

# The Texas Observer

## Heatly Day in the House

*Austin*

Following tradition, the House appropriations bill sprang full grown from the well-tilled soil of Rep. Bill Heatly's Appropriations Committee. The autocratic chairman protected his \$5.7 billion dollar offspring from a torrent of criticism by the press and a deluge of amendments by House members. During four hours of debate, Heatly's bill was altered only once, on a motion by Rep. Don Cavness, Austin, giving longevity pay to game wardens.

The bill was ushered out of committee on a Wednesday afternoon. Thursday Heatly succeeded in getting the House to schedule debate on the 405-page measure for 11 a.m. the following Monday. A small number of House members, liberals and Republicans mostly, fought for more time to study the volume, but their efforts were in vain.

It was a bad weekend for briefing the most important and complex bill of the session (right before income tax deadline), but representatives and reporters alike pored over the bill. By Sunday almost every newspaper in the state had printed articles pinpointing special Heatly touches in the bill, unobtrusive but devastating riders.

**T**HE MOST CONTROVERSIAL rider does away with Texas Southern Uni-

versity's law school, the primary source of black lawyers for the state. (The TSU situation is covered in a separate article in this issue.)

A second rider, which sent a tremble through the administration of the state's universities, requires that state college and university professors who are paid wholly from faculty salary funds teach at least 12 classroom hours a week. While 12 hours is the average teaching load at some state institutions, nine hours is considered a full load at the major universities, such as the University of Texas and the University of Houston.

Frank Graydon, UT budget officer, said the rider would affect the majority of teachers at the University of Texas. Only about 20% of the faculty teach 12 or more hours a week. Some, including former presidential aide W. W. Rostow, teach only one course, or three hours a week. Heatly and many other legislators believe that the state should not pay academicians as much as \$35,000 a year for teaching less than a full load of classes.

If preserved in the final bill, the faculty rider would force college administrators to hire more teachers at lower salaries or increase the workload of existing personnel. It also would discourage research and publication. UT-Austin President Norman Hackerman said the rider "could make it

nearly impossible to hold or attract good faculty members."

**A** RIDER IN BOTH the House and Senate bills, which probably bears the imprint of UT regents chairman Frank Erwin, rather than Heatly, forbids any state-supported university from hiring revolutionaries. It reads: "None of the funds appropriated to the agencies and institutions of higher education enumerated in this act shall be expended in payment of salary or other compensation of any faculty member or employee who advocates the overthrow of the government of the United States of America or of any state by force, violence, or any other unlawful means." This probably will be known as the "Caroline Rider" in recognition of the controversial public statements of an assistant philosophy professor at the University of Texas, Larry Caroline (*Obs.*, May 24 and July 12, 1968).

Copying an Erwin-instigated rider in the last appropriations bill, the measures again would limit the out-of-state enrollment at state-supported dental, medical, and law schools to 10%.

Another crucial rider establishes legislative policy that the Parks and Wildlife Commission (which probably will be simply the Parks Commission by the time the bill is passed) shall not charge admis-

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sion fees at any parks not funded by its bond program. A constitutional amendment was passed in 1967 allowing the department to finance \$75 million in bonds to be paid by charging admission to both existing parks and new ones. Fees already are being paid at the gates of many state parks. P&W Director J. R. Singleton insists it would be impossible to finance bonds to build new parks since they would have to start paying off the bonds before the parks are built and thus before they start producing revenue. Rep. Jim Slider of Naples, a member of the appropriations committee, is sponsoring a bill that would place the same restriction on park admission fees.

Apparently Heatly does not look with favor on one of the administrators of the Parks and Wildlife Department. He has criticized Deputy Director Robert Mauerman's public statements complaining about lack of funds and the failure to sell a significant portion of the authorized bonds. Mauerman is one of the few major state administrators who is not scheduled for a raise in the House bill.

Heatly also has had his differences with Liquor Control Board Director O. N. Humphreys, Jr. During an appropriations committee hearing, he chewed Humphreys out for buying "bugging" devices. The bugs turned out to be standard office recording machines. Nevertheless, the LCB seems to have suffered from the contretemps. The House bill prohibits the use of state funds for buying or renting devices "for the purpose of overhearing or recording oral



Photo by Robert Rohr

### Rep. Bill Heatly

conversation made in private or conversation made by wire without private approval."

Humphreys is one of the few department heads who was not provided a raise in the House bill. More important, the LCB, which in the past year has been severely criticized for laxity in enforcing liquor regulations, was refused funds to hire more enforcement agents and to put those agents in state cars with radio equipment.

**T**HE BILL ONCE again prohibits the Texas Air Control Board from spending funds to regulate air pollution by cotton gins. (Heatly, as well as some other mem-

bers of the committee, are from cotton country.) Governor Connally vetoed a cotton gin rider last session; so this year the rider has been written differently. It is tied to a \$16,600 sum for "other operating funds" so that if Gov. Preston Smith vetoes the rider, he also vetoes more than half the \$29,000 a year budget (exclusive of salaries) provided for the pollution control agency.

Representative Cavness, a sponsor of anti-pollution legislation, tried to delete the cotton gin rider on the House floor, but his motion was defeated 73 to 70, with Speaker Gus Mutscher voting with the majority. (The speaker is required to vote only in case of ties.) Cavness also tried to reinstate the Air Control Board's director of administrative services whose position is abolished by the House bill. Cavness also failed to add \$25,000 to the board's budget for air control offices in El Paso, Houston, and Fort Worth-Dallas. The \$25,000 would have been matched by \$60,000 in federal funds.

Another rider provides that no funds appropriated to the Department of Health may be spent on water quality control unless it is in cooperation with the Water Development Board. Rep. Rex Braun's attempt to remove the restriction failed 114 to 29.

Heatly's well-known aversion to using helicopters for traffic regulation was manifested in the appropriations bill. (He once accused the Department of Public Safety of using "gestapo techniques" because the agency was experimenting with helicopters for traffic control.) The bill stipulates that the DPS can own only three airplanes and two helicopters, all of which must be based in Austin except when being used for rescue operations.

Rep. Randy Pendleton of Andrews attempted to delete a rider specifically prohibiting the use of helicopters for traffic control, but he lost 87 to 53. At present the DPS owns two helicopters, which were partially financed by federal funds, and it has bought five more which it planned to base in Houston, Dallas, Lubbock, Waco, Midland, Corpus Christi, and Austin.

Pendleton also tried to remove the limitation on DPS airplanes, but he lost 91 to 49. Gov. John Connally vetoed similar riders in 1968 on the grounds that they would limit the usefulness of aircraft in criminal and traffic law enforcement.

Although the House bill would limit the number of DPS airplanes to three, it would allocate \$900,000 (from auto inspection fees) to buy and maintain an airplane for the governor.

GOP Rep. Bill Archer of Houston failed, 102-37, to delete a rider that will aid a state institution in Heatly's district. A short paragraph at the end of the section dealing with public health, hospitals, special schools, and youth institutions stipulates that, with approval of the governor, all money not expended in the whole

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section may be allocated for operation of the Vernon Geriatric Center, one of Heatly's pet projects.

Another Republican, "Sonny" Jones of Houston, attempted to amend the bill to phase out the \$15 million allocated every two years for building farm to market roads. "We're having to put roads where we don't really need roads," Jones said. He received only four votes in favor of his amendment.

**REP. RUFUS KILPATRICK**, Beaumont, moved to delete a \$200,000 appropriation to continue a state study to find hidden shell reefs. Last session \$280,000 was earmarked for the same study.

Rep. Dick Cory, Victoria, opposed the amendment on the grounds that the state needs to know the location of remaining shell. A number of bills have been introduced to stiffen regulation of shell dredging, because many live oyster reefs in Galveston Bay have been destroyed or injured by the dredgers working too close to the live reefs. Cory reasoned that once the state knows how much shell it has left, it will be better able to regulate the sale of it.

"It's time the shell industry spent some of its own money to hunt up this shell," Kilpatrick said. "I think we know the shell people are going to run the House, and there's nothing we can do about that. None of these shell bills are going to pass," the Beaumont legislator argued.

Rep. Carl Parker, Port Arthur, asked how much the state gets for its shell. Kilpatrick said 10 to 15 cents a yard. Then it is sold for \$3.50 to \$5 a yard, he said.

"We're going to have to sell a lot of shell to pay for this study," Parker commented.

The Kilpatrick amendment was defeated 87 to 52.

Debate on the appropriations bill began before lunch, but Speaker Mutscher, using a tactic of a former speaker, Byron Tunnell, refused to recess for sustenance. The ploy is used to discourage hungry legislators from introducing amendments.

The bill was finally passed 125 to 17, but only after many arms had been twisted. Most of the no votes were by liberals and moderates who are outraged over some of the riders in the bill, and by Republicans who think it appropriates too much money. Republicans voting against the bill were Archer, Earthman, Lee, and Jones of Harris. Democrats voting "no" were Allred, Atwood, Bigham, Braun, Graves, Harris, Jones of Lubbock, Jones of Taylor, Nichols, Nugent of Kerr, Parker of Jefferson, Truan, and Vance.

Rep. Jim Earthman, a Houston Republican who voted against the bill, issued a statement saying House members "were told that funds would be eliminated from their districts if they did not accept the bill without amendments. After the Cavness amendment to give benefits to game wardens was passed, Heatly and his hatchet men worked the floor with a vengeance.

## Graves Votes 'No'

*Houstonian Curtis Graves was one of the few representatives who voted against final passage of the House appropriations bill. These are the reasons he gave his colleagues for voting against the bill:*

Mr. Speaker, and fellow members, it is not a pleasant task for me to stand before you today in opposition to a bill which has so much money appropriated for so many good causes. But on the other hand, I feel duty bound to stand before you and ask that you yote with me against this bill because of the kind of government we are rubber-stamping if we vote for this bill.

If you vote for this bill, you are not just voting for the spending of \$5.7 billion dollars, more or less, but you are voting for a principle of government by appropriating bill riders.

For instance, all the professors at our state-supported universities would have to increase their class loads. You are voting to negate the decision of the Texas Coordinating Board for Higher Education. You are voting to limit the air capability of the Department of Public Safety. Those of you who are big on law and order are voting, if you vote

for this, to restrict the usefulness of the aircraft in criminal and traffic law enforcement. And I quote directly from this bill: "It is the intent of the Legislature that helicopters shall not be used for traffic law enforcement."

This is my second session as a member of this House. I cannot sit here one more day without telling the people of this state of the viciousness of this kind of one-man strangle hold on our state.

If you vote for this bill, each of you is voting to give up the power that the people of your individual districts have given to you. You are in fact telling the citizens of Texas that they did not need to elect you or the governor of this state, but rather all they need to do from now on is elect one man and make him the guardian of the cookie jar, the director of the spending bill, and he can pass all the laws we need in the state as riders to that bill.

I am not willing to give up the democratic form of government which the drafters of our constitution gave us, therefore I am voting against this bill and I am asking you to vote with me, and stop this aspersion of our form of government.

Members were afraid to voice objections to the many bad items in the bill. This is a sorry day for the democratic process," the Republican said.

Mutscher called the appropriations debate "healthy and thorough."

There is some question as to whether many of the riders in the House bill are constitutional. Generally a rider is held to be unconstitutional if it attempts to legislate — to do what should be done in a separate bill — rather than simply appropriate state money.

**T**HE SENATE PASSED its \$5.8 billion spending bill weeks ago without debate. The measure was passed unanimously in a mere three minutes. The Senate bill would require some \$63 million in new tax money, and it leaves out several expensive projects included in the House bill (i.e., medical schools in Lubbock and Houston, a dental school in San Antonio, and universities in San Antonio, Dallas, and the Permian Basin area of West Texas). Neither bill contains a \$220 million teacher pay raise, which is almost a political must for this session. The Senate's bill is larger mainly because the Senate wants to spend more money for education. The bill contains an \$80 million increase in funds for higher education.

Mutscher and Heatly have contended that their \$5.7 billion bill can be financed without new taxes.

Lt. Gov. Ben Barnes wants to draft a one-year appropriations bill in hopes of

offsetting an immediate tax hike. No one, neither the governor, the speaker, the chairman of the House tax committee, nor the lieutenant governor, has yet to come up with a passable tax program. As the end of the session grows closer, the idea of postponing the tax question for another year becomes more acceptable to many legislators.

Governor Smith has said he will veto a one-year spending bill, and Speaker Mutscher, at least early in the session, said he opposed such a plan. But Barnes has been discussing the possibility with Mutscher, and the speaker has said he might favor the one-year plan if it would prevent an increase in taxes without killing priority programs.

Governor John Connally first tried the one-year route in 1967. The Legislature met last summer to pass another one-year spending bill and to raise the sales tax to pay for it.

**A**S THE *Observer* went to press, House and Senate conferees were expected to begin deliberation on their two-year appropriations bills. Senate members of the conference committee are A. M. Aikin of Paris, Finance Committee vice-chairman, Charles Herring of Austin, Tom Creighton of Mineral Wells, A. R. Schwartz of Galveston, and J. P. Word of Meridian. Sen. Grady Hazlewood of Amarillo, chairman of the Senate Finance Committee, has taken

little part in writing the Senate bill and was not named to the conference committee.

House conferees are Reps. Heatly, Dick Slack of Pecos, James Slider of Naples, Bill Braecklein of Dallas, and Raul Longoria of Edinburg.

At the lieutenant governor's urging, the Senate conferees will be limited to adjusting the differences between the two bills. They can return to the Senate, however, to ask permission to adjust items outside the limits of the differences between the bills.

House dissidents, led by Representative Pendleton, a close friend of Barnes', made a last gasp attempt to force the House speaker to adopt the Senate's conference rules. Instead, the House rejected the Senate rules 119 to 26 and adopted a compromise proposal introduced by one of Mutscher's closest aides, Rep. Tommy Shannon of Fort Worth. Shannon's rules do not stop House conferees from slipping

new legislation into the appropriations bill, but they do instruct them to:

- Refuse to negotiate with anyone other than Senate conferees and refuse to allow additional testimony to be presented before the conference committee, unless exceptions are made by unanimous consent of the conferees.

- Instruct the staff of the Legislative Budget Board to prepare an analysis of all changes made by the conference committee, showing the original Senate recommendations, the original House recommendations, and the conference committee recommendations.

- Open all conference committee meetings to the press.

- And furnish legislators with copies of all conference reports on appropriations bills at least 48 hours before action is taken on them.

K.N.

## TSU Screwed

*Austin*

A game of political chess is being played with the future of Texas' only black law school. In an era when other states and leading educational institutions concern themselves (sometimes unwillingly) with the furtherance of black studies, the Texas Legislature is playing with the fate of the tiny (87 students) law school at Texas Southern University in Houston. The stakes in the game are millions and millions of dollars in unsettled state appropriations

### By an Observer Correspondent

and, more importantly, the whole future of a black university.

If the legislators fail to remove from the general appropriations bill a rider — inserted by one man — then Texas Southern University's law school, which has educated and graduated almost 90% of the few black lawyers in the state, will be closed. Its students will have to turn to other state law schools, whose curricula and admission requirements bear no resemblance to the needs of black students from disadvantaged backgrounds, who graduate from high schools that are, for the most part, still racially segregated.

TSU's troubles began three years ago when the Coordinating Board, Texas College and University System, a watchdog committee established to monitor the state's educational programs, recommended that the law school be phased out. The board held that the school was uneconomical in that the cost of educating its few students exceeded costs at other state

law schools and, most important, it represented a duplication of services offered by the larger (and virtually all-white) University of Houston law school, located just a few blocks away in Houston's southeast quadrant.

Until then, the Coordinating Board's recommendations had carried a good deal of weight with the Legislature. When the board said "Spend," the legislators spent. It appeared that the lawmakers would heed the board when it said that TSU was to accept no new freshmen law students after Aug. 31, 1970, and no new sophomore law students after Aug. 31, 1971, and was to close the doors of its law school after graduating its last class in the spring of 1973.

**B**UT TSU officials did not sit around waiting for the axe to fall. They sought to enrich the law school's program, recruited qualified students, and expanded services — all in an effort to compensate the student who arrived from a culturally deprived background. Admissions requirements were adjusted to reflect this, and tests allowed for this factor. As a result, young blacks, many whites, and several Mexican-Americans, who otherwise might never have found themselves in a law school, were hard at work.

Costs of operating the law school were cut on a per-student basis to a point that it was the lowest in the state. And officials went to the Ford Foundation seeking financial help. Blacks and whites in Houston rallied behind Texas Southern's efforts, as large segments of both communities felt it important to maintain the basically black school. The Houston Bar Association threw its support behind continuance of the law school as a necessity if more black lawyers, who now comprise about one half of one per cent of the 18,000 lawyers in Texas,

are to be trained and enter practice. One bar association official said Texas needs "between 400 and 500 black lawyers"; TSU, he continued, is where they must be trained.

Armed with these and other facts, TSU's president, Dr. Granville M. Sawyer, and the dean of the law school, Dr. Kenneth Tollett, sought a re-hearing from the Coordinating Board in an effort to get it to rescind the phase-out order. In an unusual move, the usually conservative board reversed itself, rescinded the order subject to a "review of the situation in three years," and gave the TSU law school a new lease on life. In the wake of this the Ford Foundation announced it had granted the law school \$550,000 over a three-year period for scholarships, books, and modest faculty salary increases.

All of that was April 1. Less than two weeks later, the TSU law school suddenly found itself back under a phase-out order. But this one was tied with the state's purse strings and was written into the appropriations bill for the 1969-71 biennium, which the State Legislature now is debating.

**F**ULLY cognizant of the Coordinating Board's latest decision concerning TSU, Rep. W. S. Heatly, the powerful conservative legislator from rural Texas, who now serves an unprecedented fifth term as chairman of the House Appropriations Committee, wrote into his almost hand-carved spending bill a prohibition against using state money to educate law students at TSU beyond Aug. 31, 1970. He did so with the knowledge and apparent blessing of the Speaker of the Texas House of Representatives, Gus F. Mutscher. Heatly and Mutscher defended the rider as an act of economy and not one that was racially inspired. At issue is an appropriation for the law school of \$49,000 per year for the biennium in a state budget expected to total at least \$5.7 billion.

Two Houston legislators on Heatly's committee said they did not know the rider was in the bill when they joined in voting it out of committee unanimously. It was not there, they said, when the committee had its last look at the bill before it was printed prior to the vote. But at some point or other the rider appeared.

TSU law students descended on Austin in an effort to gain support to cut the rider from the bill. Their personal appeals — plus some old-fashioned lobbying, a thing Texas legislators understand all too well — brightened their changes. As the Legislature was called into session on April 14, backers of TSU appeared to have the votes necessary to amend the appropriations bill and strike the rider.

But both Speaker Mutscher and Chairman Heatly served notice they would tolerate no tampering with the appropriations bill. There would be a fight if anyone tried to amend it for anything. But one amendment did pass, despite frantic efforts by members of the speaker's "team" to stop it (it was a measure giving state game

wardens longevity pay). At this point, Mutscher sent word to all his committee chairmen there were to be no more amendments to the bill — including the one to kill the TSU rider. Houston legislators, representing the largest contingent in the House, suddenly began getting messages of regret from others who only a short time earlier had pledged their votes to help TSU.

Commented one Dallas legislator: "I've never been leaned on so hard in my life." Said another, "Any committee chairman not voting with the speaker has had it." Others confessed they were backing down from their earlier support in an effort to preserve their own bills, some of which were still bottled up in legislative committees, where they have been for months with little hope of getting them out until after the appropriations and taxation bills are passed.

The job of trying to get the TSU amendment passed was assigned to Rep. Zan Holmes of Dallas, one of two black legislators in the House. His efforts failed miserably, while a stunned contingent of TSU law students, who only a short time earlier had been so close to victory, looked on from the gallery.

**A**CTUALLY, Speaker Mutscher and Chairman Heatly, as they were calling each other during the debate, probably have a very good reason for the TSU rider (as well as almost a score of other riders that might be attacked as arbitrary). Such riders are valuable items to have in stock when the bargaining time comes in the conference committee on the appropriations bill. Despite efforts of Barnes and the Senate to limit conference committees to adjusting differences between spending bills of the two houses, it appears certain that, once again in 1969, state spending will be determined by the ten legislators, five from each house, who will serve on the appropriations bill conference committee. Texas' Legislature is the only one in the nation whose conference committees are not limited to adjusting differences in bills passed by the two houses.

Characteristically the bill that comes out of conference surfaces in the dying hours of the legislative session, at a time when members are anxious to leave for home and at a time they know full well that they'll be called back for a special session if the conference bill is not agreed to.

Since both the House and Senate have pet items in their respective spending bills, a certain amount of bargaining will be necessary once the appropriations conferences start work. And the riders in the House bill, for the most part, will be used to strike bargains by the House members — unless something happens before then to strip the bill of the riders. Since the TSU law school is regarded as a particularly important item, it is likely to be one of the most difficult to secure when it comes to swapping appropriation items valued in the millions of dollars. Ironically, the TSU law school faced a similar problem in 1965,

and it was not until the matter reached conference committee that it was resolved in TSU's favor. This time, officials and students might have to wait until June 3, the last day of the session, to see if there was something worth swapping for their school.

Black students reacted bitterly and angrily once they reached the lobby outside the House of Representatives after the vote on the House appropriations bill. "They



Photo by Robert Rohr  
**A Capitol Corridor**

wonder why some of us turn to violence," commented one student. But it was Craig Washington, who arrived at TSU law school "with 15 cents in my pocket" from a black high school and a black college and who now is president of the Student Bar Association, who typified the general attitude of the students: "We have lost the first round, or what I hope is the first round, but this isn't over. Just stick with us, baby."

**W**ASHINGTON AND his fellow students had barely gotten back to Houston when things began happening. Lieutenant Governor Barnes issued a sharply worded statement the next day saying he personally opposed the TSU law school rider and criticizing attempts at legislating through the appropriations bill. Then indications of second-thoughts on the part of portions of the House leadership began to appear in quiet, off-the-record assurances that the rider would be dropped once the bill hit the conference committee. And, in a significant move, sources indicated that Atty. Gen. Crawford C. Martin feels the riders, one and all, may be unconstitutional. They appear to violate at least two earlier attorneys' general rulings outlawing attempts at legislation through appropria-

tion. Houston Rep. Curtis M. Graves, the other black House member, has asked Martin for a ruling.

Still clouding the future of TSU's law school is the unresolved question of the South Texas School of Law, a private institution in downtown Houston which provides mostly nighttime classes. Efforts are being made to have South Texas taken into the Texas A&M system — a move favored by Mutscher and Houston Rep. Jack Ogg, a South Texas grad who is carrying the bill for the merger. The Coordinating Board recommended against such a merger a few months ago, and UH is, of course, opposing A&M moving into its territory. Mutscher, who has refused to let the South Texas matter die, has said the Legislature is not about to finance the operation of three law schools in Houston.

What student leader Washington and some TSU officials fear is that the elimination of the law school may touch off a falling domino-type reaction that could topple the rest of the campus. If, they reason, the law school can be abolished because it allegedly duplicates programs at the larger UH campus a few blocks away, cannot the same be said for the Department of English, mathematics, and all the rest?

There are those in the Legislature and in Houston who would welcome the demise of TSU. They point to the May, 1967, campus disorders in which a Houston policeman was killed. Five TSU students later were indicted for murder in his death, but the trial of the first ended in a hung jury. And there are those legislators who feel, as one commented aloud during the TSU rider debate, that if the Ford Foundation wants to support the law school in part, let it support the school in whole. Still a third group feels continuation of the programs at TSU with an emphasis on black studies and development serves only to foster reverse racism, a charge emphatically denied by students and faculty alike.

**B**UT THERE is no comment by such persons about the years the legislators pumped millions and millions of dollars into the operation of TSU as an institution strictly for Negroes and so they could not make too many attempts to integrate all-white campuses. Nor do they comment about the fact that in the past seven years, while TSU has graduated 135 students from its law school (blacks, whites, and Mexican-Americans), the rest of the state-supported law schools in Texas have graduated a combined total of 19 black lawyers.

One of the items included in the appropriations bill was \$300,000 earmarked for indemnifying farmers whose hogs are slaughtered on state orders because they have contracted hog cholera. Commented San Antonio Rep. Jake Johnson, "Thousands of dollars for hogs, but none for black lawyers." □

# Heatly Boondoggles Revealed

Austin

Being chairman of the House Appropriations Committee is bound to be a profitable position, and the profits have been spread among at least three of Rep. Bill Heatly's kinfolk. The United Press International recently revealed that Heatly's relatives have received \$142,025.15 in state salaries and fees since he became chairman of the appropriations panel in 1963.

The bulk of the money, some \$129,000, has gone to Heatly's brother, Dr. Maurice D. Heatly of San Marcos. The Texas Youth Council has paid Dr. Heatly \$88,850 for parttime psychiatric consulting since 1963. In every year except 1963-64, Dr. Heatly has received the maximum salary the appropriations bill allows for payment to individual psychiatric consultants. That limit was raised from \$15,000 to \$20,000 in 1968, and this year Heatly's appropriation bill would raise the maximum to \$22,500. The bill also requires the TYC to use psychiatric consultants rather than allowing the agency to hire staff psychiatrists.

The University of Texas has paid Dr. Heatly \$36,880, and the State Welfare Department \$3,366.40, according to the UPI. Although he is no longer on the UT payroll, he still works for the TYC and the Welfare Department, as well as having a

\$13,000 a year contract for part-time psychiatric consultation at the federal Gary Job Corps Center in San Marcos.

Dr. Heatly has not been certified as a psychiatrist, according to the American Board of Psychiatry and Neurology in Rochester, Minn. Texas does not require the certification of practicing psychologists. A bill that would require such licensing has been drafted this session, and predictably enough, Bill Heatly has gone on record against it.

Two of Representative Heatly's sons, Stan and Gene, have worked for state agencies, according to the UPI. Stan, a UT student, earned \$1,372.75 last year as a part-time clerk at the Texas Real Estate Commission. Gene, 26, was an assistant attorney general from Sept. 1, 1967, to Jan. 1, 1969, receiving an estimated total salary of \$11,556.

Jimmy Banks in the April 5 *Dallas Morning News* first pointed out that the state's nepotism law was being ignored in Heatly's case and many others. That law specifically prohibits close relatives of legislators from practically all public employment. The law requires the firing of the person who did the hiring.

Banks pointed out that Sen. Ronald Bridges, Corpus Christi, questioned Dr. James A. Turman, director of the TYC, about Dr. Heatly's employment during a

recent committee hearing. "He is a highly qualified person," Turman said of the physician. "He made the highest grade ever made at Baylor Medical School. He is a consultant. He does not work for us — no member of the legislature hires our staff." The word "nepotism" was not mentioned.

Heatly's appropriations bill recommends a \$1,500 a year raise for Dr. Turman. Rep. Lamoine Holland of San Antonio attempted to amend the bill to keep the TYC director's salary at its present level.

"I believe that any additional income for the Texas Youth Council should go for more guards and not to the director," he told the House membership amidst scattered applause. His motion was defeated on a voice vote.

The UPI also has revealed that Representative Heatly has received \$2,475 in rent for a state office located in his law office building in Paducah. The Texas Employment Commission has paid Heatly \$75 a month for a 15-foot-by-16-foot room since July of 1966. Paducah, with a population of 2,392, is believed to be the smallest town in the state with a TEC office.

The House Appropriations chairman has accused the UPI of attacking him and his family "with the venomousness of a rattlesnake." K.N.

# Liberals Discover Liquor Power

Austin

Liberals do not have an easy time of it in the Texas House of Representatives. At best, left-of-center legislators can muster about 30 votes (one-fifth of the House membership), rarely enough to be even an effective negative bloc. Many liberals say they have found it unusually difficult this session even to get committee hearings on their bills, let alone favorable committee reports and actual placement of bills on the House calendar.

Recently, however, three frustrated Houston liberals gambled — and apparently won — a little legislative leverage by bargaining with their votes on one of the House leadership's pet projects, liquor by the drink. House Speaker Gus Mutscher and members of his conservative-to-moderate team were extremely anxious to pass a resolution allowing Texas voters to decide whether they want to alter the state constitution and legalize open saloons.

The constitutional amendment squeezed through the Senate with exactly the two-thirds majority it needed. House sponsors Cletus Davis of Houston and Dick McKis-



sack of Dallas repeatedly canvassed the House membership, only to find their vote tally teetering, one day a few votes below the necessary hundred, another day a vote or two above. After weeks of procrastination, the sponsors took a deep breath and had their liquor resolution placed on the calendar.

**A FEW WET LIBERALS** voting dry could dispatch the issue for the session, Houstonians Rex Braun, Curtis Graves, and R. C. Nichols reasoned. So the Houston trio decided they would stage a "walk," and they urged some of their liberal colleagues to do the same.

Probably no more than a dozen representatives, including a couple of Republicans, ever seriously considered the walk-out, but those who discussed it aloud began to receive more attention than they usually get from the speaker and his committee chairmen. Arthur Vance, a young legislator from Pasadena, told Speaker Mutscher that he intended to walk or to vote "no" on the liquor amendment. "Mutscher told me that when I have problems to come and talk them out with him," Vance told the *Observer*. He subsequently voted "yes" on the liquor issue. "I didn't get any concrete promises, but

people are more receptive to my problems now, and I'm not ruled out of order every time I ask a question during a State Affairs meeting," Vance said. "I take it that my vote was very much appreciated."

The Mexican-American representatives caucused at the rear of the House a few minutes before the liquor vote was taken. They decided not to walk on the grounds that they had assurances that their pet issue, a state minimum wage, will have a fair run in the House. Mutscher later affirmed that he had talked with the sponsors of the minimum wage bill and that he is working on amendments to the bill. "I am going to do what I can to work out a bill that will be acceptable to members of the House," the speaker said.

Sponsors of the liquor measure gave only cursory speeches, insisting that it is not a wet-dry issue, but simply an opportunity to let Texans decide for themselves whether they want liquor by the drink. (Voters in the state primaries last spring narrowly approved a non-binding referendum on legalizing liquor by the drink. Then the pros and cons of the open saloon were thoroughly and emotionally aired during a special summer session in which the Legislature, despite the results of the referendum, defeated a bill that would have allowed the sale of miniature bottles of alcohol in eating establishments.)

**REP. BILLY WILLIAMSON** of Tyler made the only formal speech in opposition to the constitutional amendment. He said that putting the issue to a state vote is "not a play for democracy" but a "play for more money." The Tyler legislator singled out the liquor lobby and the Texas Restaurant Association as two interest groups supporting the amendment for purely monetary reasons.

Rep. Jake Johnson, San Antonio, a veteran crusader for legalized imbibing, chided his colleagues. "If you'd just vote like you drink, we'd pass this bill by about 125 votes," he said.

The debate ended, and three liberals sauntered out of the chamber—Graves to get his shoes shined in the House (members only) Lounge, Braun and Nichols to their offices.

### Cost of War

"The cost of fighting the Vietnam war for one day would finance the building of the proposed canal from the Mississippi river to the Panhandle of Texas and South Plains.

"The cost of fighting the Vietnam war for one week would pay the cost of rebuilding the ghettos of New York City.

"The cost of fighting the Vietnam war for one month would finance the construction of a new university in every state in the union."

—Archer Fullingim, in the *Kountze News*

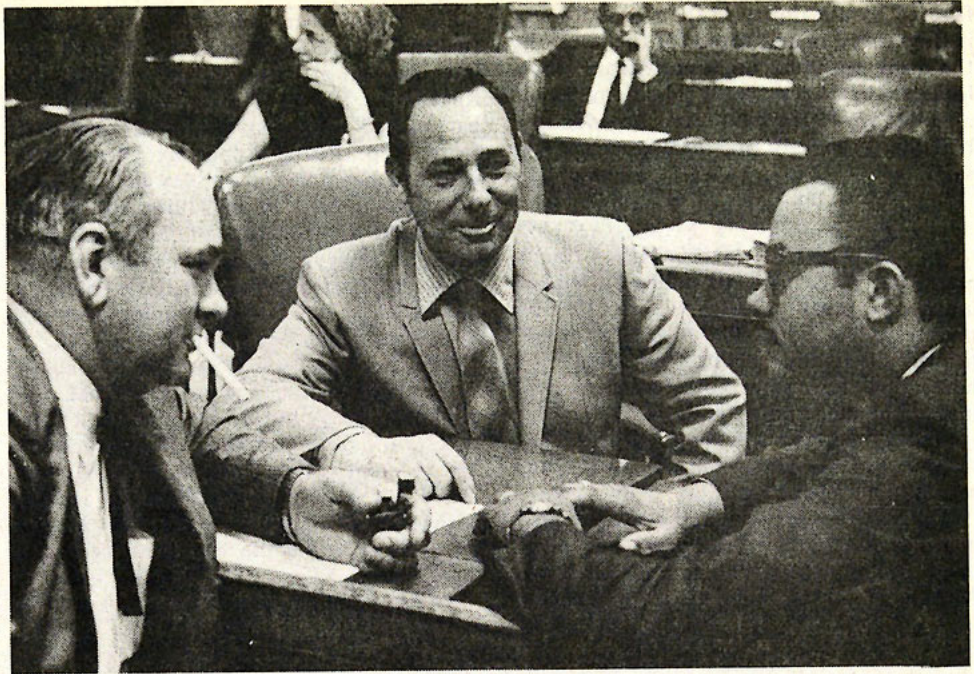


Photo by Robert Rohr

### Reps. Nichols, Braun, and Graves (l to r)

The tally was 95 to 48 — five votes short of the necessary 100.

Returning to the chamber, Braun distributed a mimeographed release saying: "My reason for walking on the liquor by the drink constitutional amendment is very plainly simple. It is my feeling that this House should take up and vote on many more important issues such as reducing automobile insurance rates, minimum wage laws which would give a modicum of hope to some three million fellow Texans, strong anti-pollution laws with teeth in them that will help clean up the air and water of millions of citizens so they will be able to live in a clean environment. There is no special interest in this type of legislation such as liquor by the drink, and I feel that I am saying to the leadership of this House and this state that we take up, vote on, and pass bills which will help the *health, welfare, and pocketbooks* of the people of Texas. I will be glad to vote for this amendment at a later date, once we have taken care of the many problems that face us in this society in which we live today."

Nichols, a first term legislator, explained that he is sponsoring only one important resolution and that with little chance of passage. He said he would vote no "until I have assurances that my resolution on automobile insurance rates will come out of subcommittee."

"There are some things we need in this state worse than liquor by the drink," Graves told reporters. "I want a minimum wage, an industrial safety act, a drug recording bill to slow down over-the-counter sale of codeine derivatives, and a bill to reorganize a school district in Houston."

**SPONSORS OF THE BILL** were shaken. A resolution setting up a vote on a

constitutional amendment can be voted upon only twice. If it does not get a two-thirds majority on the second vote, it is dead. "It's just a matter of a lot of arm twisting between now and tomorrow," McKissack said.

Mutscher told reporters that several representatives had tried to pressure him into expediting their favorite bills in return for favorable votes on the liquor resolution. "We lost enough votes in the wet areas that could have made the difference on passage of the drinks amendment, but there were no promises made," he said. "I told the men they would have no respect for the chair and the gavel if they had a speaker who was making trades or deals on legislation. I assured them there would be no changes in my manner of running the House whether this resolution passes or not."

The frankness with which the liberals discussed their legislative wants seemed to disconcert Mutscher and the liquor sponsors. Legislative blackjacks rarely are flaunted before reporters and the House assemblage. Deals usually are cut in private, but the Houston threesome were dealing out in the open. It simply isn't done.

House sponsors and liquor lobbyists worked through the night trying to sew up a few more favorable votes and making sure that those inclined to vote "aye" would be present. The following day the trio of liberals appeared on the floor, still without assurances that their favorite legislation would get out of committee, still undecided on how they would vote. If they voted against the liquor resolution, they would be blamed for defeating an issue

favored by a majority of their constituents; if they caved in and voted for the liquor by the drink without concessions from House leaders, they would look ridiculous. Braun assured the *Observer* that he was not bluffing. "I run for one term at a time," he said.

**S**PEAKER MUTSCHER finally called the three into his office during the luncheon break. They talked for 35 minutes. The speaker called it a "real healthy discussion" about "the timetable I have on various pieces of legislation." He insisted he made no specific trades.

Graves, flashing a wide grin, called the session a "Mexican standoff." No one would be more specific.

The vote was taken, and the electronic board showed 100 green lights and 44 red ones. Braun and Graves had voted "aye." Amidst cheers and cow country whoops,

Speaker Mutscher added his vote to make the total 101. Nichols at first abstained and later cast an affirmative vote, making the final score 102-44. House liquor sponsors had picked up an essential additional vote from Rep. Rufus Kilpatrick, Beaumont, who had been absent the day before. Two other members, Lindon Williams of Galena Park and C. L. Ray of Marshall, had changed their previous day's votes from "nay" to "aye." Both said they had decided during the night that the liquor question would best be left up to the voters.

"I was pleased with some of the assurances I had from the speaker that the minimum wage bill and pollution legislation would get a fair run," Braun said. He voiced skepticism about the exchange but added, "I feel pretty good. We accomplished more than we set out to do. Maybe we've breathed some independence into this House."

A week after the liquor vote, Graves' bill

requiring better treatment of black people in state public school textbooks was out of the Education Committee with a favorable report. He predicted a few of his other bills, including one doing away with the unit rule at political conventions, also would get positive committee action.

Braun declined to say specifically whether any of his own bills were getting any more serious treatment because of his vote for liquor by the drink. He emphasized that his main purpose had been to publicize his belief that there are more important bills before the Legislature than liquor.

Nichols said he had assurances that his controversial resolution concerning auto insurance rates would emerge from the Insurance Committee.

All in all, the trio seemed to think their gambit had been a success.

The liquor issue will be decided finally by the state's voters on Nov. 3, 1970. K.N.

## Welfare Vote Set for August

*Austin*

Texans will vote on Aug. 5 on nine more proposed changes in the State Constitution, changes which the Legislature has this spring approved for submission to the electorate. The reason for the summer election date, instead of November, is the emergency facing welfare recipients, particularly families who receive aid for dependent children (ADC).

Last fall ADC families received cuts in their checks because the number of such families in Texas is increasing, thinning the money available for such aid. Texas has a constitutional limit of \$60 million on state money that annually can be given dependent children, the elderly, and disabled. An additional reduction in benefits for ADC families went into effect this month. Welfare officials say a third cut in ADC will be imposed in September, the beginning of the new state fiscal year, unless voters approve raising the constitutional limit on welfare payments. It was this fact that led to legislative leaders deciding on the August instead of November election on raising the welfare ceiling.

The Senate wanted to remove the limit on welfare money altogether, as the upper chamber proposed in 1963. The upper house passed a bill with no limit. As happened six years ago the House of Representatives imposed a maximum figure, this year \$80 million. This would be sufficient for the next four years, according to Rep. John Traeger, Seguin, House sponsor of the bill, who said welfare officials had so advised him. Traeger had

not sought a maximum limit, that being put on by a floor amendment. The bill, as amended, went back to the Senate for its concurrence in the \$80 million limitation. Sen. Charles Wilson, Lufkin, the Senate sponsor, reluctantly urged his colleagues to go along with the House limitation, saying there would be no way to get the House to go along with the Senate's wishes for no maximum on welfare. Sen. Jack Strong, Longview, mounted a mini-filibuster for a time, not liking the maximum imposed by the House. Strong was aided by Oscar Mauzy of Dallas, Mike McKool of Dallas, and Joe Bernal of San Antonio. After a little more than an hour Sen. Barbara Jordan moved to table Strong's motion not to concur in the House amendment. Strong thereupon withdrew his motion and the Senate voted on Wilson's motion to concur, passing it 29-2. The dissenters were Mauzy and Schwartz.

**T**HE NEXT DAY, however, the matter was back before both houses. Assistant welfare commissioner Herb Wilson had noticed that the House amendment was worded so as to place the maximum limit not at \$80 million but at \$30 million. Rep. Dave Finney, Fort Worth, author of the amendment, had written it to make the limit apply to assistance payments and medical care. There is no constitutional limit on medical care; as state money for that amounts to about \$50 million, the effect of the proposed amendment to the Constitution would be to subtract the \$50 million from the proposed maximum of \$80 million. Finney said he had not intended this, that a mistake had been made.

Both houses hastily corrected the lang-

uage. Mauzy was alone in voting no this time in the Senate. A few liberals in the House again criticized the imposition of a maximum, saying this would lead to defeat of the constitutional amendment by voters, who last year had turned down a proposal to raise the maximum to \$75 million. There was a difference of opinion among lawmakers as to whether voters are more likely to approve raising the welfare ceiling if the level of such spending constitutionally limited, or if it is left to the Legislature to determine.

During House debate on correcting the Finney mistake Rep. Frances Farenthold, Corpus Christi, said Texas is the only state with a constitutional limit on welfare spending. She criticized this as ignoring the increases in the cost of living and as an aspersion on the judgment of the Legislature. "What will be the effect of this ceiling?" she asked. "It will probably cause the defeat of the amendment by the people. The defeat of the amendment will place the state in a dire situation, for no special session can be called to propose a constitutional amendment. And, it may well necessitate the further intercession of the federal government, for we will not have provided for our own." The spectre of federal intervention in the situation has been raised also by Burton G. Hackney, state welfare commissioner, if Texas does not see to its responsibilities in this field.

During House debate on amending the Finney amendment, Rep. Jack Hawkins, Groesbeck, had the floor, speaking in favor of the maximum limit. Rep. Carlos Truan, Corpus Christi, asked Hawkins, "Isn't it true that we are the only state in the nation with a constitutional limitation on

welfare?" "I wouldn't be advised about that, Mr. Truan," Hawkins replied, "but we're the only state in the union on a cash basis." This was greeted by applause by many of the members. When Truan said the state is ranked 41st in the nation in welfare assistance, Hawkins asked what the source for the statistic was. "The Department of Public Welfare," Truan answered. After a pause, Hawkins answered sarcastically, "Is that so?" drawing laughter. The House corrected the Finney amendment by 106-37.

**T**HERE WAS some sentiment in the Senate to see if the House couldn't be pressured into removing the maximum but time had become precious in getting both houses to pass the joint resolution in time

for placement on the Aug. 5 ballot. The secretary of state, Texas' chief election officer, had said the resolution had to be approved that day by both houses. The main factor in the deadline was the legal requirement for publishing the proposed amendments once a week for four weeks, beginning at least three months before the election, in state newspapers. Otherwise, it might well have developed that the Senate might have fought to have no proposed constitutional maximum on welfare.

The amendment's chances are deemed shaky at this point. Voters have lately shown an inclination to vote against constitutional amendments, and two other amendments that have proven unpopular in the past will be on the Aug. 5 ballot — one that would raise legislators' salaries from \$4,800 to \$9,800 annually, and pay the

speaker of the House and lieutenant governor about \$20,000 yearly (each receives \$4,800 now). The second amendment would provide for annual sessions of the Legislature.

The six other amendments on the ballot Aug. 5 will propose removing obsolete provisions from the Constitution, authorization of sales of \$3.5 billion in water revenue bonds to finance the state's share of the Texas water plan, authorization of an additional \$200 million in the Texas Opportunity Plan student loans, raising the constitutional interest rate limit on some state government bonds, exemption of nonprofit water supply corporations from taxation, and institution of assistance payments to survivors of volunteer firemen, police, and Texas Youth Council employees killed on duty. G.O.

## Wilson Charged with DWI

*Austin*

Most Texas legislators drink, as do most of their adult constituents. State Sen. Charles Wilson, Lufkin, concedes he had a couple of beers at a party recently before driving back to his Austin apartment, a drive that resulted in Wilson's being charged with driving while intoxicated. On the way home Wilson was spotted by an Austin policeman, who said the senator's car struck a curb and bounced back and, a half-block further, grazed the curb once again. Then, with the officer following, Wilson's car struck a parked, unoccupied Cadillac.

Wilson, 35, maintains that the cause of the erratic driving was a medication that had been administered to him some 14 hours earlier, an injection of pyribenzamine and benzadryl, treatment for hay fever and asthma. He has produced a letter from an Austin doctor, T. S. Painter, Jr., which states that sometimes such medication can produce drowsiness and dullness of reaction in the first 24 hours.

"I went to sleep at the wheel once, and I should have parked. Then I apparently went to sleep a second time and hit the left rear fender of a parked car with the right front fender of my car," Wilson told reporters.

He had been feeling bad the Saturday he received the shots, Wilson says. After seeing the doctor that noon he went to bed between 6 and 7 p.m., arising about 11 that night to attend the last of several social functions honoring a friend and Senate colleague, Don Kennard, Fort Worth, who was "Governor for a Day." A little more than two hours later, Wilson, driving back to his downtown apartment, was arrested, about 1:30 a.m. He was released on \$300 personal bond in the custody of Sen. Charles Herring of Austin, a lawyer.

"The officer . . . treated me quite cour-

teously and with all possible consideration," Wilson recalls. "I had a couple of beers at the party. I was obviously drowsy, and in my opinion the officer had no recourse but to take me in and charge me as he did. If I had been him, I would have done the same thing. I asked no special treatment and was given none. I feel confident I can convince a judge and jury of my innocence."

Wilson says he believes members of the Austin lobby saw to it that word of his arrest was spread in his district prior to charges being filed and before the Capitol press broke the story three days afterwards. Wilson has publicly attacked the lobby several times this year in connection with a bill he is pushing that would provide for the state regulation of utility companies. He comes from a dry district, one which decisively voted against the liquor by the drink referendum last fall. Wilson

last month voted against resubmission of the liquor question to the voters in 1970, when a constitutional amendment will be voted on. If passed, the amendment would permit local option elections on the sale of drinks.

He candidly admits the arrest will hurt him politically. "I feel I have assured myself of a pretty strenuous contest" for reelection in 1972, "but my people are fair."

Asked whether he might seek to have the ticket "fixed," as a number of legislators do in cases where they are charged with moving or parking violations while in Austin, Wilson said he would not, adding that he has never had a traffic ticket fixed as a legislator. G.O.

May 9, 1969

9

### Racist Bills Quietly Killed

In 1957 the Texas Legislature, under intense pressure to "do something" about the rising tide of racial desegregation, pushed through a number of bills designed to maintain the status quo. In 1969 the Legislature has set about the task of erasing those laws from the statute books of Texas. In the span of 12 years the laws have come to be ignored — first, because they are unconstitutional and, more to the point, second, because it no longer is popular in Texas for a public official to take a stand in favor of racial discrimination.

Last week the Senate passed five House bills and sent them to Gov. Preston Smith with no dissent. In fact, most of the senators hardly noticed the passage of the measures, they then were

waiting for the calendar of House bills to be cleared so a final vote on the minimum wage bill could be taken up.

The bills sent to Governor Smith, introduced by San Antonio freshman Rep. David Evans, and carried in the Senate by Joe Bernal, also San Antonio, will remove from law books statutes providing for separate schools for white and black children, empowering cities to enact ordinances providing for racial segregation, requiring railroads to provide separate coaches for white and black passengers and separate facilities in depots, and banning sports events between persons of different races.

Other of the 1957 laws are to be removed later in the session, if bills to that effect are passed.

# Barnes and the Senate Liberals

*Austin*

As each day goes by the Texas Senate is stamping out a name for itself — and its presiding officer, Lt. Gov. Ben Barnes — for congeniality to liberal reform legislation. Liberal senators are quick to credit not only their increased numbers this session and last, due to redistricting, but also to point to Barnes' efforts as the reason for the improved reception for liberal-backed legislation. Barnes lately has been instrumental in winning Senate approval of two pieces of legislation liberals deem important, turning the tide in favor of the state minimum wage bill and of a measure that would make governmental units in Texas liable in court for damages.

In the minimum wage battle Barnes' intercession was responsible for putting farm workers under the bill's coverage. When the measure first came up for Senate consideration Sen. Jack Hightower, Vernon, proposed an amendment exempting farm workers (except those paid a piece rate, not by the hour) from the bill. The amendment was passed by 16-13; voting no were Bates, Bernal, Bridges, Brooks, Christie, Cole, Harrington, Kennard, Mauzy, McKool, Schwartz, Strong, and Wilson. Absent were Berry and Jordan.

"You are saying to the suffering farm workers who marched to the Capitol [in 1966] that they had nothing to do with moving the conscience of the people of Texas to accept a minimum wage bill," said Sen. Joe Bernal, San Antonio, the sponsor of the bill in the upper house.

Another amendment, offered by Sen. Murray Watson, Waco, would have excluded workers in retail establishments with sales of \$250,000 or less a year. This was defeated. "All that would have been left of the bill would be the title" if the Watson amendment had been passed, Bernal said.

The next legislative day, a Monday, Bernal and Barnes and others were working to remove the farm workers exemption. Presiding over the Senate, while Barnes was otherwise occupied, was Sen. Wayne Connally, Floresville, the brother of former Gov. John Connally and, like his brother, a staunch opponent of a state minimum wage. Bernal, Barnes, and others were, that Monday, planning a move to reconsider the farm workers' amendment; a motion to reconsider would have to be made that day, however, such motions being required the day of the original vote in question, or the day immediately following.

**O**VER THE weekend it had been agreed that Sen. Charles Herring, Austin, who had voted Friday to keep hourly farm workers out of the bill's coverage, would

offer the motion to reconsider. As time drew near for the reconsideration motion to be offered, Senator Hightower suddenly moved adjournment. Several liberal senators called for a record vote on the motion. But Connally ignored the request and gavelled adjournment.

Barnes, advised of what had happened, said that Connally had "fouled up." Barnes then began inquiries to determine if Monday's motion to adjourn could be reconsidered. Barnes said he was advised that there is a precedent for such.

So, Tuesday, Herring offered motions to reconsider the previous day's adjournment, winning the votes three times with from 19 to 22 ayes, having the support of several senators who Friday had voted to exempt hourly farm workers from the bill. It seemed clear that Barnes had been able to persuade several senators to go along with the wage bill.

Herring then moved to reconsider the farm workers' amendment. He voted against his own motion, which carried 17-14. Sen. Barbara Jordan, Houston, then moved that the amendment be stricken, this motion also carrying 17-14. Voting with the majority both times were Bates, Bernal, Berry, Bridges, Brooks, Christie, Cole, Harrington, Harris, Jordan, Kennard, Mauzy, McKool, Patman, Schwartz, Strong, and Wilson. Friday Berry and Jordan had been absent, and Harris and Patman had voted for the amendment, changing their votes on Tuesday.

Before the votes to reconsider the farm workers amendment Sen. H. J. Blanchard, Lubbock, had mounted an hour-long filibuster, he being opposed to reconsideration of the amendments. Senators Hightower and Grady Hazlewood, Amarillo, helped Blanchard some. Hazlewood told his colleagues that "I used to be in the cow milkin' business 14 or 15 years ago" and prices paid such farmers are not rising, though their expenses are.

After some intermittent filibuster action, mostly by Blanchard and Connally, the minimum wage bill came up for final passage last week. Blanchard, before the vote, said he would not continue further with filibustering, saying "I know I can't stop this bill." He urged those interested in the measure to turn their attention to House members, who will be considering it next. "I hope members [of the Senate] will vote against this so we can go back to the sort of Texas we used to have," Blanchard said, ending a brief speech in which he said he fears for the future of rural Texas and doubts the wisdom of extending governmental influence into such matters as to how much workers are to be paid.

The vote on final passage was 18-12. Several senators applauded when the totals were announced. Bernal rose to thank

Barnes, in particular, and the other senators who had worked for the bill's passage in the Senate. "This is a compromise bill. It is not as strong as I would wish it to be. . . . But in this year 1969 it is as good as we can do."

The measure's fate in the House is less certain, though it is not inconceivable that it might be passed and sent to the governor, perhaps with the hourly farm worker provision deleted. Bernal says an estimated two to 2.5 state workers who are not covered by the federal law would be covered by the bill as presently drawn. Of these about 15% are farm workers, he said. The minimum would be \$1.25 an hour next Feb. 1, being increased to \$1.40 on Feb. 1, 1971, and reaching the current federal minimum of \$1.60 on Feb. 1, 1972. Farm workers would receive somewhat less, as in the case of the federal law.

**B**ARNES ALSO was instrumental in passage of Sen. Oscar Mauzy's bill that would strip governmental units in Texas of immunity from tort lawsuits. The immunity is a descendant of the doctrine that "the king can do no wrong." The bill was passed in the House under the guidance of Rep. Temple Dickson, Sweetwater. Since Mauzy pushed the bill through the Senate, word has been circulated that Governor Smith may not sign it unless the Senate consents to the appointment of former conservative Sen. Dorsey Hardeman to the State Insurance Commission. At least 11 senators, mostly liberals, have signed an agreement not to support the appointment, this being the minimum number required to block conformation. Mauzy, a liberal, is probably one of the dissenting senators, though he declines to say so.

He was able to beat down all but one amendment to his bill on the floor. The one he couldn't beat was offered by fellow liberal, Senator Jordan, exempting school districts from coverage of the bill. Miss Jordan said she feared that the smaller school districts might find the costs of defending tort suits calamitous. Otherwise, Barnes' two votes, cast when the Senate had knotted, 15-15, on deciding amendments, occurred first when Sen. Tom Creighton, Mineral Wells, offered an amendment that would have sharply reduced the maximum damages recoverable in a suit against a governmental unit. When the tie vote occurred, Barnes voted with Mauzy to defeat the Creighton amendment. The second Barnes vote beat an amendment proposed by Sen. Ralph Hall, Rockwall, which also would have lowered the maximum damages recoverable.

Mauzy, lacking the sufficient votes for suspension of the rules for final passage the same day engrossment was voted, won final passage several days later. The bill is now on Governor Smith's desk. G. O.

# Governor Kennard Has a Day

Austin

From my vantage point near the punch bowl, it appeared that State Sen. Don Kennard served Texas as its governor-for-a-day by doing it minimal damage — a claim not easily made in behalf of his predecessors nor in the names of the more spirited camp-followers gracing the Austin festivities. Some may insist that Governor Kennard did little to raise the cultural flags of Texas in offering greasy barbecue accompanied by Ernest Tubb and the Texas Troubadors on the Capitol grounds at noon, but these are a pretentious few who shall not be heeded by the enlightened, foot-stompin' majority.

It could be that several million Texans slept or bumbled their way through the

## Larry L. King

entire Kennard administration abysmally ignorant of the Fort Worth's rule, for no public mandates attended his ascension nor was the throne seized in fire and blood. No, Senator Kennard as president pro-tem of the Texas Senate was merely accepting the ceremonial due of that office in his proper turn; consequently, he refrained from dangerous experiments with democracy.

Gov. Preston Smith and Lt. Gov. Ben Barnes honored protocol in departing the state so that Kennard might enjoy a one-day gubernatorial reign, and though this was doubtlessly sporting of those fine gentlemen one hasn't the gall to claim that thousands missed them or that any strangleholds of power were broken. There was, however, enough drinking and (some say) adequate wenching coinciding with the Kennard administration so that no hasty gubernatorial breaks were made with a past of many years standing. We traditionalists found this comforting.

Governor Kennard did break with the past, however, in refusing to use his day on the throne as an excuse for an off-season Christmas. So many expensive gifts (cars, money, color TV sets, diamond-studded do-dads) from sources suspected of special axe-grindings have visited governor-for-a-day ceremonies in the past that pharaohs, potentates, and possibly the Aga and the Ali Khans may have stared in awe and envy. Governor Kennard (who managed publicly, if humbly, to compare himself with the Kennedys and Andy Jackson within the first 15 minutes of his rule) opted against material tributes in favor of throwing open the governor's quarters to The Folks. Some twenty-seven busloads of Kennard's Tarrant County constituents invaded Austin, along with favored old cro-

nies from other Texas points, plus a few outlanders from Oregon and the District of Columbia. More than 2,000 of The Folks were made of such stern stuff as to run the culinary gauntlet of the Odessa Chuck Wagon Gang, many of the survivors going on to sip punchless punch in the rose garden behind the Mansion while being serenaded by any number of cowboy Paderewskis. Puritans will be happy to know that motel reunions among many old friends involved less sex than reminiscences.

**D**URING A rare lull at the punch bowl, your correspondent claimed the podium to deliver a rose garden oration on Texas governors past, present, and future. Praise of a sort was bestowed upon Governor Kennard, and other of our native heroes, customs, and institutions. This oration was received with less thoughtful appreciation and thunderous ovations than one might have hoped; I particularly resented the balding fat cat who remarked, at its conclusion, that to call me a son-of-a-bitch would defame dogs more than mothers. But then he was probably in the oil business.

Near the shank of the rose garden ceremonies Governor Kennard received a Hoss Cartwright hat from Sheridan Taylor, a Fort Worth attorney, and took it like a man. After reciting his proper thank-yous he made the most sensible suggestion any Texas governor has ever uttered within my hearing: "Now let's all go drink us some whiskey." This unexpected burst of leadership was convincingly cheered by the masses.

Billy Kugle, himself a former Texas legislator and thus no stranger to the whiskey-drunk, tossed an artful example of same at the Villa Capri on Saturday night. Along about midnight, as the clock ticked doom for Governor Kennard's brief brush with glory, His Excellency walked to the edge of the swimming pool diving board while Doug Crouch of Fort Worth led the assembled patriots in a bellowed rendition of "The Eyes of Texas Were Upon You." Adventurers assumed that Governor Kennard would hurl himself into the pool, fully clothed, as the last thrilling notes and his gubernatorial commission faded away. The old pro-pol proved he had mastered the art of compromise by hurling nothing more weighty into the water than his drinking tumbler.

**O**N THE SABBATH morn Kennard's minions and vassals awoke to contemplate sadly a fallen hero. State Sen. Charles Wilson, of Lufkin, saved the day by hosting high atop the Westgate roof a champagne brunch. Though blonde Jerry Wilson had matchbook favors on hand proclaiming no message other than the

painful one, "Ex-Governor Kennard," many of the assembled continued to treat the Fort Worth senator as courteously as if he actually amounted to something.

This group allegedly was comprised of what Texans consider to be "Liberals," though Rep. Ben Atwell of Dallas was on hand in an admiral's summer whites with short pants, proclaiming that as a freshman legislator many years ago he had charted a course of wisdom religiously calling for him "To vote with the conservatives and socialize with the liberals." Admiral Atwell was not the only Texan to choose peculiar dress, there being a high percentage of mod turtlenecks, blazers, ascots, bare-midribs, bell-bottoms, mini-skirts and other sartorial delights. An old snuff-and-overalls relic like Land Commissioner Jerry Sadler, who had just ordered his employees to shave their sideburns and lower their skirts before Hell caught up with them, might have suffered apoplexy. It's a damned shame the commissioner missed the party.

Perhaps helped along by the Wilson bubbly, "Governor" Kennard announced his "cabinet," made up of many old cronies from among the political, academic, and literary worlds of Texas, and which, as his enemies spread the word, contained three pot smokers and two prominent thieves. During this ceremony there ensued the following exchange:

Senator Wilson (After conferring with a black waiter): "Governor, I got a man here says you forgot to appoint a Soul Brother to your cabinet."

Governor Kennard (After a 23-count hesitation and with an uncertain grin): "Well, Barbara Jordan couldn't make it."

Senator Wilson: "Well, you gotta name one Soul Brother."

Governor Kennard: "Well, send *that* fella there up here."

Senator Wilson: "Naw, he's got to serve drinks."

Governor Kennard (Pointing): "Well, how about *him*?"

Senator Wilson: "Naw, he's got to *mix* drinks."

At this point there approached my present wife, who though sweet and precious beyond any standard measurement, is handicapped by not being a native Texan. "Didn't you tell me," she demanded, "that this group constitutes the Texas liberals?"

I admitted this was so.

"Then will you explain that little scene about the Soul Brothers?"

I said I was afraid I could not.

"Did you not explain to me about the oil business and the Alamo? Didn't you explain dust-storms and rattlesnakes' habits and dirt-daubers and Billie Sol Estes and the politics of HemisFair?"

"Yes," I said, "but some things just can't be explained. Not even in Texas." □

Mr. King is an Observer contributing editor.

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# King Speaks, Masses Moved

Following is the official text of Larry L. King's address during the governor-for-a-day festivities. It was delivered in the rose garden of the Governor's Mansion.

Austin

This has been a day of great and solemn dignity, which it is now my purpose to put an end to.

The very idea that dignity could be long attached to the Texas governor's office is one that I, as a native Texan, not only find uncomfortable but am unwilling to accept.

It is customary on an occasion such as this to pay flowery tributes to the guest of honor, and since Don Kennard is such an old and dear friend I have gone to no little trouble in attaining laudatory quotes about him.

Cong. Jim Wright has authorized me to say, "While it may be true that Don Kennard's vocabulary is mean and restricted, certainly it is adequate to express his deeper thoughts."

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## MEETINGS

**THE THURSDAY CLUB** of Dallas meets each Thursday noon for lunch (cafeteria style) at the Downtown YMCA, 605 No. Ervay St., Dallas. Good discussion. You're welcome. Informal, no dues.

**CENTRAL TEXAS ACLU** luncheon meeting. Spanish Village. 2nd Friday every month. From noon. All welcome.

**ITEMS** for this feature cost, for the first entry, 7c a word, and for each subsequent entry, 5c a word. We must receive them one week before the date of the issue in which they are to be published.

Preston Smith authorized the following quote: "Senator Kennard is a fine public servant — though he may be a little colorless."

And Lt. Gov. Ben Barnes commented, "He's a fine man — I just think he's a bit too young to be governor."

Governor Kennard differs from most Texas governors in several important respects. First, he is compassionate; second, he is literate; and third, we don't have to suffer his rule for very long.

Texas governors normally serve only two-year terms. It merely *seems* longer.

One of our governors was a hillbilly-singing flour salesman; one was a woman; one was publicly caned; one was impeached; one died in office; and one was shot.

We just can't seem to get the hang of it.

As a boy growing up in Eastland and Callahan Counties, I had secret ambitions to become governor of Texas myself. As I grew older, I realized that I was severely handicapped by my background. Which is to say that I was raised by honest parents.

Also, my ideological convictions were such that many of my fellow Texans suspected me of democracy. I remember that at an early age I foolishly denied, in public debate, that justification for the oil depletion allowance is clearly stated in the Old Testament.

Governor Kennard is the first Texas governor not only to invite me to the Mansion but to be permissive enough not to forbid my presence. I feel strange just being here — in a place where I had always dreamed of being, but had always been denied. I imagine Ralph or Don Yarborough would feel much the same in these circumstances.

And I must confess that I really have little more business being here than our last seven governors have had.

**I**T IS, therefore, a source of some sadness to me that Governor Kennard's commission expires at midnight. (Though I suppose we can always look forward to the return of Governor What's-His-Name.) Though some may be saddened that our friend and governor, Don Kennard, will officially turn into a pumpkin at midnight, this is a great relief to Texans who have become accustomed to seeing their governors turn into lemons.

Many vicious rumors have circulated today about the Kennard administration. I don't believe I've heard such hairy tales since Ex-Governor Shivers treated us to the Port Arthur Story. You old-timers will remember the Port Arthur Story as a

melodrama written by Jake Pickle and starring Allan Shivers in at least four acts. You young people who don't remember it may consider yourselves both lucky and blessed.

But I want to deny these rumors about the Kennard administration, each in its vicious turn.

First it is *not* true that Governor Kennard has today signed a proclamation granting for every town in Texas of over 1,000 population its own Carlings beer brewery.

Nor is it true that he will force the idle rich of Texas, or the oil companies, to pay taxes — Governor Kennard has far too much respect for Texas history to reverse our traditional customs.

Nor will he grant pensions on which The Old Folks may live comfortably. Nor will he foolishly spend your tax dollars on the mentally ill nor rehabilitation of the jailed. Neither will he blindly trust University of Texas professors, nor exercise any influence whatever over the Texas Railroad Commission or other regulatory bodies.

The fact is, Governor Kennard has promised to do so little for Texas that he's seriously in danger of being endorsed by the *Dallas Morning News*.

Some of us who consider ourselves Don's friends, and who have graciously signed on as his advisors, *do* have certain programs we have urged on him.

I don't want to alarm anybody, but you should know that late last night down at Scholz Beergarten we of the Kennard Cabinet voted certain immediate reforms. The first went into effect three minutes ago, when Lt. Gov. Ben Barnes was placed under house arrest, and even at this moment Governor Smith is being refused readmission to the state by our Texas Rangers. And when you wake up tomorrow your child may be attending an integrated school and flirting with majority rule.

**W**ELL, THUS far I've spoken almost as comically as John Connally generally did, but in closing I would like to get serious for a moment.

It *is* a pleasure, and it's a prideful moment, to be here as the guest of Gov. Don Kennard, and of our gracious and lovely first lady, Jackie. We love them, we're proud of them, and we have enjoyed sharing this experience with them.

We leave here secure in the knowledge that when today is over, having labored hard and done his duty, Gov. Don Kennard will have the satisfaction of knowing that he shall soon retire to that place of great rewards and eternal rest — the Texas State Senate. □

● Sen. Ralph Yarborough has urged several liberal state senators, by telephone, to go along with the appointment of Dorsey Hardeman, the arch-conservative former state senator, to the State Insurance Commission. Gov. Preston Smith's appointment of Hardeman is in trouble, as at least 11 senators, the minimum number needed to block Senate confirmation, have signed an agreement among themselves to stop Hardeman.

Yarborough has in the past received at least token support from Hardeman during election campaigns. This probably is one reason for the senator's efforts in Hardeman's behalf.

A second reason might well be Yarborough's and Smith's efforts to establish a working relationship. The governor invited Yarborough to the gubernatorial inauguration earlier this year, and the senator accepted. It was the first time Yarborough had participated as a senator in the inauguration of a Texas governor, he having been on the outs with former Governors Daniel and Connally. Earlier this year Smith, in Washington, told newsmen that he and Yarborough would seek to establish some rapport. "Ralph is, of course, more liberal than I am, but we will get along," Smith said. The Yarborough telephone conversations with several state senators must be interpreted, partly, as a significant action in the efforts of the governor and the senator to accommodate themselves to each other.

The Yarborough efforts in Hardeman's behalf also must be considered in light of the senator's 1970 reelection hopes. If Smith or Hardeman are able to throw some of their political weight behind the senator, his chances of reelection, already deemed quite good, would be further enhanced.

A number of gubernatorial appointments have been placed before the Senate, and confirmed, since Smith's appointment of Hardeman to the Insurance Board. Smith has not submitted Hardeman's name to the Senate in this time, however, realizing the appointment is in trouble.

Some liberal senators have expressed resentment at Yarborough's involving himself in a matter the state senators regard as something for them alone to decide.

● The question of whether Yarborough is to be opposed by a leading Democratic vote getter in next spring's party primary still is in doubt. There is some talk of Lt. Gov. Ben Barnes taking on the senator but this appears very doubtful at this point. Barnes, lately turned 31, has plenty of time to serve in the U.S. Senate. More to the point, however, he is still building his statewide political base, a base that he consciously works to include a wide segment of the Texas left. A race against

Yarborough would lose Barnes his increasing support among liberals — support which he is adding greatly to this legislative session, as he has pleased the liberal senators and done what he could to get long-ignored liberal reforms enacted, and enacted in a form to give them some impact on Texas society, in most cases.

The best guess for a Yarborough primary opponent at this point would be Dolph Briscoe, the Uvalde rancher, who ran well in the gubernatorial primary last year.

● National Democratic Party figures say privately they believe Sen. Ralph Yarborough will have little serious opposition in the party primary next year, as things now stand. "Yarborough's stronger than he has ever been," one of them said recently. The senator's all-out performance for the national ticket last year, coupled with his new powers as chairman of the Senate Labor and Public Welfare Committee, put him in a solid position nationally. Yarborough is expected to have far greater financial resources at his command, as a result, than in past years — should he encounter an opponent.

## Bush and Grover

● Houston Republican Cong. George Bush still scratches his head about whether to run. Evidently, early reports reaching Bush about the prospects of such a race were not gratifying. It is believed Bush found, during a recent survey, that he is well-known in Houston and Dallas but little elsewhere in the state. Another study is under way.

Bush is under pressure from oil industry people not to make the race because of his seat on the House Ways and Means Committee, a position that enables him to guard the industry's precious oil depletion allowance.

● If Bush does not make the race, Houston Republican State Sen. Hank Grover is quick to say he will.

● If Bush does challenge Yarborough, State Rep. Bill Archer, another Houston Republican, will try for Bush's seat in Congress.

● Former Gov. John Connally spoke in behalf of the political future of his protege, Lt. Gov. Ben Barnes, at a private meeting of 25 or 30 Dallas business and political leaders a couple of weeks back, the *Dallas Times Herald* reported. The meeting was arranged by Robert Strauss, Dallas attorney and Connally associate who serves as the state Democratic national committeeman.

Reportedly, the meeting was called to solicit future financial support for Barnes, who, Strauss said, potentially has 40 years of public service ahead of him. Strauss said

those who attended the meeting represented an ideological cross-section, from conservative to liberal. Barnes was not discussed as a potential opponent for anyone, Strauss told the *Times-Herald*; rather, he said, the discussion was Barnes' potential role as a politician of national stature and as one who might help restore Texas' influence in national affairs.

## Speaker's Race

● Apparently the race to succeed Rep. Gus Mutscher as speaker has narrowed to two men now. Pledges are being collected by Rep. Joe Ratcliff of Dallas and Rep. Randy Pendleton of Andrews. Ratcliff is believed to have some 30 or 40 written pledges of support once Mutscher steps aside. Pendleton, a lieutenant of Ben Barnes when Barnes was speaker, is gathering oral pledges, it is said, though no number is known. Ratcliff evidently is the front-runner now.

The race probably will not intensify for a time, as Mutscher probably will want to serve a second term as speaker in the 1971 session, and it is very difficult to displace an incumbent speaker.

Rep. John Traeger of Seguin, who had been thought interested in the job, evidently has given up gathering pledges at this time.

● The House passed unanimously a bill establishing a statewide system for reporting physical abuses of children. Sponsor Jim Clark of Dallas said Dallas Parkland Hospital and the Children's Medical Center in Dallas treat about one child abuse case a day, but that presently there is no law dealing with the problem of reporting parents who beat or mistreat their children. The measure now goes to the Senate for consideration.

● Four House liberals, Mrs. Frances Farenthold, Curtis Graves, Raul Muniz, and Arthur Vance, voted against a resolution inviting Cong. Henry B. Gonzalez to address a joint session of the House and Senate. The resolution by Rep. Hilary Doran of Del Rio said that legislators "have not had an opportunity to hear the full texts of the several talks and press releases that Congressman Gonzalez made on the problems of the Mexican-American community in Texas."

The San Antonio congressman has been highly critical of MAYO's activities in the Valley (*Obs.*, April 11).

● Senate hearings on Sen. Charles Wilson's utility regulation bill have dragged on longer than hearings on any other bill in the Senate this session. Spokesmen for the

utilities finally were given their chance to present arguments against the regulatory bill last week, but as telephone and electric company executives droned on about the advantages of their *laissez faire* system of doing business, committee member after committee member (including sponsor Wilson) drifted off. Finally only State Affairs Committee Chairman Bill Moore and two other committee members remained at the table. Moore angrily recessed the hearing and utility lobbyists were promised another chance at rebuttal a week and a half later.

At this rate the bill will never get to subcommittee, let alone onto the Senate floor.

- Texas electric companies overcharged their customers to the tune of \$172,307,000 in 1967, U.S. Sen. Lee Metcalf (D.-Mont.) said recently. Metcalf considers an overcharge to be anything above what companies would have made at a 6% rate of return on investments.

Houston Lighting and Power had the second highest overcharge in the nation, some \$39 million, Metcalf said. Its rate of return was 9.8% while return on common stock was 14.7%.

- Rep. Jim Clark of Dallas has pulled down his abortion bill because it did not have a chance of passage in the House Public Health Committee.

Clark said all opposition to the bill authorizing abortions under certain conditions came from the Catholic Church. He quoted Archbishop Robert E. Lucey of San Antonio as saying that "any legislator who votes for this bill is a murderer."

"If the Catholic Church is consistent in its opposition, then it should be pushing to make abortion a capital crime," Clark said. "Let's see them pushing for some legislation on that. . . . There's never been anyone in Texas convicted of performing an abortion."

## Hall in Mississippi

- Walter G. Hall, Sr., the Dickinson banker and loyalist Democrat who is an avid supporter of both Lyndon Johnson and Ralph Yarborough, is one of seven stockholders in a Mississippi corporation that seeks to displace the current holder of the

license to operate TV channel 3 in Jackson. Civic Communications Corporation alleges that the current licensee has not adequately served Jackson blacks, who make up 40% of that area's TV audience. WLBT is owned by Lamar Life Broadcasting, whose chief stockholders are the Clint Murchison family of Dallas.

Other Civic stockholders with Hall are Charles Evers, Aaron Henry, Hodding Carter III, Charles Young (a Meridian NAACP official), Mrs. Paul Derian (national Democratic committeewoman from Mississippi), and Weyman Walker, a Houston native who is a broadcaster and who is leading Civic's efforts to reopen the question of who will operate channel 3 in Jackson.

News of the situation reached the *Observer* through the *Mississippi Freelance* (Box 836, Greenville, Miss., 38701), a new monthly being published about that state's political and social affairs.

## A Non-News Item

- An item of passing interest that went unreported, or else was played down, in Texas newspapers, was the arrest in early April of a nephew of former President Johnson on a charge of breaking into a liquor store near Princeton University and stealing a suitcase full of liquor. Philipp Bobbitt, 20, a Princeton sophomore, was arrested with a schoolmate. The two boys were carrying liquor worth \$323.28, officers said.

Bobbitt is the son of Oscar Bobbitt, a vice president of LBJ's Austin radio and TV station, KTBC, and of Rebekah Johnson Bobbitt, a sister of the former president. The *New York Times* telephoned the elder Mr. Bobbitt about the arrest; Mr. Bobbitt said he thought "it was just a fraternity-type prank and hardly worthy of a news story. . . . I am in the news media business, too, and a story like this won't be on our television stations."

- Without ever announcing that he had accepted the resignation of LBJ's man, President Nixon named his own figurehead to preside over Mexican-American dealings with government. The president selected Martin G. Castillo, 37, a Los Angeles attorney who says he's a Democrat, to chair the Inter-Agency Committee on Mexican-American Affairs. He also will become a special consultant to the president on Mexican-American affairs, and the White House indicated he will act as an advisor to the U.S. Civil Rights Commission, as well. Nixon vetoed a holdover Johnson appointment of a Mexican-American - Dr. Hector P. Garcia of Corpus Christi - to the commission.

Castillo follows Vicente T. Ximenes, a native of Floresville, named by Johnson to head the agency which he created in 1967. (In an article March 28, the *Observer* reported that Ximenes would not remain with the Inter-Agency Committee.)

Castillo, interviewed when word of his appointment got out, said he is "convinced

that President Nixon will provide for a substantial thrust at the problems of the Mexican-American."

## Dowdy and the Right

- Columnist Drew Pearson has, in two recent columns, linked Congressman John Dowdy of Athens to the far-right Liberty Lobby - and in turn, linked the Liberty Lobby to a pro-Hitler, neo-Nazi movement. In columns April 17 and 21 in the *Washington Post*, Pearson said Dowdy had accepted awards, given speeches on behalf of, and accepted financial contributions from the Liberty Lobby.

The columnist said Dowdy received a \$2,000 check as a campaign contribution signed by Willis Carto, organizer of the Liberty Lobby and its political arm, the United Congressional Appeal. Carto, according to Pearson, also founded the Francis Parker Yockey Movement, named for a neo-Nazi philosopher whom Carto supposedly idolizes. Pearson said the group was to celebrate Hitler's 80th birthday anniversary April 21.

Dowdy, according to the columnist, received the contribution from Carto, and also participated in Liberty Lobby activities in Washington at Carto's request. Carto also contributed \$1,000 to Cong. Bob Price, the Panhandle Republican, during his campaign last year, and to former Texas Cong. Ed Foreman, now a Republican congressman from New Mexico, Pearson said.

## In Washington

- Ramsey Clark, unemployed since leaving the attorney general's office in January, is writing a book. Clark, of Dallas, is said to be considering a foundation job which would keep him in Washington, but leave him free to travel and write.

- Sen. Walter Mondale, D-Minn., recently visited the Texas Rio Grande Valley, unannounced, to explore migrant problems. Mondale is chairman of the Migratory Labor Subcommittee of the Senate, and is considering holding new hearings in Texas and the Southwest on problems of farm workers.

- Braniff Airlines, a subsidiary these days of Ling-Temco-Vought enterprises of Dallas, has stepped up efforts to ingratiate itself with the new administration. Braniff officials purchased a sizeable quantity - the number 30 is mentioned - of \$1,000 (each) tickets to the upcoming Republican campaign victory dinner, staged to defray debts from the Nixon campaign. Braniff also has asked the Civil Aeronautics Board for exclusivity in certain South American flights. The CAB has reached no decision.

- *Observer* contributing editor Bill Helmer's article "Register Females, Not Firearms," (*Obs.*, Dec. 27) was reprinted in the *Congressional Record* by Maryland Sen. Joseph D. Tydings. Tydings is an advocate of the tighter gun controls. □

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# The Third Battle of the Alamo

*San Antonio*

When *Dallas Times Herald* city editor Jim Lehrer visited San Antonio in 1964 researching his satirical novel *Viva Max!* what impressed him most was that there aren't any public restroom facilities in that shrine of liberty, the Alamo. Liberty has its restrictions; please don't squeeze the liberty.

He even asked about it, and a member of the Daughters of the Republic of Texas (DRT), who was sitting darkly behind the information desk, informed him: "It isn't done." She was firm, her face was turgid with history, and Lehrer went away thinking she was right, in her circle it probably isn't. Somehow he resisted the temptation

## Gary Cartwright

to pursue the subject, thus exercising a discipline that he could not fully appreciate until a few weeks ago when they began filming the movie version of his book.

The third battle of the Alamo, as it came to be called, started with a routine exchange of correspondence in the fall of 1967. Mrs. Maude Crenshaw, then president of the Alamo chapter (San Antonio) of the DRT, agreed to allow the movie company the same privilege any tourist takes for granted; they could film freely on the city-owned plaza in front of the chapel and courtyard so long as they didn't actually touch anything. Producer Mark Carliner, who had already constructed a replica of the Alamo (complete with San Antonio skyline) in Rome, understood, or thought he did. Since 1905, when the DRT rescued the shrine from greedy businessmen who would turn it into a brewery, cameras are on a list of things not allowed inside the Alamo. The Daughters maintain the Alamo as they would their good china: when the State Legislature appropriated \$5,000 for repairs in 1911 it took a State Supreme Court order to get the carpenters inside. The Daughters prefer to do it themselves. At issue in the 1911 case of *Conley vs. the DRT* (Conley was state superintendent of shrines) was not a new roof for the ruins of the battle of 1836 but a clear statement specifying just who the hell's Alamo this was.

Producer Carliner was understandably relieved when Mrs. Crenshaw not only agreed to accept his proffered \$10,000 donation, but suggested that the money be earmarked for the construction of public restrooms.

The trouble started a few weeks later

when the DRT's president general, Mrs. William Lawrence Scarborough of Corpus Christi, got wind of the goings-on. She wrote Carliner that since the novel from which the movie grew "is of a satiric nature" all bets were off. Dangling like a man whose parachute is caught on a powerline, Carliner replied that Mrs. Scarborough was absolutely right, that "we consider [the novel] to be an offensive, unpleasant, misdirected satire," and for that reason special care was taken to make the screen version "a genuinely warm human comedy." Then he repeated the \$10,000 offer. But Carliner underestimated the intrinsic nature of satire; he was promptly informed that the DRT board of management had met and rejected among other things the idea of public toilets in the Alamo.

"I knew then," cracked Carliner, "that we had entered into the Land of Oz."

Despite the example of 1911, Carliner seemed to be on safe grounds. All he really needed to push his cameras into Alamo Plaza was permission from the San Antonio city council, a formality at worst. If the sanctity of his legal position wasn't enough Carliner could also address his appeal to art and free speech: the script in question

might well have been written by Sen. John Pastore's great-aunt.

**I**N THE MOVIE version Max (actor Peter Ustinov) is a modern-day Mexican general whose girl has jilted him for an American pole vaulter. When she tells him in front of his assembled garrison that "your men wouldn't follow you into a whorehouse," Max sets out to prove just how wrong a woman can be. Marching his 87 men across the border and north to San Antonio, General Max recaptures the Alamo, overpowering its three defenders — an elderly gatekeeper, a Baylor coed (actress Pamela Tiffin), and a little old lady who sounds suspiciously like a DRT. At this point, according to the Lehrer imagination, the superpatriots of Texas are trumpeted to the counterattack. On paper it is pretty wild stuff.

No sooner had the film crew arrived in San Antonio than the cast of characters stepped out of fiction and into the first available meatgrinder. Mrs. Scarborough, who wears the startled turkey gobbler expression of a Norman Rockwell painting,

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Photo by Neil Caldwell

*Mr. Cartwright is an Austin writer. He formerly was a sportswriter in Dallas.*

General Max (Ustinov) Advises His Troops

flew in from Corpus Christi, establishing her command post at the Menger Hotel next to the Alamo. Calling a press conference in front of the Alamo, she spoke of them "making a mockery and desecration of our heroes who died for us at the Alamo," referring specifically to a scene where the Mexican general "takes that pretty little blonde girl [Pamela Tiffin] to the hothouse and seduces her." You could see the flags of no-quarter flapping in Mrs. Scarborough's eyes, where nothing had stirred for years. "Why can't they make a nice movie like John Wayne?" she asked.

Mrs. Scarborough pointed out that: "We are *not* little old ladies in tennis shoes." And several of her companions, one of whom had come straight from the country club and still wore golf shoes, nodded solemn agreement.

Ignoring advice from two lawyers who resigned one after the other during the three-week confrontation, Mrs. Scarborough tried and failed to get a court injunction which would halt the movie making. Rumors then circulated that the Daughters would drape the Alamo in black. Much as the original defenders of the Alamo came to sense that they were indeed out there alone, Mrs. Scarborough fell back on any tactic available. When General Eisenhower died she ignored a warning from her public relations man and made plans for a news release which noted: "Sometimes the Lord moves in mysterious ways. Sometimes a death brings alive a cause."

She explained to me that this was by way of recalling that Eisenhower "was another glorious Texan who gave his all for liberty. He was born, I believe, in Abilene." He was, in fact, born in Denison; a year later his family moved to Abilene, Kan. But you could see what she was driving at, that this was God's way of making good for that mistake, and if Ike had been around he would have been there with Travis, Bowie, and the other boys, dying for the DRT.

The response was predictable. In a letter typical of those printed in the *San Antonio Express* about the situation, a writer who signed her name Nerna Skidmore Eller objected to carpetbaggers filming anywhere around "the blood-soaked ground." A crippled war veteran who also happened to be running for city council protested at such length that he had to be removed from the council chamber. He was waving a crutch and reciting the pledge of allegiance to the flag as they took him away. A man from Gonzales, one of several towns whose citizens refused to come to the aid of the besieged mission in 1836, told the council that the movie company was "lowering morality to its lowest point in history." Another patriot took the direct approach. He showed up on the set carrying a loaded rifle and threatening to cut down anyone who tried to raise the Mexican flag in the



Photo by Neil Caldwell

### Actor Jonathan Winters

plaza.

A Bexar County politician, Dist. Clerk Elton Cude, protested to the council that allowing a film in front of the Alamo would be "like writing a comedy and letting somebody raise a foreign flag over Kennedy's grave." Cude is president of the William Barrett Travis chapter of the Sons of the Republic of Texas; he is also a member of the Lions Club International, the American Legion, the Marine Corps League, the Sons of the Confederate Veterans, and is a man who traces his ancestry to the American Revolution. On top of that he is an amateur historian. He told me: "You know Santa Anna was a hophead, don't you?" I said that I didn't. "Sure, sure he was," said Cude. "During the final big battle he was in a room with a mulatto woman."

**P**ARTLY through the efforts of the Sons and Daughters (actor Jonathan Winters coined a collective name for them: "The Mothers"), many details of the Alamo are blurred in Texas history books. There is strong evidence, for example, that Davy Crockett was not killed in battle, that he was discovered later hiding under a stack of mattresses and executed. Two local memorials lay claim to the ashes of the heroes of the Alamo — one under the floor of the Alamo chapel, and a much more pretentious one some blocks away at the San Fernando Cathedral in a marble casket purchased in 1936 from funds solicited for that purpose by the Archbishop of San Antonio. These memorials most likely contain dirt shoveled from a site approximating the burial place, which has never been located but frequently exploited.

For that matter, the Alamo itself, with the exception of the chapel, which contains the only authentic ruins of the

original mission, is slightly east of the genuine battleground. The true "blood-soaked ground" is across the street, about where the National Shirt Shop, Askins Credit Clothing, F. W. Woolworth, and Alamo Savings and Loan are currently situated.

The DRT has steadily resisted efforts to install a sound and light "spectacular" in the shrine. "What the hell," a Texas historian told me, "They won't even let kids under 12 in the Alamo research library." It has even been claimed that the Daughters were recently instrumental in getting Crockett a haircut and deleting from textbooks reference to the fact that his cough syrup recipe contained "Tincture Cannabis India, three ounces."

While the outside agitators filmed and the patriots fumed ("This has all the earmarks of a publicity stunt!" Mrs. Scarborough observed at one point), actor Peter Ustinov maintained the detached calm of a man reading the *Wall Street Journal* through the wrong end of a telescope. He recalled that there was no fuss or bother when the movie company of *Is Paris Burning?* raised the Nazi flag over the Arc de Triomphe. "And that of course was a national shrine," he remarked. "Surely Texas is now a part of the United States. Otherwise they should be in permanent mourning over the U.S. occupation of the Republic."

Despite the rhetoric most citizens of San Antonio seemed pleased to have the movie folks in town. Eighty-seven unemployed Mexican-Americans signed on with Max's "army," and about 40 Anglos answered a call for "local bigots" to play the rightwing militia that rushes to the scene of the siege. The "Mexican soldiers" were especially receptive to the opportunity. They stood around all day in the sun, and in the evening you could find them still in their khaki uniforms and drinking in the private club of the hotel where the crew and cast were quartered. When a local civil rights leader picketed the set protesting that "Peter Ustinoff [sic] Hires Cheap Non-Union Mexican Labor," the soldiers attacked him.

Mayor Walter McAllister, himself a member of the SRT (to be a member one must have had relatives in the state before annexation), eventually led the fight to permit the movie company to erect a fake wooden gate in front of the iron-rail gate separating the Alamo's manicured courtyard from the public plaza. And some of the city's leading citizens, including two newspaper publishers and the architect who designed HemisFair, agreed to sit in as extras. Carliner paid them \$1.50 an hour, same as the Mexicans and bigots.

**T**HREATS TO drape the Alamo in black soon dissolved. On Mrs. Scarborough's command the iron-rail gate was padlocked and wrapped in black plastic, an act that hardly bothered director Jerry Paris since the fake gate was more authentic than the gate it concealed. The DRT

also locked the main door to the chapel, inadvertently helping production by preventing tourists from wandering out in the middle of a take.

While DRT photographers catwalked the garden walls hoping to gather evidence in the event the movie people actually touched state property, Max's "soldiers" pushed through the spectators and hustled color Polaroid snapshots of Pamela Tiffin in a miniskirt. I asked Carliner what ever happened to the Marx Brothers, but you could tell that he was tense, especially when in one scene a flare blew off course and landed on the roof of the Alamo chapel. Fortunately, the "policeman" to whom the Daughters registered their complaint was actor Jack Wakefield. There was

another bad moment when they lowered the Texas flag (after first determining that the flag pole was on city property) and replaced it with the Mexican flag. In their haste the soldiers rigged the Mexican flag upside down. They had to shoot the whole scene again. When they finally restored the Lone Star flag to its proper place it too was upside down.

Nevertheless it became clear that Hollywood was winning both the battle and the war. Eighty-year-old Mrs. Edith Simpson Halter, the "peer" and unofficial historian of the DRT, admitted to reporters that "it's upsetting to think we may have brought this on ourselves. We used to have better public relations." Increasingly aware

that the DRT would not recapture its glory of '05, one Daughter after another quietly disassociated herself from the cause.

Mrs. Crenshaw feared the worst: she even claimed that she heard on the radio that Lt. Gov. Ben Barnes had proposed legislation to "take the Alamo away from us." And another Daughter put the whole thing in focus, explaining that the reason one of her sister Daughters objected so strongly to the movie was that "She thought the picture put the Mexicans in a bad light."

"Is that a fact?" I asked.

"Yes," she said, lowering her voice to a whisper. "You realize of course the woman has Mexican blood." □

## The McCrocklin Resignation

*The Observer here reprints the April 19 statement of resignation of Dr. James H. McCrocklin, former president of Southwest Texas State.*

### San Marcos

Southwest Texas State College is on the verge of developing into a national leader in the field of education. I have constantly asked all of my college community to work together in a positive manner to make this a reality, but there persists on our campus the same destructive element found nationwide which seeks to destroy and discredit any institution of higher learning. Regrettably, our campus has no immunity. These elements are located on and off of our campus and are very active.

Despairing of successful fomentation of discord within a student body dedicated to securing an education, rather than destruction of the educational process, these forces have diverted their efforts to a personal attack on me. By this indirection they have sought to discredit not only Southwest Texas State College, but also the great University of Texas, an institution I love and which prepared me for the job I now hold.

Knowing the long known and never denied fact that the circumstances surrounding my doctoral dissertation were unique in that I had been called up by my country from the academic world to serve during the Korean War, they have sought to distort the truth and destroy institutions and men alike. The simple truth is that my degree committee chairman, knowing that service to my country had taken away not only my available time to work on my dissertation but also my ready access to the necessary library materials, agreed that a scholarly assignment could be performed while on active duty and could double to serve as my dissertation. Proof of the exact nature of that assignment and the quality of the scholastic effort involved is absolutely essential to my defense.

Fifteen years after my dissertation was approved, ten years after it was first

questioned, and thirty-five years after the Marine Corps files on which I must be judged were finally closed, I am called upon to defend myself by recourse to scattered documents and memories dimmed by the ravages of age and the passage of time. I had hoped to find the files intact and positive proof easily available to bring this matter to an early conclusion. To my dismay, after going to Washington this past month to obtain these records, I find that the necessary files are no longer available in a central location, if in fact they are available at all.

Distasteful as the necessity is to me, I must ask for an indeterminate amount of additional time to locate these files or the individuals with whom I have long since lost contact who have knowledge of the facts I must have.

Those who seek to detract from me and these two great institutions are "eager for the kill." They have demanded warm blood and decry a delay of weeks for me to have a fair trial on the most important matter of my life. No doubt they will be deaf to an appeal for a reasonable and just delay.

I have sought to serve this institution, contributing to it the good that is in me for the good that will make it great. My love for it transcends the personal satisfaction I gain from the honor of serving as its president. I will not tolerate the destruction of what we have proudly built, nor that which this faculty and these students will certainly build in the future. I have regretfully but irrevocably come to the decision that I must resign for the good of this great institution and in order that I may devote my full time and efforts to dispelling the false smear upon my personal integrity, the quality of a degree from the University of Texas, and upon this institution.

My sad heart is filled with gratitude to the large majority of the faculty and staff who supported me through trying times, my administrators, the other institutional leaders who wrote me letters of encourage-

ment because they realize the problem as one of a new cancer in the life stream of higher education which is striking at the core of education across this country. Likewise, I am grateful to the students and ex-students for their loyal and continued support and for the many letters of friendship.

Most particularly, I want to express my appreciation to the Board of Regents, State Senior Colleges. Only they know the great pressures and harrassment that come with this post. To each of them, my heartfelt appreciation for their absolute support. Through these leaders the senior college system is on the verge of greatness. They need all our support and praise in the forthcoming struggle to keep education an effective part of our democratic system.

This is a sad day in my life, and it is a sad day in higher education in Texas. ■

### Closed Meeting

Five reporters, including an *Observer* editor, were asked to leave a meeting of the Senate Youth Affairs Advisory Committee. Newsmen learned of the secret meeting in the Sam Houston Building and entered uninvited as Youth Affairs Committee Chairman Criss Cole was telling his advisers, "I understand we're going to be having some trouble with the press. They've been trying to get here all morning."

The senator told the interlopers, "This is a work session and we have many problems to talk about that we don't want to air in public."

The group is preparing a report on the Texas Youth Council, whose institutions for youthful offenders have been accused of excessive brutality.

"Apparently the state's open meetings law still needs a little more work," one reporter grumbled as he left the meeting.

# Black Texan Challenges Yorty

Los Angeles

Biggest show on the West Coast this month is the heartwarming story of how a Texas-born black man defied the odds, the big money, and all the usual political evils to become an honest-to-God threat to Los Angeles' perfect badguy, Mayor Sam Yorty. It's the cheery sort of success story that one rarely sees these days.

The May 27 mayoralty election runoff and the increasingly lively days leading toward it have all the drama of the march on Selma, the black-and-white-together romance of the early 1960s integration efforts, and the beautiful veneer of a city putting aside its prejudices and hatred to make a Negro the mayor of America's third largest city.

So it's 800 miles west of El Paso, which makes it twice that far away from the

## Bill Hamilton

hearts and minds of most Texans — but what's happening in Los Angeles is important to Texas, not just because City Councilman Tom Bradley is a Texan, but because with a little imagination and a couple of belts of whisky, one can imagine the same sort of campaign succeeding in, say, Houston. Admittedly, L.A. is not Houston, and no doubt the Californians are grateful for it. Still, L.A. is a highly metropolitan, affluent, and mighty modern place which is, importantly, only about 15% black in population.

What is happening in Los Angeles, if indeed it happens, will not be a repeat of Cleveland, where Carl Stokes eked out a win in a city crushed by its huge ghetto and accompanying problems, nor will it be a Gary, Indiana, where Richard Hatcher probably was happier as a black non-mayor.

By contrast to the dying East (a phrase these Westerners just love), Los Angeles is a new and shiny place, just 88 years from its birth as a humble Mexican pueblo. It has its problems, to be sure, but Los Angeles is infinitely more governable and its crises so much more solvable than those one might find in New York, Baltimore, or Mayor Stokes' Cleveland.

Los Angeles is, and Houston Mayor Welch won't like it, in the mode of Houston: lots of freeways and miserable public transit; lots of tall, tasteless new buildings and slum areas that look like Andersonville; and a fraternal little downtown clique that happily wears the cloak of

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the city establishment. Thus, and Welch would like this even less, if Bradley can become mayor in Los Angeles, then there is hope that someday a black man like Rep. Curtis Graves could do the same in Houston, and others could perhaps do it in Dallas or San Antonio.

**B**UT THE liberal unity with which Los Angeles oozes at the moment is not traditional. Councilman Bradley didn't tell anybody what he was doing during the Christmas season last year, and when he announced for the mayor's job he made a lot of other good guys mad. Rep. Tom Rees, a white Democratic congressman with impeccable credentials, made it clear for a year or more that he planned to run. Bradley supporters knew it, and ignored him. It was, they reasoned, the black man's turn.

Rees entered the race anyway, along with 13 other candidates who thought Mayor Yorty was too much. But after a brief survey of how things were, Rees got out and endorsed Bradley. His supporters went through the motions of switching loyalties, but most were convinced that Yorty would clobber Bradley and spend another four years as mayor. They figured Bradley would get the black vote, a few Mexican-Americans, some of labor's leaders (but few of labor's members), and a stout-hearted lib or two. Yorty, they reasoned, would lead the ticket by a sizeable margin, and would spend the runoff campaign blacklisting those who hadn't voted for him.

But when the returns came in on April 1, Bradley led the race with 42% of the vote among 14 candidates. Yorty had 26%. The fourth-ranked candidate, millionaire Republican Cong. Alphonzo Bell, promptly endorsed Bradley. The third-runner, a TV newsman with Ronald Reagan proclivities, refused to endorse either candidate.

A *Los Angeles Times* analysis of the balloting showed that Bradley, besides taking the black vote and others conceded to him, won three of five councilmanic districts in the posh San Fernando Valley, a white mecca something like Houston's River Oaks, or the Turtle Creek area in Dallas. In some blue collar areas Bradley ran behind, but not as badly as a black candidate could have, even optimistically, figured.

In Mexican-American *barrios* of East L.A., where struggling to keep one's family alive and fed keeps political interest at a minimum, Bradley won. He won, despite Yorty's careful cultivation of the Mexican-American vote over the years, in spite of a huge flow of Yorty dollars into seemingly the right hands in Spanish-speaking neighborhoods, and in spite of long-standing

differences between the black and *chicano* communities in Los Angeles.

It was the same in the Jewish areas. Yorty worked hard for Jewish support, named Eilat, Israel, a sister city to L.A., made pilgrimages to Tel Aviv and, more pragmatically, kept reminding his Jewish friends about the anti-semitic feeling said to be strong among militant blacks. But the "borscht belt" didn't buy it. It went for Bradley.

Citywide Bradley had a 110,000-vote margin out of 703,000 votes cast. The Negro councilman received 113,000 votes in black boxes and 182,000 votes from Jewish, liberal WASP, Spanish-surname, and other precincts. Bradley got 31% of the non-black vote; Yorty had only 26%.

The runoff began election night. Yorty, who campaigns like the "old Nixon" with a bit of Goldwater and a taste (inappropriate word) of Allan Shivers about him, called Bradley a racist, said he'd used his color to get votes (a variation on an old theme), claimed he was anti-police, and announced that Bradley and those who voted for him were controlled by black militants, communists, labor bosses, and other vermin. Yorty's police chief, who resigned to become a TV commentator (show biz is everywhere in California), also blasted Bradley as soft on crime. The forces of lawfulness and the usual rightwing elements rallied around Yorty, who campaigned modestly as "America's best mayor."

But pinning an extremist label on Bradley will be a difficult job. Were he white, he'd be boring. As a candidate he is unexciting except for his blackness.

**B**ORN 51 YEARS ago on a farm in Calvert, Texas (Robertson County), Bradley moved west with his parents after World War I. He attended trade school, went to UCLA, worked as a cop for 21 years, and finally got a law degree by going to night school. He was elected to the city council from the black southside five years ago.

He has the proper memberships and stuff — NAACP, the Urban League, the Methodist church, a law school board of regents, even the Mexican-American Political Association. Not a hint of militancy.

He does, however, have the black community behind him, militants and non-militants alike. In stores which have reopened since the Watts riots of 1965, every window has a Bradley poster, every car a Bradley sticker. Bradley buttons — black-and-white ones which say, simply, "Bradley" — are everywhere. At Bradley headquarters downtown, the campaign workers

all look straight: Jewish housewives, black high school kids, college students of all sorts, mothers with babies. A very un-alarming group.

It is, and I know it sounds schmaltzy to say it, a coalition campaign. Yeah, coa-

litions between blacks and whitey are supposed to be dead in the big cities, and everybody knows that Mexican-Americans and Negroes can't get along, that white liberals can't communicate with the slum kids, that labor has sold out to the big

interests, and so on. But Los Angeles is, after all, a real life place, and the coalition seems to be working.

And if it does, the nation's third-largest city will have a black mayor. Is that a nightmare, Mayor Welch? □

## Dave Hickey's Column

# John Rechy's Numbers

*They live by numbers, numbers are everything to them and their preparation is like any savage dancing, they do what red Indians do when they are dancing and their movement is angular like the red Indians move.*

—Gertrude Stein,  
Everybody's Autobiography

*Americans are like Spaniards, they are abstract and cruel. They are not brutal, they are cruel. They have no close contact with the earth such as most Europeans have. Their materialism is not the materialism of existence, of possession, it is the materialism of action and abstraction.*

—Gertrude Stein,  
Autobiography of Alice B. Toklas

1. John Rechy's second novel, *Numbers* (Grove Press, Inc.) is a book of terrible particularity — it is finally, as its title implies, a nominal object. So it is impossible to review, because a review would summarize the plot and give the impression that the book is just another of the legion of books about homosexuals, highways, Los Angeles, and vanity. Although the book is made of homosexuals, highways, Los Angeles, and vanity it is not about any of them, or anything. It is exactly what it is and will not generalize into parlor sociology about "the plight of the homosexual in America," or "the ramifications of highway culture and the masculine will."

It is, however, an artistic achievement of real integrity and authentic innovation. But the critical question, "How is it good?" can't even be asked until the aesthetic question, "How is it at all?" has been answered. I don't propose to answer it, but I do intend to make some guesses as to how it is, and where it happens, and why it has been ignored. (Since the questions the book raises are aesthetic rather than sensible, sensibility freaks need read no further.)

2. In the "Perfect Wagnerite" Shaw notes that critics inevitably mistake the culminators of a tradition for the

innovators of the next. They ignore the real innovators, because the cheap innovations scare them to death and the real innovations make them uncomfortable. This certainly explains the print wasted raising *The Confessions of Portnoy* and *Nat Turner's Complaint* into an early heaven, but it also presents a possible explanation for the silence with which *Numbers* was greeted. *Nat Turner* and *Portnoy* only violate our conventional attitudes about subject-matter; *Numbers* violates conventional attitudes about the art of literature, that, for instance, it makes us laugh and cry, and gives us a better

"understanding" of the world, that it gives life some kind of order.

3. The innovation in *Numbers* though, is not technical. Technical innovations arise out of the artist's confrontation with his subject-matter. The innovation in *Numbers* is more radical and subtle, of the sort which arises out of the artist's confrontation with his art, the conditions of its making and the conditions of its perception. It may seem contradictory to call innovations radical and subtle, but consider

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how subtly and simply Rechy deprives us of the artist-hero, truth-fiction game of intellectual window-peeping so many modern novelists encourage:

**4.** Phillip Roth is Portnoy, Saul Bellow is Herzog but Saul and Phil are better than Portnoy and Herzog because they "understand" them. But my, my, did Saul and Phil really *do* those things that Portnoy and Herzog did? Wouldn't it be great to *know*? And isn't it exciting to *guess*. Just *think*, maybe Phil Roth has more fun than Richard Burton!

On the jacket of the hardback edition of *Numbers* there is a photograph of John Rechy, and on the inside jacket flap there is a pencil drawing of Rechy, and in the opening chapter of *Numbers* there is a description of Johnny Rio. It is a description of the man photographically described on the cover and sketched on the jacket flap. It is as simple as that. *A roman a clef* is not nearly so titillating if the author hands you the key.

Not only that, Rechy doesn't condescend to his hero or make fun of him or analyze him. We are spared the elaborate and sophisticated strategies of public self-hatred and self-pity which Roth and Bellow, among others, practice with so much critical and financial success. Roth and Bellow rather coyly re-present versions of themselves as objects of epistemological speculation; Rechy presents a version of himself as an aesthetic object — and strangely enough, by doing so, he not only lends his novel aesthetic integrity, but achieves a kind of privacy for himself. The distinction in painting is more obvious. Norman Rockwell re-presents a flag as a picture, Jasper Johns presents a flag as a painting.

**5.** Rechy's gesture of putting his picture on the cover and describing it in the book, has another effect which is just as salutary. It breaks down the imaginary plane which we tend to erect between the world of the book and the world in which we read the book. No matter how "realistic," most modern books are designed to let us "into" the fictional world, to let us "lose" ourselves in the fictional experience. This is the ethical dilemma of modern realism. The realist's intention is almost by definition to force his reader to look at the world around him more critically, to see it without illusions. But to do this the modern realist must first seduce the reader with an illusion, and make him suspend his critical faculty — or in Coleridge's idiom "suspend" his disbelief.

Many of the excesses of contemporary art can be explained as efforts to make the reader re-engage his critical faculty, to unsuspend his disbelief and treat the perception of art as a "real" experience. (You can look "into" a Norman Rockwell picture and see a flag on a grassy knoll. You look "at" Jasper Johns' flag. It is hanging

in the room where you are looking at it.) In a much more complex way, it seems to me, Rechy's book calls into question the conditions under which we acquire and perceive it.

**6.** How does a mimetic art call into question the conditions of its perception? Antonioni does it most eloquently in *Blow Up*. We buy a ticket and enter a darkened room to watch a movie on an enormous screen, but we forget this right away, suspend our disbelief, and enter "into" the story of the young photographer who thinks he has photographed a murder. He looks at the picture again and again. He blows it up until it dissolves into an ambiguous pattern upon which he can impose any form he wants. Suddenly the blow-up fills the screen and we are forced out. We are presented with ourselves in the same situation as the photographer. We, too, as we watch the movie are watching a blow-up and trying to force a meaning upon it. Our relationship as a perceiver to the colored patterns on the screen is easily as problematic as the relationship of the photographer to his "murder photo," and the meanings we find will be, as his are, the ones we wish to find.

**7.** Johnny Rio (who is somehow a version of John Rechy, as the photographer is a version of Antonioni) is a retired male hustler who, approaching 30 and afraid of losing his "youth" and "beauty," returns to Los Angeles, the scene of his triumphs, from his home in a Texas border town. He wants to prove to himself that he can still "make it" hustling homosexuals, to see if he is still, in the argot, a hot "number."

But the hustler, according to his code, is not a homosexual. He doesn't actively participate. The mark must make the initial approach and usually pay. The hustler's gesture is pure presentation. He says "love me, admire me, bow down before me, pay me for being what I am — beautiful. And I will give you what you deserve, but not what you want." In this way, the hustler becomes kind of a living embodiment, a black version, of Keat's Grecian Urn, for whom truth is not honesty, or communication, or love, but beauty, and that is all he knows on earth. Whether it is all he needs to know is another question, for Johnny Rio, unlike the urn, is no "foster child of silence and slow time," but a victim of them: a slave to the "numbers" that count off his life and beauty.

This is the crux of the plot, and it is not a particularly new plot. But the single-mindedness of Johnny Rio's constant presentation of himself and the explicit analogy between Johnny Rio and John Rechy finally forces an analogy between Johnny Rio's presentation of himself and John Rechy's presentation of himself in the book (on the cover! on the flap! in the text!).

It would seem that Rechy, like Antonioni, is consciously calling into question his

motives as an artist. "Love me, admire me, bow down before me, pay me for being what I am — beautiful." The problem is that these are motives we would just as soon leave unquestioned, since they also call into question our motives for reading the book.

**8.** In this way, it seems to me, Rechy has activated, in a really radical way, the entire literary experience and questioned its ethical, moral, and aesthetic foundations. For many years there has been a dictum in criticism that we should avoid what Wimsatt calls the "intentional fallacy" of intuiting the artist's motives. What Rechy's book demonstrates, and everyone knew all along, is that by ignoring the artist's motives for making a book, we also can ignore our own motives for reading it. We can purify our motives by deifying the book, but in doing so we perform what Marx realized was the classic gesture of bourgeois capitalism, we make a "fetish" out of a commodity and give it a value totally disassociated from the labor that produced it. Speaking as a Jew and not as an economist, Marx might have put it another way. He would call us idolatrous — and he would be right.

If Johnny Rio presents his body to be worshipped by men who say they want love but really only want sex, the raw sensation of a safe relationship with a cute and undemanding "number" (his second novel, his third . . .), and if John Rechy presents his book with an identical gesture and we pay for it and take it home for a "safe" experience in the "wonderful world of books," then there is no way to call Rechy's gesture vain without calling ours hypocritical. (I say there is no way, but as might have been expected, the *Partisan Review* found a way.)

**9.** This interplay of fictional gesture and literary experience would not be nearly so effective, though, if Rechy, having presented himself to be admired, gave us what we desired, as Johnny Rio, in the necessity of his vanity, must do. Rechy, on the other hand, uses the primary mimetic device of the novel to destroy the mimesis, and the primary formal device to destroy the form.

Again I believe that Rechy has done something subtle and new. Traditionally the novelist has accepted two contrary intentions when he began making a book. He intends to make a work of art which has order and therefore fulfills our expectations, and he intends to imitate or represent everyday life which doesn't have order and therefore doesn't fulfill our expectations. His primary device to give his book order was the plot which ordered events in a causal chain leading to a conclusion; his primary device in imitating everyday life was the novel's scale which by its sheer size implied a kind of substantiality.

As Poe pointed out when he required

the short story be read in one sitting, when we read something over a period of time we have forgotten most of the book before we have acquired it in its entirety. But this is a tremendous mimetic device: before the book is finished, most of it is a part of our subconscious memory, a part of our actual past, so the author can literally make the reader "remember" events in the book as he would events in his life.

What Rechy does is give us a plot which is suddenly transformed into an anti-plot, and give us fictional events of such similarity and with such rapidity that the ordering, mythologizing function of our memory is frustrated. And so the book abstracts. The plot, the people, and the events of the book become like the pages and the chapters, numbers.

**10.** When Johnny Rio returns to Los Angeles he hits the streets again to "test" himself. He is successful but he realizes that unless he sets a goal he will be lost. So he sets a number of homosexuals he will passively seduce: 30 (American for the end of youth; journalism for the end of a text). As his trek begins he keeps count, trying to remember each conquest. He moves from the streets, to Muscle Beach, to McArthur Park and finally to Griffith Park, gathering his numbers, in constant fear of mortality (God is the heavenly sniper, when your number comes up: Ping!), of being rejected for another cute little "number."

In the evening he returns to his motel to sleep and exercise to keep his body young, doing rigorous sets of repetitions — numbers of sets of numbers of gestures. He becomes obsessed with a colored woman who is preaching the end of the world — the last day. He thinks that by returning and by proving himself and achieving his goal, he somehow will discover the reason for his being there. By passing the goal, by reaching a conclusion he can look back and see the plot, the pattern. But he reaches 30, and prepares to go home, and doesn't for no reason at all. At the end of the book, the world hasn't ended, Johnny Rio has no reason, but he is back in the park, he is, as he realizes, a "number" himself; he has identity in only a mathematical sense, and he is still counting at 36.

The "plot" then turns on the mathematical distinction between life and art. Art presents an ordinal sequence: *first and then second and then third . . . and then last*, and life presents a cardinal series: *one and two and three and four . . . into infinity or a random stopping point*. Rechy then creates a sequence of events which are ordered toward a conclusion, 30, and then nullifies not the events but the ordering factor. In this way he uses the plot to give his book form as perceived, but refuses to let the plot give the book meaning.

The effect of Johnny's constant counting and recounting of his seductions works the same way. For half the book they serve to give the book order. Johnny associates a

number with a person and a place, and you remember as well. But as the numbers begin to come more quickly upon one another Johnny has difficulty keeping them straight, and the reader begins to lose track too.

Finally Johnny stops counting people because they are hard to keep track of, and duplication would ruin the score. He starts counting contacts: the number of times he is touched, and at this point the entire structure of the book abstracts. It doesn't matter when or where or who touched him. What matters is the touch, the volume of touches. By this counting method even the idea of serial time is destroyed, there is no need for "first" or "last," or even for "before" or "after." There is no time, only an abstract number of times.

**11.** The ideas which Rechy is using are not new; they are the crux of existential theory and have been toyed with and discussed in a hundred novels. What is new is that the ideas are not in Rechy's novel they are of it, embodied in the experience of the reader with the book. *Numbers* doesn't describe the crisis of realism and individualism in fiction, it demonstrates it. Johnny Rio becomes so unique, so individual, so real, and so particular that there is no longer any bond of type or kind between his experience and ours. He becomes so totally himself that he is opaque, not a person but an object, and not really an object but a name for one thing: a number.

The book ends, then, with a perfect inversion of the Christian, European apocalypse. Rather than a moment of revelation in which all becomes one, author, character, God, nature, and reader, it ends at a point of realization at which author, character, God, nature, and reader are irrevocably other, cut apart unrelated, unordered, and unpossessable — a very unnerving and impressive trick to pull off without being dull.

**12.** By way of conclusion let me apologize to John Rechy for probably over-criticizing his book. I have tried to obey Wilde's critical dicta and translate my experience of the book as accurately and elegantly as possible. If I have found things in this book which the author didn't put there, the score is even. The book found things in me and in my attitude toward books that I didn't put there either. And I couldn't have done more violence to the book than the paper-back edition which as a picture of a chic nude Frenchman on the front which makes the book look like *I Am Curious (Mauve)*. Which it isn't. □

*Numbers was published by Grove Press in 1967. Mr. Rechy's first novel was City of Night.—Ed.*

# In My Opinion

Austin

Liberals who have dismissed Lt. Gov. Ben Barnes as just another establishment politician must, this spring, take another look, I think. Barnes long has maintained good relations with the Texas left, and this session of the Legislature he has done a good deal more than just make gestures for the benefit of liberals, it seems to me.

As may be recalled about a year ago, I was very much a supporter of Don Gladden for lieutenant governor in the Democratic primary when Gladden was running against Barnes. Faced with that choice today, I still would take Gladden. But I said at the time, realizing the support Barnes was getting from the liberal state senators, that perhaps one day I'd see the political wisdom of the senators' support for Barnes over Gladden. Now, four months into the 1969 legislative session, I understand better what those senators were talking about — Gladden didn't have a chance against Barnes, and Barnes could be persuaded, by liberal support, to help advance liberal causes in the Senate.

Clearly, this has happened this spring, as the votes on at least the minimum wage and governmental immunity bills clearly demonstrated (page 10). I thought the liberal senators might be embarrassed about this point of the legislative session this spring, because of Barnes not living up to their expectations; but, on the contrary, the liberals in the Senate are most pleased with their presiding officer, and those of them

who chose Barnes over Gladden last year appear to me to have had their judgment vindicated by recent events.

The whole question of Barnes' relations with the liberal community of this state must be reexamined, I think. He is the first establishment politician to pay liberals the courtesy of acknowledging liberalism's growing political power in Texas and to pay attention to the more compelling of liberal legislative goals.

I do not suggest for a moment that Barnes has acted wholly out of charity. What politician does? He has seen the liberals' rising influence in state affairs and perceived their strength nationally. If his perception is accurate he also knows that Texas government as we have come to know it these last three decades is changing and that mossbacked conservatism won't any longer do. Thus, without wanting to lose his conservative support, Barnes has been open to liberal overtures and has been tacitly and to a limited degree "on the liberal program."

He is seeking to establish himself in the public mind these days as a progressive yet prudent politician on the rise, a champion of long-needed reform in Texas, a man

more in tune with the times than, say, Preston Smith or Gus Mutscher. It is said around here that Barnes might seriously be thinking of taking on Smith next year in the primary, that his deeds this spring in running the Senate are aimed at forging a record to seek the governorship next year.

This may be true but, somehow, I still believe Barnes won't make another move until 1972, when Smith has said he'll step down. Then Barnes will have the choice of seeking the governorship or trying for John Tower's U.S. Senate seat. I don't see Barnes wanting to risk losing the liberal support he's beginning to get by running next year against U.S. Sen. Ralph Yarborough. I further suspect Barnes will serve first as governor before taking on a Senate race, that his time table (if such a thing exists) might well indicate the governorship for the six years following 1972 and a race for Tower's seat in 1978.

Be that as it may, liberals, who have no likely winner ready for a gubernatorial race to succeed Smith, might do well to consider throwing in with Barnes as the best means of "electing a liberal governor." Barnes will have to be watched carefully, for, after all, he has extensive conservative support and is, still, an establishmentarian. But if he had considerable support from liberals and labor I believe he would become a valued ally and leader in the progressive movement of our state. We shall see. G.O.

## Observations

Los Angeles

Princeton University has \$127 million worth of securities in 39 major United States corporations doing business in the Union of South Africa. A coalition of white and black students demanded that Princeton sell these stocks; the university has refused. What about the large stock portfolio of the University of Texas? It should be examined, and, if necessary, appropriate adjustments made to see that state money is not tied up in the perpetuation of the world's most racist state.

I understand that a study is now underway at UT to find out the extent and implications of military-financed research activities there. This is both fitting and overdue. The university community, faculty and students, are responsible for the continuation of such research and its corrupting effects on the actual meaning and role of the university.

Students at UCLA and elsewhere are

demonstrating against ROTC being an accredited part of the college curriculum. I took ROTC in college and learned practically nothing of college-level value. One thing I did learn was how to fire a rifle with moderate accuracy. I should not have been allowed to spend college time on such stuff. What's the matter with the students at the University of Texas? Are they all sitting on their duffs waiting for S.D.S. to tell them what to fight for next? ROTC ought to be sent off-campus.

While the black students' list of demands at UT were in one or two respects outlandish (perhaps deliberately so), it was good that they were advanced, and the response of the administration, as voiced by Dean John Silber, has been reasonable and constructive. Silber is advocating expansion of the school's black studies offerings and agrees with the blacks that there must be more financial aid for economically handicapped black students. Said Silber at the faculty meeting this winter on the subject of the black demands, the blacks are "very well advised to argue [their] case on moral and legal grounds, because the moral case for the Negro is devastating — it is overwhelming. It shames all fair-minded men." Much else has been said, but this is the crux of the matter, and the university

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seems to be doing some real things about it.

The crisis over faculty autonomy at UT was resolved by a well-struck compromise that created a new all-faculty senate. The tenacity of Cliff Grubbs of the economics faculty and some others yielded this advance in the organizational integrity of the university. The administration's stupid, blunderbuss cancellation of the S.D.S. conference at UT by the administration provoked backlash from students and leading members of the faculty, including prominent law profs and Roger Shattuck in Romance languages. Shattuck turned a microphone around, during a rally, and spoke directly to the administration in the Tower, rebuking them. Great! The university will almost surely lose the lawsuit growing out of its denial of the principles of free speech in this case.

All in all, it's standing up pretty well, that place over there. Open up some additional questions, and who can tell? Maybe there is something in the friendlier Texas tradition that will enable us to correct these situations without the violence of spirit and deed that now rages elsewhere. I came upon the name of what is called for in an old report the other day: "rational hostility."

## Renew the Protests

The anti-war protests must be renewed. The argument that Nixon should be given more time is not reasonable. The slaughter continues every day. He wants peace, he is trying, we are told. As Senator Fulbright responded, when beaten about the head with similar arguments for renewing his criticism, we have heard all that before. If Nixon has changed anything, it is not perceptible to the citizens whose sons are being drafted for this continuing war. The era of "We are your leaders—trust us" is entirely over. They must change the actual situation and stop the war — then we will consider trusting them again. Maybe.

## A Mute Reminder

Robert N. Jones of Dallas, the traveling oilfield equipment specialist whose informative reminiscences and evaluations on the oil industry appeared in the *Observer*, has written in about a million-barrel oil tank in West Texas, which a brief item of mine about the meteorite crater near Odessa reminded him about.

At Rankin, West Texas, on U.S. 67, Jones writes, he saw a sign that said "Million Barrel Oil Tank" and followed the arrow down the road to the Shell Pipeline Corp. tank farm, from where he was directed a quarter of a mile down a dirt road. Thus did he come upon an abandoned earthen tank, floored with reinforced concrete, with a circular embankment also covered by concrete, and all of it surrounded by a second dike or firewall.

"The engineers at Shell were quite friendly and cooperative," he says. "They

explained that the tank had been abandoned because of the great amount of oil lost through cracks and leaks. Also, when the more volatile crude oils from deeper wells came in, evaporation losses had been too great as the wooden roof had never quite contained the pressure.

"They had no figures on the dimensions of the ruins, so I paced them off. The tank floor is 502 feet in diameter. The concrete tank wall is some 26 or 27 feet high, built something like the Cotton Bowl, or the Astrodome less the dome. The wooden roof, then, must have been 585 feet across, given the steep pitch of the wall. Of this vast wood structure no more than a few base-posts remain, as in the desert wood is scarce as water and scavengers and junkers grab it up.

"With some hasty calculations, I convinced myself that the tank did have a capacity of about six million cubic feet, easily a million barrels of oil.

"This, to me," says Jones, "is a most impressive 'ancient ruin' . . . a massive, mute reminder of the great wealth that was

found here and was so soon plundered and the money spent."

## Similar States

I have come out to Los Angeles to work for a short while with a group of academic people who are thinking about and planning for changes in the arid west half of the San Joaquin Valley when it is irrigated and penetrated by a new interstate highway from San Francisco to Los Angeles. I expect I shall be learning some things about Texas just by learning some things about California, and I will write them in to you as they occur to me. For instance, I think I am understanding a lot more about the Texas water plan as I learn about the multi-billion-dollar California water plan, which is at a stage much more advanced, but basically similar to the Texas plan. I have taken a little place near the ocean, it is strange and different; but of all the great states, California is, I think, the most like Texas, and I am not as puzzled by what I see here as I thought I would be. R.D.

# Dialogue

## Time for La Raza to Move

Excellent write-up on Del Rio [*Obs.*, April 11]. As one who has been in the middle of that whole situation, I can affirm the facts which you gathered. Yes, it's time for *La Raza* to move, and I hope you will be covering the movements within the coming months.

Gonzalo Barrientos, 1508 Heather, Austin, Tex. 78704.

## Del Rio & Gonzalez

"Shocking" is too weak a word to describe how I feel about the Del Rio marchers being attacked by Cong. Henry B. Gonzalez. I was at the march and am proud of the fact that my husband and our 14-year-old son also took part. My son gave many tips about some of the injustices that went on in the Del Rio schools, attending school there when my husband was stationed at the air force base near Del Rio.

Not a single state in the union has ever fired VISTA workers. Now that dishonor falls on the state of Texas, and those of us who cared enough to spend the Sunday in Del Rio marching for justice for the poor Mexican-American, are branded by some as communists and Castro sympathizers. . . .

Mrs. Nell Herrin, 7146 Timber Ridge, San Antonio, Tex. 78227.

## Praise for Greene

When Mr. A. C. Greene left Dallas it was

a great loss to the community. His essays in the *Times Herald* were about all we had to assure us that sanity was 'extant and sound.' He is sorely missed.

So his short report, "Rostow at Home on the Range" (*Obs.*, April 25), was a great morale booster. Mr. Greene, with his usual honesty and purity of style, has given us more than an insight into the nature and predicament of Mr. Rostow. He has gone beyond that and given us some fleeting but very significant impressions as to the *status quo* of the University of Texas and, by implication, of Texas in general. I look forward expectantly to his new book, *A Personal Country*.

J. Wormser, 3305 Camelot, Dallas, Tex. 75229

## 'Induced Humiliation'

As a drop-out from the Rostow seminar, A. C. Greene's article [*Obs.*, April 25] concerning this curious situation struck me as essentially correct. There is, however, one great flaw: A. C. was far too kind. One must assume his journalistic generosity is due to his still being in a state of jaw-hanging disbelief over the non-experience of meeting the myth, as it were. Or, perhaps A.C.'s gentleness is due to a fear of facing a possibly terrifying truth: that Rostow the academic is as anachronistic as

he appears to be and that Rostow "the hawk" was no different.

At best, the seminar was a benevolent dictatorship well laced with elements of "induced humiliation" (Rostow's own term). Both of which seem to be the fundamental underpinnings of Rostow's theory for the development of backward societies—among the latter of which U.T. graduate students must surely be included.

Fortunately, the university's magnanimous policy of allowing students to drop courses well along in the term without academic penalty, saved this backward graduate student from suffering the benefits of both the aforementioned Rostowan concepts of progress and development.

To paraphrase A. C. Greene (albeit loosely), the anti-intellectual bosses who hired Rostow and who run the Texas machinery should rest most comfortably assured that he is not polluting the profitable consensus with foolish questions, only foolish answers.

Paula A. Sornoff, graduate student, Department of Government, University of Texas, Austin, Tex.

### More Greene, Please

As one who became an admirer of A. C. Greene while still trapped behind the armed barricades of the Grand Duchy of North Dallas, I heartily applaud his appearance in the pages of the *Observer* [April 25]. More, please.

Hawkins H. Menefee, Jr., 1403 Norwalk, apt. 212, Austin, Tex. 78703.

### 'In Tune with Times'

... If the gentleman in Dallas [Hunt] and the bishop in Rome have joined hands to send song and dance politicians to our

sister republics, I can only say they are in tune with the times. Our government and the great bulk of liberals have been doing the same thing.

J.F.C. Moore, president, Center for Libertarian Studies, Box 2524, San Antonio, Tex. 78206.

### HLH's Connections

Mr. Pepper [*Obs.*, April 11] may have stumbled onto an H. L. Hunt connection more remarkable than that he enjoys with the Vatican ... Only that big travel agent in the sky could have placed Senator Kennedy in a San Francisco hotel room 15 minutes after his nomination in the Los Angeles Sports Arena.

I hate to twit an Englishman about objectivity — a more fair and just people there aren't — but I don't think it's sporting reporting to throw around descriptions like "distorted and dangerous mind" in what is essentially a news story, without some sort of justification and/or amplification. ...

Bill Bridges, Box 101, Malibu, Calif. 90265.

### Hunt's Influence Doubted

... I simply don't believe that Mr. Hunt exercises much influence at all, and what whack he does have is certainly not very subtle. [Last fall] he declared that his major aim was to defeat Senator Fulbright in Arkansas, and "I am doing everything I can to bring about Fulbright's defeat." And Hunt did a great deal. But Fulbright trounced his well-financed Republican opponent. ...

For what it's worth, Charles Bernard, Fulbright's opponent, felt compelled to keep vigorously denying that he had any Hunt support (despite some evidence to the contrary), and Jim Johnson, Fulbright's most serious opponent in the 1968 Democratic primary, insisted that all Hunt gave him was a stack of old Life Line transcripts. ...

Maybe I'm wrong, but I think it is because of our penchant for publicizing eccentric types that the Hunt reputation has been built, and the Europeans seem to be even more fascinated by this type of American character.

Hoyt Purvis, 6410 33rd St., N.W., Washington, D.C.

### About Mrs. Jalet

We were delighted to read your article about Mrs. Frances T. Freeman Jalet in the March 28 issue of the *Observer*, because Mrs. Jalet is both a friend and highly regarded by us as a member of the legal profession. However, we do not believe the whole story was given in your paper. The amazing thing about this controversy is that it ever happened.

Legal Services Projects are required by

their congressional mandate to represent the poor wherever they are found. There are certain restrictions about representing persons accused of crimes, but after a person is convicted and sentenced, legal services projects are permitted and free to aid them in any way needed. Therefore, instead of Mr. J. W. E. Taylor [the Dallas legal services director] insisting that Mrs. Jalet not represent prisoners, he should have encouraged her to do so. ...

Mr. Taylor ignored his predecessor's statements, national OEO legal services directives and policies, and the congressional mandate by writing to Dr. Beto, director of Department of Corrections at Huntsville, and informing him that Mrs. Jalet was not to represent prisoners. Dr. Beto then refused to let Mrs. Jalet contact her clients. ...

Mrs. Jalet continued to attempt to contact her clients and on December 24, 1968, Mr. Taylor informed Mrs. Jalet that she was discharged from the Dallas Legal Services for "insubordination."

After Mrs. Jalet filed suit against Mr. Taylor, Mr. Taylor wrote a letter to Dr. Beto of the Texas Prison System informing him that Mrs. Jalet was no longer on his staff and his previous letter regarding her contact with prisoners was no longer in effect. However, for reasons unknown to the writers of this letter, Dr. Beto continued to refuse Mrs. Jalet contact with her clients in prison.

This situation leaves some question about the operation of the Legal Services Project in Dallas and about the policies of the prison system in this state.

We recently learned that the attorney general of Texas has sent a letter to Dr. Beto directing him to cease denying Mrs. Jalet access to her clients. This is an overdue vindication for a very dedicated woman.

Douglas Larson, attorney at law; Ed J. Polk, Dallas Legal Services Project, Dallas, Tex.

### Wish I'd Said That

I wish Jim Byrd had arranged, in his God-like way, to have had Dave Hickey present when John Howard Griffin made a powerful "all whites are racists" type speech to the students at East Texas State University last fall. Afterwards, talking to Mr. Griffin, I asserted in my most tentative way that northeast Texas isn't as bad as Mississippi; that at any rate we hadn't had a Mississippi-style sheriff in Upshur County in forty or fifty years. Writer Griffin said that to make such a claim was merely to express one more white racist attitude.

Oh.

I've never felt more perfectly squelched. Until, that is, Hickey came along and said [*Obs.*, March 28]: "If 'all whites are racists' is true, then there is no freedom. And true or not the language is being used coercively." I wish I'd said that.

Sarah Greene, the Gilmer Mirror, Gilmer, Tex. 75644.