January 15, 1957  HOUSE JOURNAL 61

FIFTH DAY
(Tuesday, January 15, 1957)

The House met at 10:45 o'clock a.m., pursuant to adjournment, and was called to order by the Honorable Wade Spilman.

The roll of the House was called and the following Members were present:

Mr. Speaker
Ramsey
Springer
Richardson
Stewart
Roberts
Stovall
Russell
Strickland
Sadler
Stronach
Sandahl
Stuermer
Sanderson
Sutton
Saul
Talasek
Schram
Terrell
Schwartz
Thurmond
of Galveston
Tunell
Schwartz
Turman
of Washington
Walling
Seeligson
Watson
Shackelford
Welch
Shannon of Erath
Wheeler
Shannon
White
of Tarrant
Wilson of Young
Shaw
Wilson of Potter
Sherrill
Winfree
Sherill
Wohlford
Black
Woodley
Smith of Hays
Yesek
Smith of Jefferson
Zbarnek
Spilman
Absent—Excused
Cory
Hutchins

A quorum of the House was announced present.

The Invocation was offered by the Reverend E. C. McDonald, Chaplain, as follows:

"Our Heavenly Father, we come to a great day in our State when our Governor-elect, Honorable Price Daniel, is to take the oath of office and probably ask the House of Representatives and the Senate to give him legal authority to put into effect his program for our great State. At the beginning of this year, we want to express our sincere thanks to God for peace. O God, we pray for those who drive their cars on the highways to Austin to be here for this great event. May they obey highway laws as they read them at every danger point. Grant to our state in 1957, peace from war, peace from division, and peace from God, whom to know aright is peace. In the name of the Christ who gave us peace of heart—Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of illness:

Mr. Sanders for today on motion of Mr. Jamison.
Mr. Cory for today on motion of Mr. Matthew.

Mr. Hutchins for today on motion of Mr. Chapman.

IN RECOGNITION OF THE SECOND AND FIFTH GRADE STUDENTS OF BECKER SCHOOL

Mr. Jones offered the following resolution:

H. C. R. No. 23

Whereas, The Second and Fifth Grade Students from Becker School of Austin, Texas, accompanied by their teachers, Miss Willie Long and Mrs. Mavis Fuhrman, were visiting the State Capitol on the fourteenth day of January, 1957; and

Whereas, These fine young American citizens were on an educational tour to observe and learn the workings of their State government; and

Whereas, It is the desire of the House of Representatives of the Fifty-First Legislature to commend this group for their interest; now, therefore, be it

Resolved, That they be officially recognized and that a copy of this resolution be forwarded to the Classes.

The resolution was read and was adopted.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and their captions had been read severally the following enrolled resolutions:

H. C. R. No. 1, Providing for per diem and mileage for members of the Legislature.

S. C. R. No. 3, Designating the week of March 4-9, 1957, as Public School Week in Texas.

H. C. R. No. 6, Providing for a Joint Session on January 14, 1957, at 10:50 a. m. for the purpose of counting the votes cast for Governor and Lieutenant Governor.

MESSAGE FROM THE SENATE

Austin, Texas, January 15, 1957

Hon. Waggoner Carr, Speaker of the House of Representatives.

Bfr: I am directed by the Senate to inform the House that the Senate has passed the following:

S. C. R. No. 4, In memory of Mrs. Nannie Partlow Daniel.

H. C. R. No. 5, Inviting General Melvin J. Maas to address a Joint Session.

H. C. R. No. 7, Relative to the closing of the Capitol grounds for Inauguration ceremonies.

H. C. R. No. 8, Providing for Joint Session for the Inauguration Ceremonies and for certain expenses incurred for Inauguration.

Respectfully,

CHARLES SCHNABEL
Secretary of the Senate.

(The Chair stated that the House would stand at ease temporarily.)

The House was called to order by Honorable Wade Spilman, who was in the Chair.

INAUGURATION OF GOVERNOR AND LIEUTENANT GOVERNOR

(The House and Senate in Joint Session)

In accordance with the provisions of H. C. R. No. 8, providing for a Joint Session of the House and Senate on today for the purpose of inaugurating the Governor-elect, the Honorable Price Daniel, and the Lieutenant Governor-elect, the Honorable Ben Ramsey, the Honorable Senators at 11:55 o'clock a. m., were announced at the Bar of the House and were admitted to the Hall of the House of Representatives and joined the Members of the House for the Joint Session.

The Honorable Senators occupied seats arranged for them.

The Honorable Price Daniel, the Governor-elect, and Mrs. Price Daniel; the Honorable Ben Ramsey, the Lieutenant Governor-elect and Mrs. Ben Ramsey; Governor Allan Shivers and Mrs. Allan Shivers; Senator Ottis Lock, President Pro Tem of the Senate, and Mrs. Ottis Lock; Honorable Waggoner Carr, Speaker of the House of Representatives, and Mrs. Waggoner Carr; Honorable John E. Hickman, Chief Justice of the Supreme Court of Texas and Mrs.
John E. Hickman; General Carl Phinney; Dr. Billy Graham; Dr. Marvin Vance; Price Daniel, Jr., Jean Daniel, Houston Daniel, and John Daniel, children of Governor-elect and Mrs. Daniel; Rita Rhea Ramsey, Ann Ramsey, children of Lieutenant Governor and Mrs. Ramsey; the Honorable Bill Daniel and Mrs. Bill Daniel, and children; Mike Ellen Daniel, and other members of the families of Governor-elect Daniel and Lieutenant Governor-elect Ramsey were escorted to seats arranged for them on the Speaker’s rostrum.

Senator Charles Herring, Chairman of the Inaugural Committee, on the part of the Senate, and Mrs. Herring, Honorable Leroy Saul, Chairman of the Inaugural Committee on the part of the House, and Mrs. Saul, occupied seats reserved for them.

The Judges of the Supreme Court, accompanied by their wives, the Judges of the Court of Criminal Appeals, accompanied by their wives, the Judges of the Courts of Civil Appeals, accompanied by their wives, other state officials and their wives also were escorted to seats reserved for them.

Speaker Carr stated that the Band from Texas Technological College, Lubbock, Texas, would now play the National Anthem.

The band then played the National Anthem.

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The Speaker of the House of Representatives, the Honorable Waggoner Carr, stated that the House and the Senate were in Joint Session for the purpose of inaugurating the Governor-elect, the Honorable Price Daniel and the Lieutenant Governor-elect, the Honorable Ben Ramsey.

Senator Ottis Lock, President Pro Tem of the Senate, called the Senate to order and announced that a quorum of the Senate was present.

Speaker Waggoner Carr called the House of Representatives to order and announced that a quorum of the House of Representatives was present.

Speaker Carr then presented Dr. Billy Graham, who offered the invocation.

Speaker Waggoner Carr stated that Honorable Ben Ramsey, the Lieutenant Governor-elect, would now take the Constitutional Oath of Office as Lieutenant Governor of the State of Texas, the oath to be administered by Chief Justice of the Supreme Court John E. Hickman.

Honorable Ben Ramsey then took the Constitutional Oath of Office as Lieutenant Governor of the State of Texas, the oath being duly administered by the Honorable John E. Hickman, Chief Justice of the Supreme Court of Texas.

Speaker Carr presented Senator Ottis Lock, President Pro Tem of the Senate, who introduced Lieutenant Governor Ben Ramsey to the Joint Session and the assemblage.

Lieutenant Governor Ben Ramsey then addressed the Joint Session and the assemblage, as follows:

My Fellow Texans:

"All your strength is in your union,
All your danger is in discord."

(Longfellow's Hiawatha)

Six years ago I first participated in this solemn ceremony of democratic government. The days and hours have been crowded with action of most vital interest and consequence to all of us. Perhaps no equal period in our history has been so fruitful in growth. The attendant problems—ground in the post-war crucible—for the most part, have been met with unusual success.

We have labored in the knowledge that nothing of real attainment is accomplished rashly. And legislative priority for the common good prevailed over the pet projects of the few.

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Our blessings have been attained through reason...the preservation of principles...an uniting effort to serve the public more effectively...and through the maintenance of economic stability.

The people’s essential and fundamental interest have been lifted to a broader and brighter horizon.

You have honored me as you have no other Texan. The obligation I owe to you, as we continue, is seasoned in the fundamentals of a great government and ringed with simple
honesty. I thank you for the confidence of a high trust.

The record clearly reflects that there is no situation in our progressive government to which the Legislature cannot address itself with reason, courage, and accomplishment with unity of purpose.

Therefore, in this renewal of effort, let each man see to it that the dedication is in his own heart, the high purpose of the entire state in his own mind. Our heritage requires full devotion to the business of a free people’s government.

Just two years ago we saw reaffirmed the strength of right and united purpose. Here, from a like rostrum, I warned that the eyes of Texas were upon its government. Remedial insurance legislation was in public demand.

The will and determination of thinking Texans prevailed. The dark shadows cast by fraud, manipulation and deceit over the state’s second largest industry were dispelled. The job was well done.

Now, united alike in the conception of a responsive democracy, let us here re dedicate ourselves to another task—a task too long at hand.

The question is: Will our children gasp for economic breath in a desert of wasted and depleted water resources?

We have but ourselves to provide the answer. The people of Texas are entitled to a straight-forward, practical water conservation and utilization program. It is our clear and compelling responsibility to meet this obligation now—and to meet it together. I pledge you my full effort and counsel in this task.

Fortunately, we have come forward in Texas in spite of the economic tragedy of drought which has struck broad areas of our state. We can feel justly proud that there has been no excessive taxation to further the burden of our less fortunate neighbors.

I am grateful for a continuation of such a course. The welfare of each citizen is attached to conservative government—a government cautious and careful in its spending of each tax dollar. We need never have experienced “emergencies” if we but maintain economic stability and keep the taxpayer in mind in all of our deliberations. That is the course of strength—the course of sound progress.

It is with the resolve to keep the trust with all Texans that I stand here today. In gratitude born of long experience I re dedicate my humble services to the supreme authority of this republic—the people of Texas.

Under the Providence of God, may we go forward together.

Thank you.

Honorable Waggoner Carr, Speaker of the House of Representatives, stated that the Oath of Office would be administered to the Honorable Price Daniel, the Governor-elect of Texas.

The Governor-elect, the Honorable Price Daniel, then took the constitutional Oath of Office as Governor of the State of Texas, the Oath being duly administered by Honorable John E. Hickman, Chief Justice of the Supreme Court of Texas.

Speaker Carr then presented Governor Price Daniel to the Joint Session and the assemblage.

Governor Daniel then addressed the Joint Session and the assemblage, as follows:

“The official oath which I have just taken, as prescribed by the Constitution of Texas, ends with the words, ‘To help me God.’ With this supplication I have sealed my solemn pledge to you. With this same prayer for Divine Guidance, I now accept the sacred trust bestowed upon me by the people of Texas.

This is not a day of triumph. It is a day of dedication. With that in mind, we began this day with emphasis upon the importance of spiritual guidance in the lives of men and the affairs of government. I appreciate the inspiring message brought earlier today by Billy Graham and thank him sincerely for being with us.

It is with a grateful heart and a spirit of humility that I express my appreciation and my sincere thanks to those of you here and throughout Texas who made possible this high honor and great responsibility.

I pray that with God’s help I may be worthy of your confidence and friendship.

I am conscious of the fact that all Texans did not agree with your choice. Be that as it may, I have just pledged myself to perform the
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duties of this office for the benefit of our entire citizenship. I shall do my best to be a faithful Governor for all of the people, regardless of personal or partisan differences of the past. In that same spirit, I earnestly solicit the cooperation, counsel and prayers of all the people of Texas.

Always with us there will be a few extremists who prefer discord and strife upon conflict, regardless of the consequences. It is not to them but to the overwhelming majority of our citizens who truly love Texas that I offer, as I seek, cooperation, unity and good will. Our people have had enough division. It is time for Texans to pull together for the future progress and glory of our beloved State.

Never misjudge this desire for patience, reason, and good will. There are some of us who are warm at heart and humble in spirit who still know when and how to fight—and fight we will when there are battles to be waged for our State and our people.

I offer my wholehearted cooperation to you, Governor Namsey, and to you, Mr. Speaker, to the members of the Legislature, with many of whom it has been my honor to serve, and to the other officials of our State. We have subscribed to the same oath of duty. Together we must work for a free and noble people who govern themselves through those of us who act as their chosen representatives.

With proper support from the people, I predict that this administration and this Legislature will mark the beginning of a greater era of progress, integrity, and good government for Texas. When the record is finally written, I hope above all that it may be said that together we considered each office a public trust and that we conducted a government truly of the people, by the people and for the people of our State.

Ten times before, I have taken official oath similar to the one repeated today; three as a member of the Legislature, once as Speaker of the Texas House of Representatives; once as a private in the United States Army, then as an officer; three as Attorney General of Texas; and finally, as a member of the United States Senate. Each time I have done my best to discharge with diligence and honor my sacred obligation. Each time, as again today, my heart has been moved by a renewed pledge of allegiance to uphold and defend government by law rather than by men.

In this oath I have pledged myself to "preserve, protect and defend" both the Constitution and laws of the United States and the Constitution and laws of the State of Texas. This I shall do to the best of my ability. There is no real conflict in this obligation to dual sovereignties. Each is supreme in its respective sphere of action. Conflicts arise when there are strained interpretations which cause one of the sovereigns to encroach upon the powers and rights of the other.

In modern times, this encroachment most usually has been on the part of Federal officials who have sought to centralize and expand their powers at the expense of the States and the people. I shall uphold and defend the Constitution of the United States in all of its parts, but I shall emphasize and fight for one portion of that immortal document which has suffered from disuse and disregard, especially at the hands of the Nation's highest court. I refer to the Tenth Amendment, without the certainty of which there would have been no agreement to the original Constitution. By that amendment, all "powers not delegated to the United States by the Constitution * * * and reserved to the States * * * or to the people."

The writers of the Constitution and its first ten amendments had sought under the tyranny of a king. They never wanted the power of government to be centered again in the hands of one man or a few men at the top. They believed decentralization of power and local self-government to be the best safeguards of liberty and freedom. Because I believe this is in accordance with the Constitutions of the United States and our own State, I shall continue to fight with all the vigor at my command against further encroachments by the Federal government upon the rights of our State and our people.

As you well know, I have devoted many of the years of my life to this fight to preserve the rights and property of our State. Today I dedicate the rest of my life to this cause. In so doing, I am convinced that this is best for both the Nation and the State.

The real strength of America lies not in Washington nor in centralized...
power nor in military might or weapons of defense. The enduring power of this country lies in the faith and strength of our people and in the strength of our States and our local units of self-government.

The surest way to protect and preserve the great heritage of the State of Texas is for us to have a dynamic and constructive exercise of the responsibilities which accompany these rights. This week I shall present such a program to our Legislature.

My first and most important recommendation shall be that we take action here which will justify the faith and confidence of our own people in the honesty and integrity of our State government. The cornerstone of my program will be simple honesty and moral integrity in the halls of government. That is the way to have public confidence, and without it we shall have little success in attaining our other important objectives.

I shall recommend as emergency legislation a strict lobby control and registration law, a code of conduct for State officials and employees, and a State Law Enforcement Commission with power to make complete investigations of alleged official misconduct and recommendations for improved law enforcement.

Good government requires clean government. An overwhelming majority of our State officials and employees have been faithful in the discharge of their duties, but if there is one blemish or hidden act of misconduct it must be exposed and eliminated, with proper punishment of anyone who has violated his public trust.

As far as material things are concerned, the most important need for proper exercise of our State responsibility is the enactment of a Statewide program for conservation and development of our water resources. This is necessary for the future growth of our municipalities and industries and for the relief of our drought-stricken farmers and ranchers. I shall submit an emergency matter of the Water Resources Committee and other recommendations which will aid in the solution of this important problem. The future growth and prosperity of our State depends upon prompt and effective action, and I hope there will be no timidity or delay in our action.

Other recommendations will include improvements in our public schools—from the primary grades to the ultimate reach of higher education, with salary increases sufficient to retain and recruit adequately trained teachers for our boys and girls. We should make our public schools and institutions of higher learning the finest in the land, and it should be done with Texas money. A state as wealthy as ours has no reason to seek Federal aid and thereby invite Federal control.

Coupled with the biggest highway building program in the history of our State, we must have an expanded program of highway safety to reduce the ever-increasing toll of death and destruction on our highways and streets.

We must strengthen our laws and enforcement against the vicious narcotics traffic, and provide stronger measures to combat other crimes and juvenile delinquency.

Other important fields for action are groundwork for revision of our State Constitution, attraction of new industry to our State, good relations between labor and industry, industrial safety, further improvement in our insurance and election laws, continued improvements in our State hospitals and special schools, additions to the prison system, an adequate system of probation and parole, and cost-of-living increases for employees of the State and for old age pensioners.

Whatever the price may be for progress and good government in the future—for exercising the responsibilities which will best preserve our State's rights—it will be worth the cost to Texas and our people. As you know from past service, I abhor waste and extravagance in the use of public funds, and will do everything possible toward keeping the essential services at a minimum cost. I shall work for a balanced budget under the "pay-as-you-go" amendment to the Texas Constitution.

With this brief outline of the work ahead, you can see more clearly why we shall need the advice and counsel of the people whom we serve. And let us be thankful that in this land we are not dependent alone upon man's advice but, as indicated in the closing words of our official oath, we depend also upon Divine Guidance in the discharge of our duties.
May He who guides the destinies of nations as well as the destinies of men be with us in our endeavors. May we, with humility and courage, act boldly and wisely, knowing that there is a Hand above which will help us on."

Speaker Carr presented Honorable Eligio de la Garza who then presented to the Joint Session and the assembly the following guests from Mexico:

Honorable Jose F. Maguerza of Monterrey, Honorable Horacio Turan, Governor of Tamaulipas, and Honorable Norberto Trevino Zapata, Governor-elect of Tamaulipas.

Speaker Carr stated that the benediction would be offered by Dr. Marvin Vance, Pastor of the First Methodist Church of Austin, as follows:

"Now unto Him that is able to keep you from falling, and to present you further before the presence of His glory with exceeding joy, to the only wise God, our Savior, be glory and majesty, dominion and power, now and evermore.—Amen.”

SENATE RETIRES

Senator Ottis Lock, President Pro Temp of the Senate, stated that the business of the Joint Session was concluded and that the Senate stood adjourned in accordance with a previous motion.

ADJOURNMENT

On motion of Mr. Kennard the House, at 12:41 o'clock p.m., adjourned until 11:00 o'clock a.m. tomorrow.
In Memory of

J. H. Kavanaugh

Mr. Schram offered the following resolution:

H. S. R. No. 21, In Memory of J. H. Kavanaugh.

Whereas, the passing of J. H. Kavanaugh, of Williamson County from this earthly life on the 8th day of January, 1967, the State of Texas and in particular the people of Williamson County, have suffered an irreparable loss; and

Whereas, the people of Texas and Williamson County mourn the passing of this good and unselfish civic leader, whose worthy endeavor and civic work have left an impress on the life of our State; and

Whereas, Mr. Kavanaugh was born November 9, 1879 at Woodville in Tyler County and attended school in Centerville and Marquez and later taught school in Leon, Robertson and San Saba Counties. He left the teaching profession and entered the newspaper business. In this field he established a name for himself by his fearless reporting of the news and as an astute political analyst. Many of our larger State papers as well as the Wall Street Journal expressed his opinions on many subjects, more especially politics. State politics was a hobby with him and that what he had to say exerted an influence is testified to by the number of politicians who read his paper every week; and

Whereas, this outstanding Texan was not only a leader in many worthy projects for the advancement of his City, County and State, he also proved his value as a leader in the ranks of such enterprises; now therefore, be it

Resolved, That the passing of this Outstanding Citizen of Texas be fittingly recognized by his fellow Texans, and that a page in today's House Journal be devoted to his memory and that the House of Representatives of the Fifty-fifth Texas Legislature do adjourn on this day in memory of J. H. Kavanaugh, and that we here and now extend our deepest sympathy to the bereaved family and ask that God give them succor from the sorrow of the loss of this good man; and be it further

Resolved, That a copy of this resolution be transmitted to the surviving family as a token of our sympathy.

The resolution was unanimously adopted by a rising vote.
In Memory of
E. Merle Smith

Mr. Parish offered the following resolution:
H. S. R. No. 22, In Memory of E. Merle Smith.

Whereas, On December 22, 1956, the City of Sinton and the State of Texas lost an esteemed citizen in the untimely passing of E. Merle Smith; and

Whereas, He was Superintendent of the Sinton school system with which he had been associated for twenty-five years; and

Whereas, He was born June 21, 1908, in San Saba County. He was a graduate of Howard Payne University and held a Master's degree from the University of Texas. He was past president of the Gulf Coast School Administrators Association. He had been an elementary school teacher, head coach and principal of Sinton High School; and

Whereas, He was a worthy member of Kiwanis Club, First Baptist Church, Lodge 1912, AF&AM; and

Whereas, Mr. Smith was loved in his community. No matter how small or how great the task, he did it well. His passing was a great loss to his family, the community, and South Texas. His friends and associates considered it a great privilege and an inspiration to have known him. As an educator, he figured his task was to build good citizens for the years ahead; and

Whereas, He was faithful to his church and served as teacher and leader. Past president of the Kiwanis Club. Mr. Smith served in every way in club projects. He always headed one of the important committees of the Chamber of Commerce. He was president of Sinton's United Fund organization. His interest in sports showed itself in his unselfish service in planning for team welfare; and

Whereas, He is survived by his widow; one daughter, Miss Nancy Smith, Kingsville; his mother, Mrs. L. C. Smith, Kingsville; one brother, Ward Smith, Garland; and one niece, Miss Marjorie Lynn Smith, Garland; and

Whereas, The House of Representatives wishes to recognize and pay tribute to the fine and worthy life of E. Merle Smith; now, therefore, be it
Resolved, That the House express its sincere sympathy to his family and forward to them a copy of this Resolution; and, be it further
Resolved, That a page be set aside in the House Journal in memory of Mr. Smith and that when the House adjourns this day, it do so in loving respect to him.

The resolution was unanimously adopted by a rising vote.