in a peaceful world." This, the resolution said, "could result in complete disarmament in the United States in less than ten years." Only in military strength can a free people achieve peace, the resolution continued; "Khrushchev has sworn he will bury us, but he intends to bury our freedom, take our children, and place us in slavery." Therefore, the Texas House would "go on record in opposition to the disarmament policy of the U.S. arms control and disarmament agency."

Clayton told the House the U.S. has a plan to disarm the U.S. gradually over a ten-year period and then place remaining forces under the U.N. Rep. Charles Whitfield, Houston, retorted that the plan provides for reducing U.S. forces from 2.3 million to 2.1 million, and this only if Russia followed the same steps.

Rep. Joe Chapman, Sulphur Springs, stirred the House to applause when he said, "I feel the president needs advice from someone other than from Harvard." Rep. Charles Wilson, Trinity, a graduate of the U.S. naval academy, led the opposi-



*Rep. Dungan, here reading a House committee report stating that his sale of copies of a state textbook committee report for \$2 a copy was contrary to state policy.*

cialism." He cited an opinion survey that indicated, he said, that 60% of high school students "think employees get too little and employers too much of the profits of the company" and another that showed that 61% of our high school students "did not believe in the profit system. 55% voted for government ownership of banks, railroads, and steel." Therefore, he said, the schools should require students to take a course against communism.

The House education committee, however, ditched Dungan's proposal and adopted, in its place, one by Reps. Reed Quilliam, Lubbock, Maurice Doke, Wichita Falls, and Dick Cherry, Waco, to direct the Texas education agency to develop a unit of study making "a factual and comparative study of the two systems." The unit, about six weeks' study, "shall be" fitted into high school curricula, Quilliam's compromise proposed.

Quilliam admitted he was not convinced that any bill in the area should be passed. He did not say so, but obviously he was pushing this one because politicians find it very hard to vote against a required anti-communism course in the schools, but they can vote for a substitute plan.

Surely the moderate-conservative Quilliam's speech to the House was the most dramatic of the session; and it was one of the best received. To quote him in part:

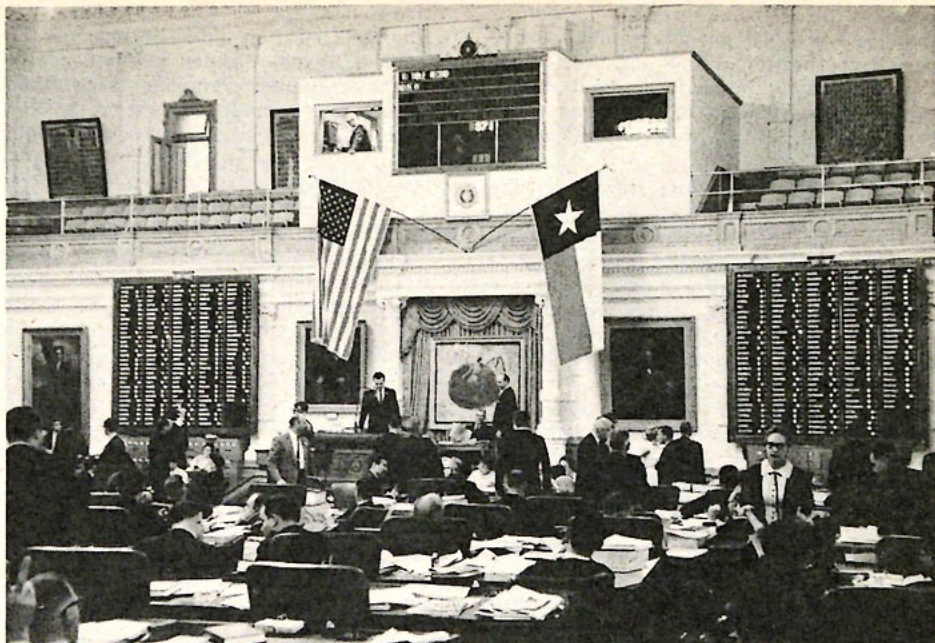
"I am not afraid for my children to examine American history as it has actually been—the good as well as the bad—because it is a history, when taken in complete and factual context, of which I know they will be proud. I am not afraid for my children to examine our economic system, based on capitalism, the market system, competition, private property, and the profit motive, to weigh and evaluate the system, its merits, its achievements, and yes, its problems. . . . I am not afraid because I have confidence in our system. . . .

"In short, I want my children's love of country based on intellectual honesty—on knowledge, comparison, critical judgment—rather than on some indoctrination program in which we are merely painted as the 'good guys,' and other systems as the 'bad guys.' I want my children to have an abiding faith in our country secure in the knowledge that under our system they have been permitted the freedom to pursue the truth. . . .

"Ladies and gentlemen, I am speaking out today against the kind of education censorship and indoctrination that we associate with the book-burnings of Nuremberg in the early thirties, and with that of all totalitarian forms of government."

Really overcome by Quilliam's eloquence, the House followed his lead in the ensuing debate, rejecting Dungan's bill, 103-44; rejecting Rep. Hugh Parmer's attempt to include fascism and nazism in the study unit, 117-26; and enacting Quilliam's substitute by voice vote.

Said Rep. Wilson then, "I certainly will be glad when we get off the international situation, so we can get back to east Texas squirrel laws, which are tantamount to my re-election."



The Texas House of Representatives

**T**HE SCHOOL UNIT BILL died in the Senate; it never was even taken up. (There is always a question, with such legislation, whether it will be shoved through to law or permitted to expire quietly.) The Senate, however, was caught in the sullen drama of its own foreign policy debate over "the U.N. flag bill."

Sen. Frank Owen, El Paso, once was considered a liberal, but as the years have passed he has become a complete conservative. It was his idea, this session, that the legislature should make it a crime, punishable by a \$100 fine or up to two years in jail, to display the United Nations flag on any state property or the property of its subdivisions. This would prohibit the University of Texas, for instance, or any public school, from flying the U.N. flag on U.N. day. School teachers could not display the flag in educational exhibits on their classroom walls.

The first difficulty occurred in Senate committee. Sen. Franklin Spears, San Antonio, said John Birchers supported the bill. Owen, taking this personally, called Spears a pinko. Spears became furious and told Owen that if he said such a thing again he would lay him out flat on the Senate floor. After the hearing they talked it over, but Spears said several times later that he still meant it and that Owens knew he did.

On the Senate floor, Owen said, "I believe we have signs all around us of a real menace engulfing this entire country." He said he wanted "all state institutions cut off from any allegiance to this symbolism of flying the U.N. flag above the flag of the United States or Texas. . . . The state of Texas owes nothing to the United Nations by way of allegiance, heritage, or anything else," he said. "The communist bloc is using the U.N. to drain the U.S. financially. The U.S. is the 'sugar daddy' member of the U.N. . . ."

Spears rejoined that it was not a ques-

tion of whether one likes the U.N., but of free speech, and "the right to display what you will to symbolize an aspiration . . . a hope for world peace. They may be misled, but that is their right." The bill was taken up by two-thirds vote (the decisive vote coming from a senator who admitted he had traded out with Owen in exchange for Owen's vote on a matter having to do with higher education). By voice vote the bill passed on through the Senate to the House.

Then, however, Rep. Howard Green, Fort Worth, decided to stop it—personally, if he had to. He issued a press release charging the bill was "another attempt to appease the lunatic fringe which contaminates our public life and which holds that patriotism is not the quiet dedication of a lifetime but is frequent outbursts of emotionalism." He said the U.N. flag has never been flown in Texas above the U.S. or the Texas flag. Rep. Walter Knapp, Amarillo, the House sponsor of the bill, replied that patriotism was not at issue; that only "flags representing sovereignty" should be displayed on public property in Texas.

The publicity that was given this exchange caused Green to get a flood of mail, much of it vituperative and some of it slanderous. When Knapp moved to pass the bill, Green was ready with a personal privilege speech, the House's second major oration against right-wing legislation.

He said that people who had written him calling former presidents communists were emotionally sick; that the late Senator Tom Connally of Texas, an architect of the U.N., certainly had a more valid place in Texas history than "the emotional madness of the frustrated fanatics of the far right"; and that the bill is "nothing more than an attempt to slap at the United Nations—that is how the entire world will interpret it."

"It is time," said Rep. Green, "we put our foot down—not on the flag of the United Nations—but in the path of the descendants of the Know Nothings and the Ku

Kluxers. . . . As one who was born under the Lone Star and who has fought under the Stars and Stripes I am proud of the flag of the United Nations . . . it represents an effort—to which Texans have contributed mightily—to secure a peaceful world for our children, to solve international problems with justice and with intelligence." It is not perfect, Green said; but "Show me the work of man which is perfect."

Knowing exactly what he was doing, Green invoked Lyndon Johnson's name, too. Johnson had just recently had delegates to the United Nations as guests at his ranch; Green asked, the next time Johnson wanted to bring such folks to Texas, "Are we to be forced to tell these people that a large volume of mail containing slanderous diatribes against American leaders forced the Texas legislature to its knees?"

A member of the team, Rep. Ben Atwell, Dallas, proposed to delay the bill until May 16, eight days before final adjournment; this was done. The matter dragged along until the first day of last week: then Knapp tried to get the bill up, and Green delivered a three-minute clincher. This time he stressed the Johnson angle heavily. Owen's bill, he said, "was a deliberate effort to ridicule the vice president—to embarrass him before the people of Texas." A majority of the House, including all nine of the Republicans, voted to take the bill up—the court was 69-67—but two-thirds were required this late in the session, and thus was the legislature prevented from setting itself against the U.N. flag.

**T**HE VERY NEXT DAY, however, with four days to go, Rep. Herbert Shutt, Houston, brought to the floor from somewhere in the legislative woodwork a bill to require that merchants who sell goods from communist countries display an eight-by-ten-inch sign above them stating, "These goods were manufactured in a communist country."

"The purpose of this bill is to help everybody," Shutt said. "It doesn't hurt the merchant because you're not telling 'em not to sell the goods. It helps the consumer by giving him information. We're helping America by getting people to Buy America."

"Alexander Hamilton the Second," quipped Rep. Jake Johnson, San Antonio, from the foot of the press table. Nevertheless, fear of the political consequences of opposing such legislation was one of the factors as the House voted to take it up, 108-30.

Rep. Wilson offered an amendment to make the bill apply also to goods from fascist countries. Shutt argued against excluding such goods, saying "this is a very vague and indefinite amendment. It doesn't serve any purpose." Of course it does, Wilson replied, it makes the bill apply to both kinds of dictatorships that would "take away the freedom of people and make soap out of people and things like that."

"You say this is against countries that make soap out of people?" Rep. Neil Caldwell, Alvin, asked Wilson.

"Yeah, and try to import it into this country," Wilson answered.

Gradually, the House was approaching hilarity. As the record vote was taken on Wilson's amendment, (it failed, 77-58,) Rep. Rudy Esquivel, San Antonio, said, "All these fascists voting . . . : 'There being 77 jawohls and 58 neins . . .'" Another dilatory amendment was defeated. Then Rep. James Cotten, Weatherford, came to the microphone.

His amendment, he said, would make the bill also apply to goods from countries that are delinquent in their dues payments to the United Nations. "This is a money saving amendment, members," Cotten said; it would limit U.S. trade "to dues paying nations of the U.N. . . . I guess we could issue 'em a card . . . card-carrying members of the U.N."

Rep. Whitfield, getting into the spirit of the thing, observed that this would make the bill apply to France and Britain, as well as Russia. "In other words, if the U.N. can't collect those dues, the Texas legislature can?" Whitfield asked. "That's right," said Cotten.

Shutt started to raise a point of order that the amendment was not germane; but

then something odd happened. Around the chamber some members cried out, "No, no," as though for Shutt to raise such an objection would simply be poor sportsmanship; a murmurous agreement filled the chamber, a strong pull, a will almost embodied in a moan. Shutt did not make his point of order.

Cotten took the microphone one more time, saying only, "Members, I believe you're well aware of what this amendment does." And of course they were. Liberals were numbered among the majority as the Cotten amendment prevailed, 86-55.

Caldwell had on the speaker's desk yet another amendment to make the bill apply to all countries that do not observe Christmas as a legal holiday. This could have turned the measure into a part of the Christian anti-communist crusade. But it was too late for this. Shutt, realizing then that he had muffed his one big chance this session, moved to kill his own bill, and without a single objection, the deed was done.

"I can't tell," said Rep. Johnson, "whether the communists or the fascists have control of this House."

## EDUCATION BEYOND *the high school*

Gov. Connally's master plan for higher education in Texas has got off to a curious start. The legislature has created two new four-year public colleges, giving us 22 of them, the highest number in any state in the union—and but for a blockade in the Senate, would have created a 23rd one. The governor's 25-member committee on education beyond the high school is weighted with business people, who have a clear three-to-two majority over the other members. No sooner had the committee been announced than the chairman of it declared that he favors higher college tuition, opposes the \$4 million-a-year extension program at Texas A. & M. as

wasteful, and thinks brilliant professors can handle classes of 40 students better than incompetents can handle classes of 20.

The two new colleges, San Angelo and Pan American in Edinburg, were created as a result of the governor's endorsement of them in his campaign last summer—an endorsement for which his enthusiasm waned, but on which he did not renege—and the emergence of furious trading of votes among the members, within the two houses and back and forth across the aisle, not only as to the college bills themselves, but on other legislation. At one point Rep. Maud Isaacks, El Paso, complained publicly that Sen. Dorsey Hardeman, San Angelo, had told her that if she didn't go with him on his college, he wouldn't go with her on a local bill affecting black bass. Rubbed raw by her angry revelations and her lively insistence that she would vote her convictions, he backed down, but trade-outs were the custom of the session in part because of the college bills. A third college, for Odessa, passed the House but died in the Senate.

The legislature also changed Texas A. & M. College to Texas A. & M. University and extended state support to the graduate school of the University of Houston. The House criticized the admission of co-eds to A. & M., but the Senate declined to do so. The House killed Miss Isaacks' and Rep. Bob Eckhardt's bills that proposed to provide college teachers with protections against infringements of their academic



Sen. Walter Richter, Gonzales, who sponsored legislation creating the governor's committee on education beyond the high school.

freedom of the kind in the Koeninger case that resulted in the censuring of Sam Houston State Teachers' College by the American assn. of university professors in convention this spring in San Francisco. In these matters the governor kept to one side; but his influence was felt on behalf of the two new state colleges. Rep. John Allen, chairman of the House state affairs committee—upset that the legislature will have to raise taxes in 1965 to finance the new state colleges when they become state-supported that year—complained that Connally, the lieutenant governor, and the speaker put pressure on him to report them favorably from his committee.

The governor charged his 25-member committee to study every aspect of higher education in Texas. A preliminary report is anticipated in about a year—sometime around the spring or summer of 1964.

The committee is composed of 15 businessmen (including three lawyer-businessmen), six educators, one labor union official, one judge, one teachers' association executive, and one hospital administrator. Twenty-three of the 25 are college graduates. Some of the businessmen have served in various capacities on educational institutions' boards, but they are not professional educators.

The businessmen members are H. B. Zachry, San Antonio, the contractor, chairman of the committee; George R. Brown, Houston, president, Brown & Root, Inc., and chairman of the board, Texas Eastern Transmission Co.; E. H. Danner, San Angelo, president, General Telephone Co. of the Southwest and president of the West Texas chamber of commerce;

Morgan J. Davis, Houston, chairman of the board and chief executive officer, Humble Oil and Refining Co.; Mrs. Ray L. Dudley, Houston, publisher and board chairman, Gulf Printing Co.; J. H. Dunn, Amarillo, board chairman, Shamrock Oil and Gas Corp.; Jenkins Garrett, Fort Worth attorney, general counsel for Leonard interests and a co-owner of three newspapers;

John E. Gray, president and director, First Security National Bank, Beaumont; H. H. Imray, Longview, vice president and assistant manager, Texas Eastman Co.; John Erik Jonsson, Dallas, chairman of the board, Texas Instruments, Inc.; J. M. Odom, Austin, general contractor;

Tom Sealy, attorney, director of various corporations; M. Harvey Weil, Corpus Christi, attorney, vice president and director of White Point Development Co.; Dr. Dossie M. Wiggins, chairman, executive committee, Citizens National Bank of Lubbock; and Gifford K. Johnson, Dallas, president, Ling-Temco-Vought, Inc.

The educator members are Ben W. Jones, president, Navarro College, Corsicana; Dr. A. B. Martin, president, Amarillo Junior College; Abner V. McCall, president, Baylor University; Harry Ransom, chancellor, the University of Texas; Earl Rudder, president, Texas A.&M. University; and Willis Tate, president, Southern Methodist University.

The other four members are Martin Burns, Houston, director, United Steelworkers of America, district 37; Reynaldo Garza, Brownsville, U.S. district judge, southern district of Texas; Vernon McDaniel, Austin, executive secretary-treasurer, Teachers state assn. of teachers, the Negro teachers' organization; and Sister Mary Vincent O'Donnell, San Antonio, administrator, Santa Rosa Medical Center.

Connally, announcing the committee, said its study will include "such important areas as how many schools we should have—where they should be—what they should teach—in general, what the aims and functions of the total educational system are."

In a statement that was timed for release with Connally's announcement, Zachry said:

"If we make money the sole solution—and make our goal simply to plan how to get more—we will end up subsidizing mediocrity. One of the problems obviously will be to determine how better to utilize the huge sums which are now being poured into higher education in Texas. Our overall aim, of course, will involve generally rising the standards of education for our state, which unfortunately ranks rather low in many areas of college and university education."

Calling for higher college tuitions—an issue so controversial neither the governor nor the legislature pressed for it this session—Zachry said it is only proper that a youth seeking to invest in his future

should be required to put his own assets in the task.

"Any young man in the land today who can show a year or two of academic grades can go to the bank and get a loan on his future at low interest rates with or without government guarantees. The banks recognize the serious student as a good investment on a long-term loan," he said.

(It is of interest in this connection that Arlington State College officials have only recently discontinued participation in the low-interest federal college loan program for their students and have instituted a program requiring students needing loans to get them from private banks at six percent.)

Zachry deplored spending \$4 million a year on A. & M.'s extension branches "to bring agriculture to every creek and dry gulch in the hinterlands. When we consider that fewer than 8% of our people are engaged in agriculture, this means that we are continuing an antiquated system . . ."

On the question of classroom loads, a sensitive subject with professors, Zachry said:

"I feel we can get away from the old concept of blindly holding one teacher to 20 students in the classroom or lecture hall. A brilliant, inspired teacher can handle 40 better than the incompetent can teach 20. Then again, we have not probed deeply enough into the adaptation of television in the spread of learning," he added.

## CONFLICT! over CONFLICTS

The "conflict of interest" bill passed by the House this session died in the Senate amid fluttering tags and flying rule books. Just how this happened is of some interest; although just why it happened would be

of more interest, it would be difficult to say just why.

The measure was introduced by Reps. Bob Eckhardt, Houston, Jim Nugent, Kerrville, and Travis Peeler, Corpus Christi. It passed the House, with amendments, by more than two-to-one, despite objections by Rep. Maurice Doke, Wichita Falls, that most of the members lose money by serving in the legislature and that it was unfair to say it was wrong for them to earn money on the side.

The 1957 code of ethics law is a toothless creature of little consequence. The resignation of Bill Murray from the Texas railroad commission because of his oil investments and the appearance of House appropriations chairman W. S. Heatly as counsel during the session in a case pending before a state agency turned some members' minds toward the subject, however, and the House devised legislation giving some of the pleasantries in the 1957 code some snap.

Under the House bill, state officials could not have invested in a business over which their agencies exercised substantial control if the investment exceeded \$25,000. However, there was an exception for a case in which an official might own less than ten



Rep. Eckhardt



Sen. Kennard

percent of the stock of a firm and not control it.

Employment of state officials or legislators which might "impair independence of judgment in performance of public duties" would have been prohibited. Legislators could not have represented clients before state agencies when they were in a position to influence legislation pertaining to those agencies. Lawmakers could not have introduced legislation benefiting clients from whom they received income. Litigants before state agencies would have had to conduct their business formally, in writing or during hearings, and could not have buttonholed state officials in private conferences unknown to adversary litigants. Any legislator who received fees from any organization that got its income from dues, such as a union, would have had to disclose the fact.

With time running out last week, Sen. Don Kennard effected a quick switch of the legislation from one committee to another and had it "floor reported" to the Senate for action. However, Sen. Bill Moore, Bryan, had "tagged" the bill. A tag is a written notice that a senator wants a public hearing, with 48 hours' notice. Since this was happening Thursday and the legislature was to adjourn Friday night, the tag was enough to kill the bill.

However, Moore's amendment to permit state employees to do, as he said, "a little moonlighting" was accepted by Kennard, and Moore said he withdrew his tag. When, pursuant to this, Kennard moved to take up the bill, Lt. Gov. Preston Smith ruled that, despite Moore's statement, the tag was still *physically* attached to the measure and therefore was still in effect. On a motion to send the bill back to committee, (that is, to kill it,) Kennard called out for a record vote loudly, but Smith gavelled the voice vote through, and the bill was sunk.

Kennard kicked the wastebasket beside his desk and threw his rule book into it. Apparently then thinking better of this disposition of the volume, he drew it from the

trash bucket and calling out, "Here, you take it," tossed it toward Sen. George Parkhouse, Dallas, who, quite startled, was hit by it as gracefully as he could manage.

Kennard said later he was so burned up at Smith for not accepting his motion to take the bill up after Moore had removed his tag, he just thought he'd give Parkhouse the book, since Parkhouse, too, Kennard said, has had some difficulties with Smith's rulings. Parkhouse bellowed at Kennard good naturedly, "For the first time today I had my big mouth shut and you hit me there with the rule book."

## our countrified Legislature

Reshaping Texas congressional districts to give each voter more nearly an equal political weight in the congress was a lost cause from the start this session.

At present the Texas districts range in size from populations of 213,374 in Sam Rayburn's old district to 939,845 in the largest single district in the United States, Dallas county, represented by Republican Bruce Alger. Seven of the 22 Texas districts contain populations that total in the 200,000's; four, in the 300,000's; yet Harris county's two districts each have more than 600,000 people in them, and four other Texas districts fall in the 500,000's. Obviously the districts are disproportion-

ate. Rep. Paul Haring, Goliad, introduced a bill to give the urban centers new congressmen, but it never had a chance in this rural-dominated legislature. The House approved Rep Rayford Price's bill to abolish the old Rayburn district, forcing Cong. Ray Roberts, McKinney, to run against Cong. Wright Patman, Texarkana; to create a new "brush country" district in south Texas with Laredo its main city, and to give Dallas a second congressman, but to keep most of the small rural districts generally intact by holding the major cities, except Dallas, to their present representation—Harris county two congressmen and one each for Bexar, Tarrant, and the El Paso district.

Even the modest changes in Price's bill were too much for the Senate, where Sen. Ralph Hall, Rockwall, fought down the abolition of the old Rayburn district. Under Hall's bill, Dallas would have got the congressman now elected at large, and there would have been trivial shiftings of nine counties, leaving not seven, but eight districts in the 200,000's population range and giving no urban center real relief except Dallas.

As a freshman, Hall was able to persuade many of his colleagues that he had to have the bill for political reasons. He also "traded" hard for the measure. Senators Abraham Kazen, Laredo, and Bill Moore, Bryan, assisted by others, filibustered

Since Sen. Moore's tag did not continue in force in the new committee situation, Sen. Dorsey Hardeman, San Angelo, obligingly re-tagged the bill, which accordingly passed away Friday midnight when the legislature adjourned.

"There's no question in my mind," Kennard says, "that the blame lies in the general protective attitude of the Senate toward their colleagues. No one wanted to go on record on this bill. We needed a two thirds vote, but there was fear that we would have it, because a bill like this is hard to vote against."

tered the bill the last week, trying to force it into the sticky rules situations of the closing hours. Kazen compared his own district's 511,000 population to Hall's 236,000, to Corpus's 543,000, to El Paso's 567,000, and so on. He said he preferred to leave re-districting to the courts, if this was the best the Senate could do. "The great wall of China never protected anything like this bill protects some districts," he exclaimed. Sen. Franklin Spears, San Antonio, sought to amend the bill to give three more urban centers new congressmen, but of course this had no chance. The Senate passed Hall's measure.

Gov. Connally had expressed his indifference to the issue in press conferences. Now, however, it began to be heard that he might prefer that Hall's bill not pass. There were speculations in the capitol's echoing halls, including one that he and the vice president want the re-districting possibility hanging over the heads of congressmen in the 1964 elections.

On the last day, by knowingly throwing Hall's bill back to the Senate filibusterers just hours before adjournment, the House deliberately killed it. Rep. Price, from Frankston, said Hall's bill would simply elect another Dallas congressman, "and we all know what kind he'll be." Rep. Don Hefton, Sherman, (in Roberts' district,) offered a lukewarm defense of the measure—"In my opinion this bill does have some merit to it," he said; "It's too late for a thorough job of re-districting. . . . We need some kind of a bill, even if it's a weak bill"—but got a harsh come-uppance from Rep. Howard Green, Fort Worth, who called it a farce and said, "We still have pine trees and fence posts represented as well as people, and that is not going to be permitted, as we all know." Rep. Jim Cotten, Weatherford, came right out and said, "All this will do is elect another Texas Republican to Congress." Rep. Bob Johnson, Dallas Democrat, thought this was a partisan remark, but Cotten replied he wanted a fair reapportionment before Dallas got another Republican congressman.

"Mr. Cotten," Johnson said, "I wish you were bigger and I were smaller." With that, the bulky Johnson turned from the mike, leaving the short and rotund Cotten to carry the vote—assisted by a chant from Rep. John Alaniz, San Antonio, "Vote Democratic, vote aye"—to bounce the issue back to the Senate.

The issue consumed the last rasping gasps of the session Friday night. Hall pressed for a conference committee in the Senate, igniting Kazen, who said he would talk until midnight adjournment. Thereupon Hall bounded across the capitol to the House for another try. However, opponents there prolonged debate on another matter with tedious points of order. They stalled around, too, demanding action on a resolution to authorize the placing of a statue on the capitol grounds. The speaker looked high and low for the resolution, but could not find it. (In fact, it had been torn up and flushed away by Rep. Ben Atwell, Dallas, to enforce an agreement of honor that, in exchange for a favorable committee report, it would not be pressed to final passage.)

Finally, at ten of midnight, the Republicans from Dallas could stand all this no longer. Horace Houston rose to say he was aggrieved and disgusted. They had the votes to pass the redistricting bill now, he said, and had had for several hours, but all the while the members had joked, presented awards, stood at ease, drunk tea, eaten cookies, and taken photographs. "I am not pleased with this," said Representative Houston. Three more speeches and passage of a local bill ran the clock to the hour of twelve, and the legislature had failed even to make a gesture toward reapportionment.

In such circumstances as these, under-represented voters may go to the federal courts with good hope for relief under a recent Supreme Court ruling. Five Republicans in Houston and six citizens in Dallas have done just this.

In the Houston suit, the litigants contend that they, as voters in Houston, have just half as much weight as do voters in rural Texas districts. Bill Kilgarlin, the county Democratic chairman, has announced an intent to press similar litigation. Joined as defendants in the Republicans' suit were Gov. Connally, Atty. Gen. Waggoner Carr, and Secretary of State Crawford Martin. These three gentlemen have filed an answer asking the judge to dismiss the petition. Another of the defendants, Peter O'Donnell, the state Republican chairman, has advised the court that he agrees with the suit.

In the Dallas action the petitioners contend that, since Dallas, with 951,527 people, has only one congressman, and the fourth congressional district, Roberts', with 213,374 people, also has one, the Dallas voter's vote "is worth less than one-fourth of the vote" of a voter in, say, Bonham (as well as less than one-third of a vote in five other districts and less than half a vote in seven more districts).

Apparently the countrified Texas legislature is petrified by the thought of proportional representation and prefers that the courts enforce the painful changes.

## "A LONG WAY FROM nothing..."

The legislature's loan shark regulation bill authorizes charges on loans that range from 80 to 400%, according to the committee to prevent unreasonable interest rates and Robert A. Hassell, professor of mathematics at Southern Methodist University. Sonny Sowell, lobbyist for the Texas Junior Bar, told the Observer that the bill "is a long way from nothing" but that the rates for loans under \$100 are "too high," especially in that they do not decline steeply enough as the size of a loan advances from \$10 toward \$100.

Hassell's figures show rates of 400% on loans \$1 to \$19, 240 to 360% on \$20-\$35, 135 to 200% on \$35-\$70, and 80 to 130% on \$70-\$100. The Dallas committee (discussed in the Observer issue on the loan sharks) says the 400% rate is "unprecedented in the history of American small loan legislation" and calls the bill, adopted by the legislature, "a pro-loan shark bill."

According to the committee, the conference committee on the bill struck out the truth-in-lending requirement passed by

both houses, reduced damages a borrower could recover from a lender for harassment, and permitted "credit insurance profiteering." The committee recalled that in 1962 the legislature set a top loan cap of \$800 and a top rate of 36%, compared to this bill's cap of \$1500 loans and a top rate of 400%.

Sen. Bruce Reagan, Corpus Christi, whose name the compromise bore, asked the Senate at 11:43 a.m. May 13 to accept the conference version. A few minutes later, after Reagan yielded temporarily to Sen. Grady Hazlewood of Amarillo to let him introduce his aunts, Reagan won a voice vote approval.

Sen. Frank Owen, El Paso, took the floor following Reagan's brief introductory remarks. "This so-called anti-loan shark bill is actually an aid to 'he loan shark,'" Owen called across the Senate to Reagan, who sits opposite him the width of the chamber away. "It legalizes his unconscionable rates. It will cloak him with dignity. The monopolistic tentacles of this great octopus are in Texas now," Owen said.

"The real issue is whether we are going to let the chain store loan sharks come in and grow."

Nearly half the Senators trooped to the podium to be recorded against the bill. They were Sens. A. M. Aikin of Paris, Jim Bates of Edinburg, Neville Colson of Navasota, Tom Creighton of Mineral Wells, Martin Dies Jr. of Lufkin, Dorsey Harde-

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man of San Angelo, Don Kennard of Fort Worth, Culp Krueger of El Campo, George Moffett of Chillicothe, Owen, Bill Patman of Ganado, Andy Rogers of Childress, and J. P. Word of Meridian.

In the House, which approved the conference bill 116-28, Rep. Joe Cannon, Mexia, said the bill "is horrible—it constitutes an open invitation to every loan shark in the United States to come to Texas." He said the bill gives loan sharks "a license to steal."

Rep. Don Garrison, Houston, who carried the bill in the House, called the overwhelming House approval "the finest birthday present I could have." (Garrison celebrated his 38th birthday the same week as the vote). Rep. Bill Hollowell, Grand Saline, called the bill "a complete perversion of the intent of the voters," who approved a 1960 constitutional amendment to let

the legislature regulate rates. Rep. Ben Atwell, Dallas, called the bill "as strong as it could be."

Ned Fritz, Dallas, attorney and co-chairman of the Dallas committee, says he wrote the governor citing the high rates under \$100 and giving the committee's other criticisms a week before the conference report was adopted and tried, without success, to visit the governor about the bill. The Observer asked Frank Miskell, the governor's expert on this legislation, for a table of the percentage rates on the \$100 and under section, but he did not have one. Miskell noted that no insurance is allowed on loans of \$100 or less. Connally has said the legislature showed statesmanship enacting the bill and has signed it into law. He said, "Although this is not a perfect bill, it will go a long way toward correcting weaknesses in the existing law."

challenge a juror for cause, giving as the cause the juror's conscientious scruples against the death penalty. Background material can be brought into play in a man's sentencing by judge or jury. Doubt that a confession is voluntary becomes subject to a jury's evaluation of it under the reasonable doubt rule. Persons convicted of murder or rape, who have not been eligible for adult probation and parole heretofore, become so.

The legislature authorized game wardens to make arrests (20-9 in the Senate, 87-54 in the House). East Texans warned that coon hunters don't pay any attention to property lines and may not submit to such arrests.

Rep. John Allen, Longview, orated: "We have a lot of rich folks from the country who buy land, and it's just not fair. We have a lot of people who hunt all the time on the rivers, where there are no fences."

Another law that was passed this session made it a felony to steal anything from an oil rig, such as a tool, even though its value may not reach \$50, the standard minimum for a felony.

The 1963 legislature also finally passed bills:

To fine any public opinion pollster who fails to divulge the basis of his poll to a public authority or "knowingly publishes" erroneous information as much as \$10,000. ("The Belden bill," this measure was reputedly aimed at Joe Belden's polls that showed James Turman running ahead of Preston Smith for lieutenant governor last year.)

To tighten requirements to get real estate licenses (including 30 literal hours' instruction as one condition under some circumstances, not 30 semester hours as reported here before).

May 30, 1963

13

**MARTIN ELFANT**

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## various OTHER things

Only one bill that labor fought became law; it prohibits unemployment compensation for students who quit work to attend school. The legislature's bill cutting off jobless payments unless one avers he is "actively seeking suitable work" was vetoed by the governor on technical grounds—the governor thus delivering on his promise to labor to act as brakeman on such legislation and infuriating Jim Yancy, lobbyist for the Texas manufacturers' assn.

In the closing hours, Yancy tried to win passage of a bill to deny jobless benefits to persons who are also receiving social security benefits. The Senate had added Longview Sen. Jack Strong's amendment to this bill, virtually canceling out its original intent, but Sen. Culp Krueger, El Campo, chief Texas foe of unemployment compensation benefits, presented a conference report on the bill that not only restored the original purpose, but also embodied another of his bills, which would have made it possible to disqualify workers for benefits on employers' contentions they had been fired for misconduct. Strong believed he had been dealt with deceptively and was prepared to filibuster this report to death Friday. On the House side, attempts to pass the old-age prohibition on jobless benefits ran into a House that had just been released from pressures about the appropriations bill. Rep. Joe Cannon, Mexia, condemned the bill as fiddling with old folks' pensions, and it was defeated by a close majority vote.

Labor-sponsored legislation to outlaw professional strikebreakers from out of state was given a hard run the last week in the House and, with a reported assist from the governor, passed 87-58, but was killed on the Senate side by the "tag" of Sen. George Parkhouse, Dallas.

Unnoticed, the legislature passed a bill

authorizing counties which do not have vocational high schools to levy, by plebiscite, taxes to establish public vocational training schools. Rep. Buddy Adams, Lubbock, the House sponsor, said that sophisticated businessmen favor this approach now and that in effect the idea is to "teach people how to work." He said most of the unemployed these days don't find work because they're not worth hiring.

The 380-page revision of the code of criminal procedure contains hundreds of changes, a few of which are quite important. The new law provides that a confession is not admissible evidence unless a defendant has been taken before a magistrate *before* he signs the confession. (This provision caused Rep. Ike Harris, Republican from Dallas, to fight the code's final adoption. He said it had been Sen. Dorsey Hardeman, San Angelo, chief sponsor of the revision, who would not give ground on the provision.)

According to a summary provided by the House sponsor, Rep. Bob Hughes, Dallas, other major changes in the code include:

The accused in a felony case has a right to an examining trial. Jurors may not

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To raise the compulsory school attendance standard from 120 to 165 days a year (a major piece of legislation, passed the last week in a flurry).

To double the protective limits of the coerced-but-not-required automobile liability program, raising premiums from \$4.50 to \$6 per policy and the total cost of such policies to Texas policyholders by \$14 million a year.

To make it a crime punishable by up to ten years' imprisonment to use credit cards to defraud merchants.

To allow gas producers to produce up to four times their allowables in times of peak demand.

To require a doctor's prescription for the sale of paregoric, which is now classified as a narcotic. (Rep. Bob Eckhardt's bill to provide for hospitalization of narcotics addicts, rather than criminal penalties against them, was never heard, despite his repeated requests of Rep. Hughes, chairman of criminal jurisprudence, for a hearing.)

To create seven new district courts and two new courts of civil appeals.

To prohibit discrimination in state employment because of age.

Major legislation passed earlier in the session included enabling legislation for the Padre Island national park, new speed limits of 70 miles an hour on certain highways (to go into effect Aug. 23), the merger of the game and fish commission with the state parks board, and authority for the state to buy space in local and federal water reservoirs.

The legislature made far-reaching changes affecting banks. The governor was

given the right to appoint a member of the state depository board, which decides how much of the state's money shall be deposited in which banks in what kind of accounts, and to appoint a member of the state banking board, which decides who gets new state bank charters. Since the governor appoints the finance commission which appoints second members of each of these three-person boards, Republican George Macatee of Dallas argues that the governor has got control of these two crucial agencies, as well as the state canvassing board, by virtue of S.B. 318, which was adopted the last week of the session. Rep. Allen warned that Judge James Elkins of Houston, who he said is the most powerful man in the state, was interested in Connally getting the new authority over banks and the state's deposits.

"This gives a man the authority to say where \$152,000,000 is deposited," Macatee said. "This is the beginning of a dynasty. To me it's one of the real dark moments of the session."

Along with poll tax abolition (see "25c a vote"), voters next Nov. 9 will consider providing \$150 million more bonds for the veterans' land program and raising the ceiling on state spending for welfare from \$52 million to \$60 million.

In November, 1964, Texas voters will pass on constitutional amendments (1) prohibiting the use of permanent school fund money for current school operations and (2) providing state-paid hospital benefits for persons on old age assistance, the Kerr-Mills program. It appeared from the House debate on this latter, Texas medical association-backed measure that one motive in its submission is deterrence of President Kennedy's medicare program pending in the congress. The Senate sponsor, Bill Moore, Bryan, called it "Texas' answer to medicare."

A proposed amendment for \$200 million in bonds for local loans to new industries was killed in the House.

Though often it seemed on the verge of House passage, Rep. Bob Eckhardt's industrial safety bill died after he lost a motion to order favorable action, 70-70. When, in the last week, Rep. Dave Finney, Fort Worth, sought House action on the creation of an industrial safety "coordinator," with power only to make suggestions for safety to industry, just enough members voted no to keep him from getting it up—and they included Eckhardt, who with Reps. Chet Brooks, Houston, and Don Brown, Galveston, declared he had so voted because the Finney bill was "a sham, designed to thwart passage of a good, strong, and enforceable" law. Finney said Connally favored his bill; Connally never told Eckhardt whether he favored his or not.

The Senate-adopted "equal rights for women" amendment died in the House as expected. This was a case of much lip-service and little performance. Many of the members believed privately that the constitutional amendment would do the women little or no good and perhaps some harm, and that the way to repair unfairness to women in the statutes is to repair

the statutes. This the legislature did in one respect this session, giving married women the right to handle their own separate property without co-signatures from their husbands. (They did not agree to the repeal of the law requiring husband and wife to be questioned separately on the conveyance of a homestead.) It was politically dangerous to be known to oppose the "equal rights" amendment, but Rep. Jim Cotten, Weatherford, single-handedly kept it bottled up in his committee by using tactics even he might admit were dictatorial. An attempt to place it in a friendly committee lost, 78-57 (two-thirds required). Monday and Tuesday of the last week, Rep. Brown asked Speaker Tunnell to recognize him for a motion to take up the matter, but Tunnell would not; when, on Wednesday, Brown tried again, Tunnell said his motion was not in order. Brown blamed Tunnell for the defeat of the proposal; Tunnell was defended as a fair presiding officer by Cotten and others. Meanwhile, the women did not get their amendment.

All civil rights legislation died in committees. On Thursday, May 16, the House labor committee reported favorably San Antonio Rep. John Alaniz' re-written bill to establish a fair employment practices desk in the attorney general's department, but of course this was too late for enactment; Alaniz asked the speaker to let him have a run, and the speaker did not. Rep. Don Gladden, Fort Worth, got 50 signers, but no action, on his measure to repeal a school segregation law. Rep. Brown proposed to repeal Texas laws prohibiting interracial marriage and interracial adoptions, which he said are "an insult to human dignity and embarrassing to the state," and the only result he got was some insulting letters.

On the other hand, no segregation legislation was introduced. The gingerly new approach of the legislators to this subject was illustrated when Rep. Rayford Price, Frankston, said, in a germane debating context, "Not meaning to get into the race issue, and not meaning to insinuate anything derogatory, but a lot of our colored people don't know how old they are." Another east Texan, Bill Hollowell, Grand Saline, went to the "stompin' pole" at the back of the press table once indignantly to deny that Negroes are deprived of the right to vote in east Texas. The Senate confirmation, 25-4, of Gov. Connally's Negro nominee to the state board of corrections certainly rivals—the

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governor says it exceeds—Crystal City in import for the future of race relations in Texas.

Despite vigorous lobbying by Dr. John Silber, philosophy professor, and the Texas society to abolish capital punishment, Rep. Charles Whitfield's bill to effect this did not get a committee report, and his motion to effect abolition in the new code of criminal procedure was defeated, 107-38, in the House. Whitfield figures his side lost 10 or 15 votes because of the awkward parliamentary situation.

The proposal into which major and associated independent oil interests poured considerable expense and lobbying, forced pooling of small oil tracts, was dropped when the sponsors realized they did not have the votes to win. The Senate-passed bill to relieve contractors of liability for faulty workmanship as soon as buyers accepted their work was not brought up in the House and therefore died. "The peanut bill" was dropped because of the questions raised about the lobbying for it. The oyster-shell business' House-passed legislation to improve its access to oyster reefs was torpedoed in the Senate by Sen. Babe Schwartz, Galveston. Schwartz shifted from the game and fish commission to the applicants the burden of proving that taking oyster shell from reefs will not damage the beds.

The rural electric cooperatives failed to get action on their bill, which they contended merely preserved their traditional areas of service, into which urban complexes have advanced.

Also killed: proposals to allow betting on horse races, let Texans buy liquor by the drink, require public boards' meetings to be open to the public, lower the voting age, limit governors to two terms, tighten "family sanctity laws," make laws stiffer against slant hole drillers, abolish the Texas aeronautics commission, let Dallas set up a municipal transit authority (which, opponents said, endangered union security of bus drivers for the present private company), revise the constitution, and give the governor real authority over the state budget.

The legislature re-created the tax study commission and will permit it to use the Texas research league's staff free of charge, requiring only that the commission's agreement with the league be made public through the secretary of state.

Studies were authorized of tuberculosis control, medical care for indigent people, saving taxes, and methods used in professional fund-raising drives. With no one noticing, the House adopted a resolution by Rep. Myra Banfield, Rosenberg, ordering

an investigation of psychological tests in the public schools, Mrs. Banfield regards these tests as invasions of privacy. Rep. Ronald Roberts, Hillsboro, said this was just "another textbook committee, under another name." R.D.



## POLITICAL Intelligence

✓ Rep. Wm. S. Davis, Republican from Midland, is taken with the idea of a Goldwater-Rockefeller preferential in the Texas Republican primary next spring. He reasons that the state G.O.P., solidly committed to Goldwater, might welcome such a straw vote to strengthen Goldwater's chances nationally, as well as to draw conservatives into the Republican primary—and away from the conservative Democrats—in great flocks.

✓ There is a report that the college clubs of the Young Republican Federation of Texas may split off and form their own group. As of the Tyler convention this year, the federation had 5,336 paid members. Just about all of them are for Goldwater; however, there is conten-

tion between George Darby, the new president, and some who criticize him and others for having crucially opposed the bringing of the 1963 Young Republicans' national convention to Dallas. A break-off of the college groups could involve about half the clubs and three-fourths of the federation's membership.

✓ Jack Cox, likely G.O.P. candidate for the U.S. Senate in 1964, is already attending political receptions. . . . Thad Hutcheson, Houston, is the other leading Republican mentioned for the race against Ralph Yarborough. . . . In the legislature, G.O.P. Rep. Dick Morgan, Dallas, is mentioned as a possible candidate for governor. . . . The boldest published comment from any Texas Goldwater fan on Rocke-

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feller's remarriage: national G.O.P. committeeman Albert Fay's remark that "There is no length people won't go to help that wonderful man [Goldwater]. Consider the sacrifice of Mrs. Happy Murphy."

✓ Sen. Yarborough, the Texas farmers' union, and Agriculture Cmsr. John White threw themselves into the recent wheat farmers' referendum on the side of price supports and production controls; Sen. John Tower and the Texas farm bureau federation opposed it. Gov. Connally was not heard from. Some Texas dailies editorialized, upon the defeat of the support program, 52% to 48%, that the farmers had chosen freedom. President Kennedy said there will be more wheat produced for less money. The outcome in Texas may telegraph trouble for Kennedy here: the vote was 27,000 to 22,000 no.

✓ Americans for constitutional action (A.C.A.), a right-wing group labeled a mask of respectability for the John Birch society by some liberal congressmen, has given awards for voting the way A.C.A. favors to six Texans, including Sen. Tower and Cong. Bruce Alger, Republicans, and Democratic Congressmen Omar Burleson, Anson; Bob Casey, Houston; John Dowdy, Athens; and Clark Fisher, San Angelo. Seven of 154 congressmen offered the awards turned them down.

✓ John Birchers in Houston invited the press and non-Birchers to the Sheraton-Lincoln hotel and staunchly denied there is anything secret about the society—except the number of members, chapters, and sections, such as in Houston. Birch objectives—impeach Warren, get the U.S. out of the U.N., ban goods from communist countries—were reviewed for the visitors.

✓ In Corpus, ex-Gov. Allan Shivers, speaking before a business luncheon, aimed shafts at the Kennedy administration: "I'm concerned when the government and the country are more interested in physical fitness than fiscal fitness. I'm disturbed when it becomes more important how long it takes Bobby Kennedy to walk 50 miles than what are Rusk's foreign accomplishments." Noting congressional investigation of opinion polls, Eisenhower and Nixon-backing Shivers said, "It may be that it is afraid a poll will investigate the congress and find out that we can do without it."

✓ Labor figures that of 15 state senators who stand for re-election next

time, six are friendly, and nine are unfriendly. . . . Asked by the Observer if he was considering running for state labor president against Hank Brown, Rep. J. D. Weldon, Port Arthur, said he has been approached and is thinking about it. Weldon's a member of the electrical workers' union. He is not yet considered a serious challenger. Labor's convention comes in August. . . . In June labor leaders hold a post-mortem on the legislature "in preparation for the 1964 elections."

✓ Texas Young Democrats, in convention in Houston, affirmed in 36 resolutions their identification with militant liberalism. They commended the voters of Crystal City, and those who helped them in the recent council take-over there; they commended the racial demonstrators at Birmingham, Ala., and pledged to "support similar and other action in Texas to bring civil rights to all Texans"; they "strongly criticized" Connally for siding with the Texas Rangers against Crystal City Mayor Juan Cornejo; they opposed "corporate domination of the state [Democratic] executive committee and the state government." In addition, the Y.D.'s endorsed liquor by the drink, abolition of state right-to-work laws, abolition of capital punishment, and legalized parimutuel betting, and opposed any extension of the sales tax or increase in college tuition; gave Ralph Yarborough "ringing endorsement" and affirmed "complete loyalty" to John Kennedy and his programs, including medicare, federal aid to education, the Alliance for Progress; and favored abolition of the House un-American activities committee. Andrew Shuval, Austin, was elected president over Roy Engelke, Galveston, 258-70, in a contest in which one issue was whether to maintain contact with Connally; Shuval was represented as being in favor of doing so to some extent. After the convention, Mike Patrick, president of the Tarrant county Y.D.'s, resigned as state committeeman to protest the sit-in resolution, which he said "applauds anarchy."



Sen. Herring

✓ New X-ray reports have induced Cong. Albert Thomas, Houston, to reconsider his decision to retire because of health, a Houston Post report says. . . . El Paso Democratic officials are aggrieved because Cong. Homer Thornberry, Austin, has been chosen to replace retiring U.S. Judge R. E. Thomason of El Paso. . . . Sen. Charles Herring, Austin, is thought to be a heavy favorite to succeed Thornberry if he runs, but Herring says only that he is "considering" it. Thornberry is not expected to resign until the Congress is nearer adjournment. . . . By one insistent report, Herring hoped to replace U.S. Judge Ben Rice, Austin. A Washington report said Rice would not resign promptly unless Herring was named to succeed him. Rice called this story entirely false and said he has no plans to resign.

✓ A question has developed in the state government whether insurance regulation under Gov. Connally is going to be less strict than it has been since the scandals of the fifties. The retirements of Bill Harrison, the insurance commissioner, for personal reasons, and C. H. Langdeau, the insurance liquidator, for reasons of health remove from the government two very strict regulators. They came up together as assistant state auditors under State Auditor C. H. Cavness; they were active and acute in the investigations of the veterans' land and insurance scandals. When W. H. McLean, Fort Worth, was first discussed for the insurance board, he was quoted as contemplating getting rid of Harrison. It is known that leaders of the Texas legal reserve officials' assn. did not feel kindly toward Harrison, either. Harrison would not stay on without the unanimous support of the board; McLean is the chairman and the dominating member of the board now. Don Cornett, the commission's chief examiner, and Kerns Taylor, an attorney for the liquidator, have also resigned. Harrison quit voluntarily, without prior discussion of the subject with the board. Langdeau was compelled to step out by a heart attack, but it is the Observer's information that he was planning to leave with Harrison, anyway.

✓ After his press conference Thursday, Connally was approached by a reporter who asked if he had decided on the new railroad commissioner yet. No, the governor said; when the reporter who asked the question moved off, the governor looked down at the carpet and said to himself, "Damn. Damn." The Houston Chronicle says Hal Woodward, highway commissioner, has turned down the job. Connally is reported to be interested in naming someone politically strong enough to defeat Land Cmsr. Jerry Sadler, if Sadler runs for the commission in 1964. There has been talk of ex-commissioner Bill Murray running in pursuit of vindication. In oil circles it is thought Murray's position in a long-standing controversy about the ratable taking of natural gas may have been one element in hostility toward him, in addition, perhaps, to his positions and actions on the slant-hole scandals and the forced pooling issue.