

JOURNAL
OF THE
House of Representatives
OF THE
REGULAR SESSION
OF THE
Fifty-eighth Legislature
OF THE
STATE OF TEXAS
BEGUN AND HELD AT
THE CITY OF AUSTIN
JANUARY 8, 1963



**ELECTION OF THE SPEAKER OF
THE HOUSE OF REPRESENT-
ATIVES**

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-eighth Legislature of the State of Texas and stated that nominations for Speaker are now in order.

The Honorable Secretary of State recognized the Honorable John Allen of Gregg County, who placed in nomination for Speaker of the House of Representatives of the Fifty-eighth Legislature of the State of Texas the Honorable Byron M. Tunnell of Smith County, speaking as follows:

**NOMINATING SPEECH FOR MR.
TUNNELL BY JOHN ALLEN**

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

To have the honor of making the nominating speech for the man who will hold the responsible position of Speaker of the House during the 58th Legislature, makes a man humble indeed. But to place the name of a true, worthy, and trusted friend in nomination for this high office, is an honor which I shall cherish forever.

It has been my good fortune, during two previous sessions of this great Texas Legislature, to have been the desk-mate of the man whom I shall nominate today. Our bonds of friendship naturally became closer during some of the trying times we have had in the past in these Legislative Halls. Before that time however, I had campaigned for him during his first successful race for the Legislature, since he served both Smith and Gregg Counties. We watched with pride as he was elevated to most every important office the Texas Junior Chamber of Commerce could bestow on one of its members. He eventually served as a Director of The United States Junior Chamber of Commerce from Texas. Just last year, his home town presented him with the distinguished service award for the "Outstanding Young Man of Tyler." This honor, bestowed upon him by the people with whom he lives and works, is one to be appreciated indeed.

In this Representative, I give you a Speaker who has the necessary background and the experience needed to supervise the work of this membership. He graduated from Tyler High School, Tyler Junior College, and Baylor University, where he graduated with an LL.B. He married the former Bette Lemons of Tyler and they have two lovely daughters, Scharlane and Leah. They are members of the Marvin Methodist Church in Tyler.

While young in years, he has a vast knowledge in the legal field which he has gained from actual experience. He has practiced before all State trial courts, Federal District Court, Court of Civil Appeals, Court of Criminal Appeals, and The United States Supreme Court.

He has been elected to his fourth consecutive term to the Texas House of Representatives from Smith and

Gregg Counties. He served as Chairman of the East Texas Delegation during the 56th Legislature.

Here then is a man who has gained the respect of the people in his district, and the Members of the House, and one who has the necessary qualifications of leadership which will make the people of Texas proud. He has always risen to the tasks which have faced the people of this State and voted for the betterment of all its citizens. While there has never been any doubt as to his opinion on most all issues, he has never hesitated to defend the rights of all Members of this body to present their views.

In previous hotly-contested Speakers races, he has made known his choice to one and all. Even though he did not always win, he held the respect and admiration of those who were elected. And in all serious conflicts which arose later, those Speakers were known to ask his advice on various legislation and ask for his leadership in passing needed legislation. He too has been called on several times to speak against certain bills. Most all Members who have served with him know the cutting oratory, and respect the factual information he has at hand, when he decides to debate an issue.

Therefore, Fellow Members, because Texans are accustomed to the best in leadership, and because these times demand a Speaker of sterling character, of understanding of the monumental problems, fairness to all the Members of this House and the people of Texas, I take great pride in placing in nomination for the Speaker of the 58th Legislature, the name of my good friend, The Honorable Byron Tunnell of Tyler, Texas.

The Honorable Secretary of State recognized the Honorable J. C. Whitfield, Jr., of Harris County, who placed in nomination for Speaker of the House of Representatives of the Fifty-eighth Legislature of the State of Texas, the Honorable John C. Alaniz of Bexar County, speaking as follows:

ADDRESS BY THE HONORABLE
J. CHARLES WHITFIELD, JR.

NOMINATION SPEECH FOR JOHN ALANIZ FOR SPEAKER OF THE TEXAS HOUSE OF REPRESENTATIVES BY J. CHARLES WHITFIELD, JR., JANUARY 8, 1963

Mr. Secretary, Gov. Daniel (and I address Gov. Daniel not knowing whether or not he is present, but for the reason that twenty years ago this week Price Daniel was nominated for Speaker and thus began the more notable part of a distinguished career of public service), Distinguished Guests, Ladies and Gentlemen, Members of the House:

There has been some prior billing by the press of this nomination, and lest there be an improper interpretation of my motives, it is both to point up and lament the system we use and at the same time to honor the man I nominate.

Now, the Constitution says in Article III, Section 9, that the House shall first assemble and then select its Speaker. Implicit in the idea of selection is the thought of having a choice, and I rise today to make a nomination in order that the House may have its historic choice.

Bear in mind that my lament is not directed to any persons here today but to the system. Frequently in the past the balance of power in the House has been determined by the activities of the Speaker candidate in traveling into the other members' districts and then, while acting with his supporters, lending weight to the success or failure of a candidate for the House. Thus, when the House assembles it is the Speaker choosing the House instead of the House choosing the Speaker. The tail begins to wag the dog. In order not to offend persons here today, I would like to take an illustration from the past Speaker's race. This race was conducted by two of my personal friends, Jimmy Turman from Gober, and Wade Spilman from the Rio Grande Valley. These two fine men graced this House with their dedication and talent, but fine as they were and dedicated as they were and deserving as each of them was of special recognition by this House, yet, in order to achieve the Speakership both had to submit to this archaic system. Each was forced to spend large sums of money, the smallest being reported in excess

of \$20,000. Historical records taken from a newspaper noted more for its accuracy than for its circulation reveal that there were six airplanes used for this campaign. As pressures and the heat of the campaign built up, odd things began to happen to House members and candidates across the State. For example, one member who regularly borrowed large sums of money to feed his cattle suddenly found his credit was cut off. To be specific, a note dated September 5, 1960, was not renewed. When questioned about it, this veteran House member said, "I'm almost sure it was connected with the Speaker's race."

And so, Members, in order that you may have a choice in keeping with the provision of the Constitution, I rise to nominate a man who has always fought against high odds. For example, in his first race against Mr. Seeligson of San Antonio, he chose to challenge a brilliant and popular man—a man who was a veteran of four terms of this House, a man who was an authority on State tax matters, and a man who had been lionized by the press of this State and that justifiably so. There appeared no hope, but he won! I submit to you today a man who seeks no pledges and has none save only mine; a man who has refused to travel into other districts to interfere with other House members, who has spent not a dime, chartered no airplanes, has no hotel bills for entertainment, has purchased no football tickets for other members; but the compensating thing that you may have guessed is that he arrived on the scene today with no obligations! He is a family man, the father of six children; a lawyer, having graduated from St. Mary's College of law after previously attending Texas A.&M. College; a member of an old Texas family; a man who has not solicited one vote himself but was asked to run by his friends. He hails from the citadel of San Antonio—from the Kingdom of Bexar.

Members, I place in nomination the name of John Alaniz.

The Honorable Eligio de la Garza of Hidalgo County was recognized by the Chair and seconded the nomination of the Honorable Byron M. Tunnell, speaking as follows:

Mr. Secretary of State, Distinguished Guests, Fellow Texans, and my Fellow Members:

A great American once said "for a democratic government to prosper and grow, we must have honest and efficient leaders." We are faced today with the duty of selecting our leader for this House, this Session, to lead us and guide us during the turmoil, the trials and tribulations which befall us during any legislative session. I have served for several sessions now and I have seen several Speakers, and many candidates for that revered office. We were indeed fortunate when our founding fathers saw fit for the House to elect its own presiding officer from among its membership. You know, I think every Member who has served has a desire to be Speaker, I know I have, and yet we have to face the fact that from 150 of us only one can be selected, only one.

We therefore have the tremendous responsibility to the people of the State of Texas and to our constituents in our own districts to select the very best we have—we must select a member who can unify this House, all 150 of us, and you know what a task that can be, for we come from 150 different areas and probably have 150 different philosophies and yet from these he must weld, as is proper and fitting in a democratic form of government, a working majority of its members.

I come from South Texas, an area where the people want and demand honest and efficient government and leaders. We feel certain that we will receive that and more from the gentleman whose nomination I am about to second, for I have observed him for several sessions and I know that he will make a fine leader and an honest and efficient Speaker.

Mr. Secretary, the members and people of South Texas who are interested in honest and efficient government, through me, second the nomination for Speaker of the House of Representatives for the 58th Legislature of our distinguished colleague, Byron Tunnell, who will lead this House for a better State and for honest and efficient government.

The Honorable Jake Johnson of Bexar County was recognized by the

Chair and seconded the nomination of the Honorable John C. Alaniz for Speaker of the House of Representatives.

The Honorable Gene Hendryx of Brewster County was recognized by the Chair and seconded the nomination of the Honorable Byron M. Tunnell, speaking as follows:

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

As a freshman Member of the Legislature, I am extremely proud of having the opportunity to second the nomination of the next Speaker of the Texas House of Representatives.

When I became a candidate for the Legislature about a year ago, I knew little or nothing about the selection of a Speaker, and I knew absolutely nothing about any Member of the House who aspired to the office of Speaker. It was somewhat surprising to me, out in the isolated Big Bend country, when a deluge of telephone calls and personal visits on behalf of various candidates started piling in. I might add here that the man whom I have the privilege of seconding, never called me, nor did he ever charter an airplane and come to West Texas to solicit my vote. He didn't charter a burro either, and that's the only way you can get to where I live.

After some investigation on my part, I became aware of the fact that my vote in the Speaker's race would be one of the most important, if not the most important vote, I would cast in the House. Therefore, I decided to make a thorough investigation of every person who was, or who might conceivably become, a candidate for Speaker of the House.

I studied voting records which were compiled by various organizations, both Liberal and Conservative. I contacted my colleagues in the radio and television industry in the candidates' home districts. Business men, school teachers, attorneys and many others were questioned.

Finally, I talked with many of you Members, people who have served with these men and have seen them in action in this Legislative body.

After the investigation was complete, it was obvious to me that I

could not vote for any candidate for Speaker other than the man nominated by Mr. Allen.

I had never met this man, I had never so much as talked to him on the telephone, so I came to Austin and questioned him at length on many subjects pertaining not only to Government, but also on several matters outside the realm of Government.

I was satisfied with his answers and told him that I intended to vote for him for Speaker. Then I pointed out that he had never once solicited my vote.

He grinned and said, "When you became a candidate for the Legislature, I did a little checking too, and I decided that you were the type of person who would vote for me, and that I would be wasting your time and mine by trying to convince you, before you were ready to make your decision."

Since that time, I have had further conversations with this man, which have only added to my belief that he will serve this Legislature and this State in a manner which will be of great credit to the office of Speaker.

My district, separated from his by almost seven hundred miles, has little if any geographic or economic resemblance to his. Our way of life out in the mountainous Big Bend is far different from that of Tyler.

Our common interest is the same interest that binds the Members of this House together, the interest of serving this State and the people within the vast geographic confines of this State.

At the time it was determined that I would second his nomination, it was not known that any other candidate's name would be submitted to this House for Speaker. And now that another candidate's name has been placed in nomination, I am doubly proud to be able to publicly endorse the man who is best suited to guide the Texas House of Representatives during the next two years.

I don't know of any one thing in this session of the Legislature that could be more gratifying than to be able to stand here today, and second the nomination of Representative Byron Tunnell of Tyler for Speaker of the Texas House of Representatives.

The Honorable Robert E. Johnson of Dallas County was recognized by the Chair and seconded the nomination of the Honorable Byron M. Tunnell.

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.

CONCERNING PROCEDURE OF ELECTION OF SPEAKER

Mr. Crews offered the following resolution:

H. S. R. No. 2

Be it Resolved, That the Secretary of State be requested to have distributed to the Members ballots to be used in the election of the Speaker; that the roll of the membership be called in alphabetical order and that as each Member's name is called he shall walk to the front of the Reading Clerk's desk, present his folded ballot, for official initialing by the Chief Clerk, then proceed to the Chief Clerk's desk and there place his vote for Speaker in a box; and be it further

Resolved, That the Secretary of State appoint eight (8) tellers who shall inspect the voting procedure and count the votes; and be it further

Resolved, That the candidate for Speaker receiving a majority of the votes of the Members present and voting shall be declared elected Speaker; and be it further

Resolved, That immediately upon completion of the count by the tellers, the ballots shall be placed in an envelope and sealed and turned over by them to the Secretary of State who shall completely destroy by fire the sealed envelope and ballots.

The resolution was read and was adopted.

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

Messrs. Grover, Cook, Crews, Barnes, Whitfield, Johnson of Bexar, Townsend and Crahn.

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 Byron M. Tunnell received 141 votes.

The Honorable John C. Alaniz received 9 votes.

The Honorable P. Frank Lake, Secretary of State of the State of Texas, then declared the Honorable Byron M. Tunnell of Smith County to be duly elected Speaker of the House of Representatives of the State of Texas of the Fifty-eighth 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: Representatives Atwell, Banfield, Jarvis, Isaacks, Barnes, Brown of Taylor County, Cavness, Coughran, Edwards, Haines of Brazos County, Fondren, Klager, McClinton and Traeger.

The Honorable Byron M. Tunnell of Smith 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-eighth Legislature of the State of Texas, which was administered by the Honorable P. Frank Lake, Secretary of State.

INTRODUCTION OF SPEAKER BYRON M. TUNNELL

The Honorable Secretary of State presented the Honorable Ben Barnes.

Mr. Barnes, in turn, introduced Speaker Tunnell to the House of Representatives.

Speaker Tunnell then addressed the House as follows:

ACCEPTANCE ADDRESS OF THE HONORABLE BYRON M. TUNNELL TO THE MEMBERS OF THE TEXAS HOUSE OF REPRESENTATIVES, UPON BEING ELECTED SPEAKER, 58TH LEGISLATURE, JANUARY 8, 1963

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

Over the years, one person has stood always beside me, sharing with me my dreams and ambitions—my triumphs and defeats—my joys and sorrows. Now, at this, one of the most memorable days in my life, my happiness would not be complete without my wife Bette to stand at my side and share too this moment. Whatever I have accomplished in this life has been with her, and for her.

As I stand before you, my heart is filled with humility and gratitude.

Humility, at the thought that you, my fellow members, had the faith and confidence to bestow upon me the highest office you can offer.

Humility, at the thought of serving as Speaker of a legislative body which preserves the heritage of liberty and justice earned by the blood of noble men over the centuries of history.

Humility, too, at the thought of following in the footsteps of the many able leaders of our state and nation who have held this high office.

In equal measure, there is gratitude in my heart, this day.

Gratitude, to Bette, and to our daughters, Leah Dawn and Scharlane, for giving up their rightful claim to my time and attention in order that I could conduct my campaign for Speaker. Though I saw them less, I loved them more, if such were possible for their sacrifices.

Gratitude, too, to the members of this House and to my many other friends who encouraged me to run for Speaker, and then backed their encouragement with the currency of days and weeks of hard work on my behalf.

Later this afternoon, I should like to discuss with you some suggestions for the conduct of this Session. As for now, though, I wish simply to

say "thank you," for this, the highest honor of my life.

INTRODUCTION OF FAMILY AND RELATIVES OF SPEAKER AND MRS. TUNNELL

The Honorable Ben Jarvis of Smith County, having been recognized by the Chair, introduced to the House, Mrs. Byron M. Tunnell, wife of Speaker Tunnell.

Mr. Jarvis then introduced the following who were present and seated on the rostrum:

Scharlane and Leah Dawn Tunnell, daughters of Speaker and Mrs. Tunnell.

Mr. H. B. Tunnell, the Speaker's father, and Mrs. Tunnell.

Mr. Ira Tunnell, brother of Speaker Tunnell.

Mrs. Grace Hewitt, aunt of Speaker Tunnell.

Mr. and Mrs. Raymond Towns, sister and brother-in-law of Mrs. Tunnell.

(Speaker In The Chair)

ADDRESS BY SPEAKER BYRON M. TUNNELL

Speaker Tunnell addressed the House, as follows:

ADDRESS DELIVERED BY SPEAKER BYRON M. TUNNELL TO THE MEMBERS OF THE TEXAS HOUSE OF REPRESENTATIVES, 58TH LEGISLATURE, JANUARY 8, 1963

Four score and seven years ago, our forefathers assembled and convened the Fifteenth Legislature. It was on this occasion that the Honorable Thomas R. Bonner was elected to serve as its Speaker. The only other man in our history elected to serve as the presiding officer of this great body from my home town of Tyler.

Since that time, the duties and responsibilities of the Speaker and the Members of this House have increased tremendously, just as the complexities of our society and government have magnified.

In my campaign to be your Speaker, I traveled the length and breadth of this great state . . . from Texarkana to El Paso . . . from Brownsville to Amarillo . . . and many other places both large and small.

On these trips, the one thing that has impressed me most is the progress that is glaringly evident in our beloved Texas. Where crops once grew, there are now to be found homes, schools, churches and parks. Where livestock once grazed, the outlines of giant industrial developments and metropolitan centers range against the sky. And so it goes, no matter where one looks, in every

section of our state, in every element of our society, progress is ever present.

Yes, just as our state is progressing, so, too, is its political leadership changing. In our Governor-Elect, the Honorable John Connally, in our Lieutenant Governor-Elect, the Honorable Preston Smith, and in our new Attorney General, the Honorable Waggoner Carr, we have leaders dedicated to the proposition that Texas shall go forward to the destiny that it rightfully deserves as the leading state in our nation. For my part, I can assure you that I shall do all that I can to see that the common goals for the greater good of all our citizens are implemented.

While Texas moves forward to meet the challenges of progress, let us, as Members of the 58th Legislature, not forget the rich heritage of constitutional and statutory principles bequeathed to us by our forefathers. What we are as a people and a state is a product of that heritage. What we hope to be, should be a continuation of it.

In my opinion, the permanence of this heritage is amply illustrated by the beauty of this magnificent hall in which we are now gathered. The desks in which you, the Members of this distinguished body, are now sitting, have been completely refinished. The workmen in this process, for the first time in seventy-six (76) years, went back to the original wood grain. Likewise, the woodwork around us, the panels and podium, were refinished in the same manner and although the desks and woodwork look new in appearance, the tradition and heritage of the old comes shining through as a testimony of the durability of our predecessors.

One has but to glance around to observe the new drapes and carpeting all of which go to provide us the very finest in facilities. I know that the majesty of this chamber, in all its glory, will be a source of pride to all Texans in this and in years to come.

In this regard, I would like to recommend to you the application of a few simple rules of decorum which, in my opinion, will improve the dignity of our office and preserve the heritage of this chamber and its beauty.

First, I recommend that only Members of the House, Members of the Senate, properly accredited members of the working press, and certain necessary employees, be admitted within the rail of the House while the House is in Session. This will not work a hardship on any Member. At the present time, office space is available for all but the new Members and adequate pool space is available for the employees of these Members. There is no reason, therefore for secretaries or other employees to remain at the desks of Members. By the same token, adequate space is available outside the rail for the families of Members and other guests of the House.

Second, I recommend that no food or beverages be consumed on the floor of the House at any time. In order that no Member be inconvenienced by this rule, a members lounge has been provided in one of the rooms adjacent to the floor of the House.

Third, I recommend that all gentlemen admitted to the floor of the House wear a coat and tie at all times while the House is in Session.

In this connection, I would like to say that these are not my ideas alone, but the ideas of a majority of the Members of this House who have expressed themselves to me. Truly, the eyes of Texas are upon us at all times, but more especially while this House is in Session deliberating the many problems facing our great state. The wisdom of our actions is often gauged by our own decorum and I ask for the assistance and cooperation of each of you in implementing these recommendations as speedily as possible.

I furthermore recommend that this House adopt as its temporary rules of procedure the temporary rules as adopted by the House of the Fifty-Seventh Legislature, until such time as certain apparent discrepancies in our permanent rules can be resolved to the satisfaction of all concerned. These are the rules which have withstood the test of time. Let us remember that all change is not progress just as all movement is not forward. In my opinion, continued operation under our old rules of procedure will insure us continued efficiency in our internal operations and I sincerely request the help and

assistance of each and every Member of this House in this regard.

As I look from this rostrum this moment, I see the faces of some who have differed with me on various issues in past Sessions. I know, too, that some of you will differ with me on various matters in the days to come. However, let us disagree without being disagreeable, for I know that all of you share with me the desire and determination to preserve and defend the dignity and tradition of this House and the privileges and prerogatives of each Member.

It has been said that the only thing we owe to the past is to leave the future indebted to us. As your Speaker, this end shall guide my every action. To this end, I stand before you now and offer you my hand of friendship . . . my hand of cooperation . . . in helping to erect a foundation for the future progress of our great State of Texas. United together, we can meet the challenges of tomorrow . . . divided, perhaps we fail.