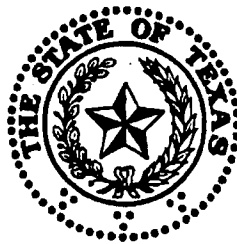


JOURNAL
OF THE
House of Representatives
OF THE
REGULAR SESSION
OF THE
Fifty-seventh Legislature
OF THE
STATE OF TEXAS
BEGUN AND HELD AT
THE CITY OF AUSTIN
JANUARY 10, 1961



**CONCERNING PROCEDURE
IN THE ELECTION
OF SPEAKER**

Mr. Sandahl offered the following resolution:

H. S. R. No. 2

Be it resolved by the House of Representatives, That the procedure for nominations and election of the Speaker shall be as follows:

1. The Secretary of State shall invite and receive nominations and seconds for the office of Speaker.

2. Upon completion of the last seconding speech, the Secretary of State shall declare nominations closed and then hand to the Acting Chief Clerk one hundred fifty (150) ballots prepared by him and bearing his seal, such ballots to have printed or mimeographed thereon the names of the candidates in the order agreed to by them. The Acting Chief Clerk shall then proceed to a position near the voting booth which shall be provided by the Secretary of State and the Acting Chief Clerk, such booth to consist of a small table surrounded by a suitable screen.

3. The Secretary of State shall then appoint eight (8) tellers to supervise the voting procedure and count the ballots.

4. At the direction of the Secretary of State, the Temporary Reading Clerk shall call the roll of the Members alphabetically, and, as each name is called, the Member shall proceed from his desk and receive

from the Acting Chief Clerk a single ballot and then enter the voting booth.

5. When the Member has indicated his choice for Speaker, by scratching out one name and leaving the other, he shall proceed to the Chief Clerk's desk and then, in the presence of the tellers, deposit it in a ballot box which shall be provided by the Acting Chief Clerk and inspected by the Secretary of State before the balloting begins.

6. When the roll call is completed the tellers shall proceed to count the ballots, each ballot being withdrawn from the box singly, examined by the tellers, handed to the Temporary Reading Clerk who shall announce the name appearing thereon, and then the vote shall be tallied.

7. Upon completion of the tally, the result shall be handed to the Secretary of State, who shall announce the result, and then declare the candidate receiving a majority of the votes cast as elected Speaker of the House of Representatives for the 57th Legislature.

8. Immediately upon completion of the count by the tellers and declaration by the Secretary of State, the ballot shall be placed in an envelope, sealed, and turned over by the tellers to the Secretary of State who shall completely destroy by fire the sealed envelope and ballots.

The resolution was read and on the motion of Mr. Sandahl, the resolution was adopted.

ELECTION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE FIFTY-SEVENTH LEGISLATURE

The Honorable Secretary of State announced that the next order of business is the election of the Speaker of the House of Representatives of the Fifty-seventh Legislature of the State of Texas and stated that nominations for Speaker are now in order.

The Honorable Secretary of State recognized the Honorable L. DeWitt Hale of Nueces County, who placed in nomination for Speaker of the House of Representatives of the Fifty-seventh Legislature of the State of Texas, the Honorable James A. Turman of Fannin County, speaking as follows:

Mr. Secretary of State and Ladies and Gentlemen of the House:

Fifty years ago today, on January 10, 1911, the distinguished gentleman from Hill County, the Honorable Luther Nickels, stood on this rostrum to extoll the virtues of and to place in nomination for Speaker of the House of Representatives of the 22nd Legislature the name of a young man from Fannin County who was destined for greatness in the world of politics.

Trust in this young man was not misplaced.

The race for Speaker was won in a close vote after a long, bitter and hard-fought campaign. The skill and ability of the new Speaker soon earned for him a place of high esteem in Texas politics. The following year he was elected to Congress and is now beginning his 25th term as a member of that body. He has served as Speaker of the House of Representatives of the United States Congress longer than any other man in history. His contributions to our country and the world have been monumental. In the presence of the Great he stands without peer. The people of Fannin County can and should take justifiable pride in the achievements of their most famous native-son, the Honorable Sam Rayburn of Bonham.

Exactly half a century later, the fertile soil of Fannin County which gave Sam Rayburn to the world has produced another young man destined for greatness in politics. On this anniversary date it becomes my happy

privilege to offer his name to you in nomination for Speaker of the House of Representatives of the 57th Legislature.

Even as fifty years ago, his race for Speaker comes to a close only after a long, bitter and hard-fought campaign. Now as then the skill and ability of the new Speaker will soon earn for him a place of high esteem in Texas politics. Who can say that this parallel will not continue to even greater heights as the passing years roll slowly by?

It has been said that some men are born for greatness, some men have greatness thrust upon them, and some men must achieve their greatness.

The gentleman from Fannin, in 1961 as in 1911, is a product of his own ambition, initiative, energy and ability. His success has been achieved by toil and tears, his character moulded in the crucible of sacrifice and service. Like good steel, he has endured true in the heat of combat.

Born the son of a tenant farmer thirty-three years ago in the community of Gober, this young man learned as a lad the tribulations of poverty, the virtues that build character, and the price of honor. The daily chores of farm life from sun-up to sun-down had to be supplemented by odd jobs on neighboring farms to help sustain his family.

He attended public schools in Gladewater and Bonham before moving to Gober where he graduated from high school in 1945 as salutatorian of his class. His thirst for knowledge was just beginning. Three years at East Texas State College in Commerce, possible only by the labor and sweat of menial jobs such as waiter and drug store clerk, earned a B. S. Degree in 1948, and a Master's Degree in 1949.

A career in education was launched as a teacher in Wolfe City, quickly followed by his elevation to principal and interrupted in 1952 by service as a Seaman in the U. S. Navy, during the Korean Conflict. Two years later he entered the University of Texas under a fellowship granted by the Kellogg Foundation, earning the degree of Doctor of Education in 1957. Then came appointment as Assistant to the President of Texas Woman's University in Denton, which ended with his resignation to become a candidate for Speaker of this body.

During his years on the farm, politics became a fatal fascination and the spark became a fire while pursuing his education in the shadows of the State Capitol. He decided to seek public office.

No decision was ever more justified—nor more fruitful for the people of Texas.

Defeating two opponents in 1954, the gentleman from Fannin embarked on a career in the footsteps of his illustrious predecessor of half a century ago. Pride in his legislative achievements by the people of Fannin County resulted in his re-election without opposition in 1956 and 1960, while a three-to-one victory over a single opponent was achieved in 1958. No tribute could be more rewarding, no recommendation more convincing.

Six years in the Legislature have yielded a distinguished record of public service.

The young man from Gober was quickly recognized as a member of outstanding ability which earned him a place on several major committees and a responsible chairmanship in both his second and his third terms. He was co-sponsor of the resolution creating the Hale-Aikin Committee for the Study of Public Schools. Under his brilliant leadership as its chairman, the Committee on Education spawned many important laws making substantial improvements in the public school system of Texas.

The scholar turned statesman has engaged in floor debate on only rare occasions. His keenly analytical mind, his comprehensive mastery of facts, his irrefutable logic, his innate sense of fairness, his genial personality and his friendly and persuasive disposition—all became his trademarks and earned him the respect of friend and foe alike. But when his voice was lifted in legislative battle, fellow members listened—and learned—and followed.

Dynamic leadership without colorful oratory was demonstrated as a most effective tool in the Legislative process.

Leadership is measured by deeds, not words, but by any standard, the gentleman from Fannin stands without peer in the hallowed halls of this chamber.

But ability alone, Mr. Secretary, will not procreate an outstanding Speaker for this House. Equally es-

sential is the courage, conviction and character of the man.

In these respects, too, the gentleman from Fannin is equalled by few, excelled by none.

The Speakership of this House ranks as one of the most responsible and powerful offices in the State Government of Texas. Its duties are exacting and demanding. It requires a man to match its mountains.

Such a man is my nominee.

I have served for ten years as a member of this House. I have worked with many able men—and perhaps a few not so able. I have seen many outstanding Speakers—and perhaps a few not so outstanding. I have had the privilege on many occasions of presiding over the deliberations of this House. These experiences have moulded an image of the qualities necessary to make an able and effective Speaker.

The gentleman from Fannin possesses these qualities in abundance.

I came originally from his section of Texas. I have witnessed his entire legislative career with admiration and pride in his development. I saw him as a freshman rapidly adapting to a new career with rare facility. I saw him mature in skill and wisdom to become a recognized leader in an arena where leadership is difficult to achieve.

Here is a man admired and respected by all, hated and feared by none. He is devoted to the cause of good government. He is sincere of purpose, disarming in approach, judicious in decision, tolerant in attitude, and conscientious in dealing with others. He can wear the mantle of greatness without shedding the cloak of compassion or the hat of humility. He can match his ability with a courage and a character able to wield power without rancor or abuse.

In short, the gentleman from Fannin will measure up to the best of the illustrious men who have preceded him in this office—and not be found wanting.

There are those who lightly regard the strength of a man's character, the integrity of a man's word, the honor of a man's commitment. The gentleman from Fannin is not one of these. He believes with a great Texan, John Nance Garner, who once said when a member of this House: "Whatever it costs to keep one's word, the price is cheap."

The raging storms of adversity, the fires of campaign bitterness, the prospect of political defeat, the threat of economic retaliation—all have swirled to no avail over the rock of a character as strong as Gibraltar and as Texan as the Alamo, where compromise of principle is unthinkable and political death preferable to personal dishonor.

He has fought the good fight. He has kept the faith. Whatever the cost, the price is cheap.

I respectfully submit that one who seeks the Speakership can offer you no more than this. You as a member of this House should accept no less.

I could recommend a candidate for Speaker to you on no other basis.

Therefore, Mr. Secretary, with malice and criticism toward none, with friendship and complete respect for all, with full confidence in his ability, his character, his capacity for leadership, firm in the conviction that the soil of Fannin County has again, after fifty years, given to the people of Texas another young man destined for greatness, I take immense pride and great pleasure in placing in nomination for Speaker of the House of Representatives of the 57th Legislature my former neighbor, my trusted colleague, my personal friend, the distinguished gentleman from Fannin County, the Honorable James A. Turman.

The Honorable Secretary of State recognized the Honorable Menton J. Murray of Cameron County, who placed in nomination for Speaker of the House of Representatives of the Fifty-seventh Legislature of the State of Texas, the Honorable Wade F. Spilman of Hidalgo County, speaking as follows:

Mr. Secretary of State
Members of the House
My fellow Texans

The time has come for you and me to make a momentous decision. Ours is the task of selecting a Speaker who will preside over the deliberations of this august body during the sessions of the 57th Legislature. That task is a most important one. Lest some of you new members may not realize it, let me hasten to say that the offices of Governor, Lt. Governor and Speaker of the House are the most powerful and important offices in our State Government today.

It follows, therefore, that our choice of Speaker must be made with wisdom and understanding.

To make that task easier for you, let me tell you briefly of a young man, born 36 years ago in Mission, Texas—the son of the late Mr. and Mrs. T. Holl Spilman and one of nine children.

He is married to the lovely Arlette Fowler of Austin and they have "two bundles of happiness" scampering about their home—2 year—10 month old Ann Holliday and two month old Steven Wade.

Our candidate's scholarly attainments include a law degree from the University of Texas. He is a member of the law firm of Stafford, Atlas, and Spilman, and is a member of Hidalgo County, State of Texas, and American Bar Associations, a former director of the State Bar Association of Texas and a member of the Texas Civil Judicial Council.

His civic activities include that of past president of the McAllen Junior Chamber of Commerce, past Commander of the Mission American Legion Post, former Chairman of the McAllen United Fund Drive and Director of the McAllen Citizens League and of the Boy Scouts.

His Legislative experiences are vast. His general knowledge and understanding of the rules and practical operations of the House has been acquired by the handling of over 50 pieces of major legislation during his three terms in the House.

His experience as a presiding officer has been gained as Chairman of the Judiciary Committee, as Vice-Chairman of the Committee on Conservation and Reclamation, and as Chairman of two important House Investigating Committees, the one checking into the U. S. Trust and Guaranty failure in the 54th Legislature and the other investigating bribery charges in the 55th Legislature.

In all of his duties as a presiding officer, he has shown one of his most admirable characteristics to be that of fairness. He smiles when he talks, but no one shoves him around.

That is a type of man we present to you today and that is the type of man we need in these trying times. A man who is fair to the point of a fault. A conscientious, faithful servant, devoted to the ideals of fair

play, and an advocate who can mix reason with pleasure and wisdom with mirth.

I am sold on this man myself and I hope you will join with me in this conviction. You can rest assured he will never let us down, and the State of Texas will be able to point to his tenure of office with much pride in his accomplishments. May I say in passing, that it has been two decades since you have honored South Texas with the Speakership.

As we enter into the final stages of selecting a Speaker, if I might be so bold as to offer a prayer it would be:

O Lord, grant us the wisdom to discern facts from fallacies:

The fairness to look to deeds, not promises and the courage to cast our ballot for the man we sincerely believe to be best qualified by experience, ability, devotion to duty, and fairness to serve as our next Speaker.

Mr. Secretary of State, humbly and sincerely, but with the keenest of pleasure, I respectfully place in nomination for Speaker of the House of Representatives of the 57th Session, a native Texan, and one of her most illustrious sons, the Honorable Wade F. Spilman of McAllen.

The Honorable Charles L. Ballman of Hutchinson County was recognized by the Chair and seconded the nomination of the Honorable James A. Turman for Speaker of the House of Representatives, speaking as follows:

Mr. Secretary of State, Ladies and Gentlemen of the House and Distinguished Guests:

As a West Texan I rise to second the nomination of Jimmy Turman as Speaker of the 57th Legislature. We in West Texas have problems which differ from those of you who represent other parts of the State. In a State as vast as ours we share problems of statewide matters which are peculiar to our district or the area of the State which we represent.

In order to adequately and properly represent our constituents we must have a man as Speaker of this House who will deal with all problems fairly—whether they are of statewide, areawide or of local im-

portance—whether they arise in the home district of our Speaker or of our own home district.

First, in making my selection of the man I would support as Speaker, I looked for the integrity, fairness and impartiality which would assure me the opportunity to represent my constituents. Secondly, I wanted to contribute my part to the solution of the grave statewide problems which will face us in this session.

I carefully studied the record, the personality, the background, and the character of each of the candidates. I concluded that the person most suited and qualified, according to the standards that I had set, to lead us in the 57th Legislature is Jimmy Turman. His reputation for fairness, and firmness of purpose is such as to assure me that he will give me the fairest possible treatment under all circumstances. If I have a legislative matter peculiar to West Texas or to my district, I am sure that Jimmy Turman will give it the same fair and impartial consideration he would give if the matter concerned East Texas or his own district. His election as Speaker will assure us all of the fair and impartial treatment we all must have to properly carry out our duties as Members of this House.

He will supply us with the leadership we need to reach solutions to the important problems of statewide interest of which we are all so acutely aware.

Jimmy comes from a background which would acquaint him personally with the problems of the people in my district who form the majority of my constituents. At the same time he has had enough education and experience to give him a first hand knowledge of all the problems which confront us.

Jimmy's character is such that no one would attempt to question it. His general reputation of honesty and integrity is well known to all of us. These were the attributes that caused us to seek him as a candidate for the office of Speaker. His record clearly shows us that he will extend to each of us the fairness and impartiality which we all need in representing our people. I know that Jimmy will treat West Texas as fairly as any other section of the State.

It is for these reasons that I proudly second the nomination of Jimmy Turman as Speaker of the 57th Legislature and I hope that all of my West Texas colleagues will join with the membership of this House in overwhelmingly electing him.

The Honorable Robert E. Johnson of Dallas County was recognized by the Chair and seconded the nomination of the Honorable Wade F. Spilman for Speaker of the House of Representatives, speaking as follows:

Mister Secretary of State, Fellow Members of the House of Representatives, and Distinguished Guests:

I am not going to consume your time with a long soliloquy, funeral oration, or eulogy of my candidate for Speaker of the House of the 57th Legislature.

We are about to cast our first vote as members of the 57th Legislature, a vote which, I believe, will be the most important vote cast by any member during his term of office whether one or more sessions.

The election of the Speaker is the climax and end of a long, hard contest and as in any contest, political or otherwise, there must be a winner and a loser.

The election of the Speaker also marks the beginning of another long, hard-fought contest but with much higher stakes, and in this instance the people of Texas will be the winner or the loser.

In this contest, as in all contests, the battle lines are drawn. So that there may be no mistake, this is a battle of political philosophies, constitutional conservatism and fiscal responsibility versus rampant liberalism and fiscal bankruptcy. The battle lines are drawn by the candidates, I am merely defining them. My candidate, as evidenced by his record, is the candidate for constitutional conservatism.

It seems to me that the one outstanding quality that our Speaker must have is responsible leadership; that he must preside over this House according to the dictates of his conscience and the wishes of the individual members and not according to the dictates and mandates of politicians without this House or without this State. My candidate, the MAN from Hidalgo County, is well

qualified by his training, experience and education to fulfill the responsibilities of this office. He is the only candidate thus qualified.

Mister Secretary of State, I respectfully second the nomination of Wade Spilman, the Representative of Hidalgo County, McAllen, Texas, as Speaker of the House of Representatives of the 57th Legislature.

The Honorable J. E. Johnson of Bell County was recognized by the Chair and seconded the nomination of the Honorable James A. Turman for Speaker of the House of Representatives, speaking as follows:

Mr. Secretary of State, Members of the 57th Legislature, Ladies and Gentlemen:

Those of us who are freshmen members of the 57th Legislature are faced with a difficult problem in deciding who we will vote for as Speaker, because we have not had the opportunity of seeing the candidates in their roles as members. Our decision, in order to be conscientiously made, must be based upon our independent research and study of the record and upon our individual discussion with the candidates for this most important post.

We are met at the outset with the "labels" placed upon each candidate by the supporters of his opponent. It is incumbent upon us to delve further and look behind these "labels" to find the truth about the candidates as individuals and as statesmen. It is essential to us, as freshmen members, that we have in our Speaker the strong leadership so necessary to the new member, who does not have the benefit of the wealth of experience an older member possesses. At the same time we have grave responsibilities which must be met, and our choice of a Speaker must insure us freedom of choice on issues, and a real voice for our constituents in the operation and functions of this 57th Legislature.

I have talked with many people who are thoroughly familiar with the qualifications and backgrounds of both the candidates for Speaker, and I have talked with the candidates themselves. I have attempted to secure the best information possible before I made my choice in order to be sure that the man I vote for pos-

sesses the qualifications a Speaker of this House should have.

I found first, that the voting records of the candidates did not really bear out the labels which were placed upon them by some. It is my opinion, with the make-up of this House as it is, that leadership coming from a Speaker who has followed a moderate political philosophy would be followed better than the leadership of a Speaker of any other political persuasion.

I found also, that the background, training, and record of one candidate will, I believe, make him more sympathetic to the problems of the first-term members like myself. I found further that it is absolutely necessary that the leader of this House be free from any commitments to any pressure group.

We are all aware of the tremendous pressures which are applied in a race like this in an attempt to deliver votes to someone that some non-members think might be helpful to them. My choice for Speaker is based on my own judgment of the best man to lead this House in these crucial times.

For these reasons, and others which I cannot mention in the interest of time, I decided to support Jimmy Turman and vote for him as Speaker.

In this atmosphere, and with this knowledge, I urge you to join me in voting for Jimmy Turman, who, when he is elected, in my opinion, will make an outstanding Speaker. I appeal especially to those of you who have, as new members, gone through the same thinking I have gone through to reach my decision.

It is my great privilege and distinct pleasure to second the nomination of the Honorable James A. Turman of Fannin County for Speaker of the House of Representatives for the 57th Legislature.

The Honorable Richard C. Slack of Reeves County was recognized by the Chair and seconded the nomination of the Honorable Wade F. Spilman for Speaker of the House of Representatives, speaking as follows:

Mr. Secretary of State, Fellow Members of the House of Representatives, Ladies and Gentlemen:

By our balloting today, we shall select a public official whose importance to all of Texas will rank alongside the Governor and Lieutenant Governor.

In making this very important selection, we must search our minds and hearts and conscience.

We are faced in Texas Government today with a multitude of problems, all of them overshadowed by the mounting financial crisis in our General Revenue Fund. To meet and overcome this challenge of the future, we have to look for the very best in leadership that we are capable of producing, I have the honor and privilege of proposing such a man to be Speaker of the House during the Fifty-seventh Legislature.

The man I propose was a rifle-carrying front-line soldier in World War II. As a Sergeant and Squad Leader he was left with other expendables to cover the American retreat from Hagenau Forest in France. Temporarily shocked and deafened by an exploding grenade, he was captured and held prisoner of war for four months. This man has served his State and Country faithfully and well during times of extreme hardship and danger. No greater burden can a man be asked to bear in the service of his country.

As all of you know, the Speaker must preside in a fair and impartial manner. He must protect the rights of the minority to be heard and at the same time insure that the efforts of the majority are not unfairly obstructed. I pledge you ladies and gentlemen that my candidate for Speaker will provide such an administration. Texas needs now, more than ever before, a practical, experienced, and independent man in this position. A man who will neither reward his friends and supporters, nor punish his opponents. A man with malice toward none and charity for all.

The man whose name I offer, ladies and gentlemen, fulfills these qualifications more fully, in my opinion, than any person presently seated in this House, whether he has offered himself as a candidate for Speaker or not, and this I say without criticism of any person.

Like the stately palm of his native section, he is tall and lean in body and large in heart and mind.

It is my pleasure to second the nomination for Speaker of the House of the Fifty-seventh Legislature, the Honorable Wade Spilman of McAllen.

The Honorable Don Kennard of Tarrant County was recognized by the Chair and seconded the nomination of the Honorable James A. Turman for Speaker of the House of Representatives.

The Honorable Byron M. Tunnell of Smith County was recognized by the Chair and seconded the nomination of the Honorable Wade F. Spilman for Speaker of the House of Representatives.

The Honorable Secretary of State asked if there were any other nominations for Speaker of the House of Representatives.

There being none the Chair declared the nominations closed.

The Honorable Secretary of State announced the appointment of the following tellers to count the votes:

Messrs. Chapman, La Valle, Harrington, de la Garza, Percy, Roberts of Dawson, Stewart of Wichita and Cowen.

The tellers were then requested to come forward to the rostrum.

The Members of the House proceeded to the casting of the votes for the Speaker of the House of Representatives following the procedure as outlined in H. S. R. No. 2, previously adopted by the House.

The vote being cast and counted, the tellers and the Chief Clerk certified to the Secretary of State the following result:

The Honorable James A. Turman received 83 votes.

The Honorable Wade F. Spilman received 66 votes.

The Honorable P. Frank Lake, Secretary of State of the State of Texas, then declared the Honorable James A. Turman of Fannin County to be the duly elected Speaker of the House of Representatives of the State of Texas of the Fifty-seventh Legislature.

OATH OF OFFICE TAKEN BY THE SPEAKER OF THE HOUSE

The Honorable Secretary of State announced the appointment of the following committee to escort the Speaker-elect to the Speaker's rostrum for the purpose of the taking of the constitutional oath of office by the Speaker-elect: Messrs. Bridges, Hinson, Lewis, Cannon, Jamison, Hollowell, Kilpatrick, Spears, Fairchild, Cole of Hunt, Harding, Bass, Caldwell, Bailey, Price, Mutscher, Roberts of Hill and Fletcher.

The Honorable James A. Turman of Fannin County, having been escorted to the Speaker's rostrum, took the constitutional oath of office as Speaker of the House of Representatives of the Fifty-seventh Legislature of the State of Texas, which was administered by the Honorable P. Frank Lake, Secretary of State of the State of Texas.

INTRODUCTION OF SPEAKER JAMES A. TURMAN

The Honorable Secretary of State presented Honorable Ronald W. Bridges. Mr. Bridges, in turn, introduced Speaker Turman to the House of Representatives.

Speaker Turman then addressed the House as follows:

Mr. Secretary of the State—Ladies and Gentlemen of the House:

This is a high honor and serious challenge you have given me!

Somehow . . . and I believe you will understand this . . . I find myself ill-prepared to tell you what is really in my heart. Merely to relate my gratitude and sincere appreciation for this honor seems a little inadequate today. The occasion seems to call for something more than I can tell you at this time. I have always placed public service in the same category with Liberty . . . it carries with it the very gravest responsibility. It is my task now to discharge that responsibility with fairness and firmness, with courage and objectivity toward that unity of purpose for which we are all here today . . . the Common Good! To do that competently, I earnestly solicit . . . indeed, I must have . . . your help. your coun-

sel and your confidence. No one could ask for more. With it, no one could possibly fail. I would like to say much more on this occasion and I shall have further comment later; but, for now, let's get on with the vital business at hand. Let's meet the challenge together. Again, my deepest gratitude and my very warmest thanks to you all for the genuine honor which is mine today.