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TRANSMISSION INTO LEGISLATION OF POLITICAL PROMISES  
OF TEXAS GOVERNORS FROM 1914 TO 1943

THESIS

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By

William H. Nunn, B. S.

158548

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## CHAPTER I

### INTRODUCTION

Every two years the citizens of Texas are confronted with the problem of electing a new governor. Up to the present time, the candidates for that high office have run upon platforms filled with high sounding promises. They may or may not have been able to keep such promises. It is well to know, therefore, the value of political platforms and trends in political promises made in the past. By examining the pledges and comparing them with the results promised by the governors an evaluation of political platform promises may be obtained.

The problem of this thesis is to determine the relationship of political promises made by the elected candidates for governor with their achievements in relation to these political promises. From such an evaluation, it is hoped to determine the value of different types of political promises, and thus be more able to judge properly candidates seeking the office of governor.

Since our government is divided into three branches -- the executive, the legislative and the judicial -- it was necessary to consider rather closely the power which the executive department exerts over the legislative department in our government.

Most political promises, made by candidates for governor, have been in the field of legislative power; therefore, the relationship of the executive to the legislative represents a definite problem in political promises.

The scope of this thesis has been limited in two ways: First, the administrations covered by this study are between the years 1914 and 1943. Second, political promises have been limited to four fields. They are: taxation, education, highways, and special or miscellaneous subjects.

Chapter II, following this introductory chapter, is upon the subject of taxation. Taxation reaches into the other three phases of this study, but it has been one of the universal and basic planks in the elections of the governors in this study. Each governor has been studied with his political promises related to taxation and he has been evaluated in terms of legislation passed during his administration as well as economic and other factors.

Chapter III presents political pledges made in relation to the field of education. There are two well-defined divisions in educational promises, those relating to higher education and those relating to public school education. These fields are treated separately except when political pledges have linked them together in such a manner that they could not be divided. Educational promises have been

evaluated in terms of legislative action as well as economic and sociological trends in education.

Chapter IV deals with the subject of highways. It is based upon political promises made by the governors upon the subject of highways and road construction. The work of the governors and the legislature in the building of a constructive highway program will be taken in relation to enacted legislation and federal aid.

Chapter V is related to miscellaneous promises made by the candidates for governor and does not treat any one phase of promises like the three preceding chapters. The miscellaneous promises incorporated in this chapter have been of a special nature. In most cases they have not represented trends in politics, but have been the pioneering type of promise. Each promise has been presented in terms of legislation and other pertinent information related to it.

The above four chapters have been treated in terms of governmental administrations. Each chapter has been divided according to the administrations of the governors involved, and each of these administrations has been discussed in relation to the following: political promises made in summer campaigns, legislation passed, economic factors involved, and an evaluation of each political promise.

Chapter V consists of the conclusions to this thesis. It seeks to evaluate the political promises in the above fields and to indicate political trends.

A number of sources have been used in this thesis; the most important of which are listed as follows: the House and Senate Journals, H. P. N. Gammel's Laws of Texas, personal interviews, letters from former governors of Texas, letters from the Department of Education and the State Highway Department, books, and unpublished materials.

The following chapters are presented in light of political promises made before the election of each of eight governors. The conclusions reached in this thesis are in terms of how each governor carried out his promises. Conclusions have been made in terms of trends in each of the four fields presented, as well as an evaluation in terms of all four fields considered jointly.

## CHAPTER II

### TAXATION

The financing of the State government has been a subject very close to the voters of Texas. The State has seen many ideas advanced by political candidates upon ways to finance the government, to give every one "something for nothing," and to place the tax burden away from "the common people."

It is not strange that the subject of new taxes would be a very unpopular plank for any aspirant for public office. Our governors have spared the Texas people from worrying about new taxes until after the elections. It is to be expected that governors would change their campaign promises many times in relation to their platforms for election.

The people of Texas want a governor who will promise them action; be it in the field of old age pensions, better roads, better homes, better education, or the like. But, on the other hand, no good Texas voter wants to see more taxes placed upon his home.

Several governors have favored taxes upon large companies, corporations and natural resources, but never upon the "common people." After being elected upon an "economy" plank, the governor finds that better roads, schools, and pensions cost money, and he is forced to present his plan



to finance his other campaign promises.

Each governor has faced the problem of increased benefits to the people of Texas in relation to taxation. All have met the problem, but not necessarily as promised in their campaigns. With this in mind the following administrations are presented:

James E. Ferguson

James E. Ferguson did not have a plank in his original platform dealing solely with the tax question.<sup>1</sup> In fact, taxation was not an issue in either of Ferguson's campaigns for governor. The subject of taxation was a part of several planks of Ferguson's platform as they were expanded.

The very fact that Ferguson called for economy in government indicated that he did not want an over-all tax increase for the State. His ideas of economy were well expressed to the regular session of the Thirty-Fourth Texas Legislature as follows:

No law can be passed that will provide against wasteful extravagance, excessive expenditure or incorrect living.

The government can do much to protect property, but only the individual can produce property. The government can do much to aid in the making of crops. But the individual must produce the crop. The government can do much to see that

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<sup>1</sup> Ouida Ferguson Nalle, The Fergusons of Texas, pp.66-69.

there is a fair division between those who labor and those who do not, but the government can produce no actual values. You, as a Legislature, can regulate many things, but you cannot produce wealth by statute.

The public must sooner or later learn that the government is not an apple tree whose fruit can be plucked at will and resupplied by nature. The government is the people, and whatever burdens the government, must in the last analysis, burden the people. <sup>2</sup>

Even though Ferguson called for economy in state government, his ideas dealing with spending on the school system were much broader than the rest of his program. Ferguson said, "If we get our money's worth, let us buy all the education we can pay for." <sup>3</sup> Ferguson expanded this statement in his general message to the Legislature when he called for fixing the State ad valorem school tax at such an amount which, taken together with "the public school fund," would make the school term of the county and city schools equal. <sup>4</sup>

The Platform of the Democratic Party of Texas incorporated Ferguson's ideas when the following planks dealing with taxes were written into it:

(b) The submission of an amendment to the Constitution which will provide that any county may levy, by a majority vote of the taxpayers, a county tax for the better maintenance of county schools.

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<sup>2</sup> House Journal, Regular Session, 34th. Legislature, p.130.

<sup>3</sup> The Dallas Morning News, March 22, 1914, p. 9.

<sup>4</sup> Ibid.

(c) The passage of an act authorizing trustees of a district whose taxpayers so vote to furnish to the children of the schools free textbooks.<sup>5</sup>

Since the State platform was written by Ferguson and his friends, the above planks would have represented a liberal increase in taxes for education. This idea was carried over into the State platform which was written after the nomination of Ferguson for a second term as governor.

The section of the platform dealing with education provides for:

(b) The increase of the constitutional limitation which will permit districts to levy a tax sufficient to provide more suitable buildings and better maintenance of schools for nine months in each school year.<sup>6</sup>

The liberal thinking about taxation for the schools of Texas was a part of Ferguson's contribution, along the lines of education, but never did become a source of a real campaign issue. Exact figures on just how much the tax increases should be were not given by the Governor or the State platform.

The second field in which Ferguson indicated a stand on the tax question dealt with bringing industry to Texas. Ferguson favored the expansion of foreign capital in the State, and indicated that such capital was not only necessary, "but must be invited to and protected in Texas."<sup>7</sup>

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<sup>5</sup> House Journal, Regular Session, 34th Legislature, p.141.

<sup>6</sup> House Journal, Regular Session, 35th Legislature, p.42.

<sup>7</sup> The Dallas Morning News, March 22, 1914, p. 9.

This stand of Ferguson's indicated that this protection might include taxation.

Along the line of protection of industry from taxation in Texas is a plank in the Platform of the Democratic Party of Texas of 1914, which reads as follows:

We recommend the submission by the Thirty-fourth Legislature of a constitutional amendment exempting from taxation all factories engaged in the manufacture of cotton or worsteds or woollens in Texas for a period of not less than ten years.<sup>8</sup>

Ferguson called the attention of the Thirty-Fourth Legislature to the fact that the protection of cotton and woolen factories from taxation was needed in Texas,<sup>9</sup> but no bill was passed by that body dealing with removing taxes on these factories. The State platform included the very same recommendation in its 1916 provisions and the Governor campaigned for re-election on the plank of no taxes for cotton and woolen factories in the State.<sup>10</sup>

A third example of the Ferguson tax program is found in the State platform of 1916. In connection with home ownership, the State platform, written by Ferguson, had this to say:

<sup>8</sup>  
House Journal, Regular Session, 34th Legislature, p. 141.

<sup>9</sup>  
Ibid., p. 134.

<sup>10</sup>  
Ibid., 35th Legislature, pp. 43-44.

Home-owning and home-building being one of the essentials of a prosperous and patriotic citizenship, we demand that all notes representing, and hereafter given for the purchase of a homestead in the town or country and drawing more than six per cent interest per annum shall be exempt from taxation.<sup>11</sup>

The home-owning and home-building policy of Ferguson indicated a desire to relieve pressure on the home as a source of taxation in order that the people of Texas would be encouraged to buy their own homes. This was a policy in line with Ferguson's liberal ideas related to school taxes, but only included the purchase of homes, and not other property in general.

A fourth example of Ferguson's position on the question of taxes was given in his general message to the Thirty-Fourth Legislature, 1915, when Ferguson sent the following message to the lawmakers:

From official estimates now on file with the Comptroller, the sum of fifteen million nine hundred and three thousand dollars will be raised by taxation. While this amount is only an estimate, the statement of the amount almost staggers the imagination.

The amount asked for is, to say the least, large, and the items which go to make up this vast sum should receive your careful consideration and scrutiny before you give them your official sanction.

Let us labor together and see if we can get a dollar's service and value for every dollar we spend.<sup>12</sup>

<sup>11</sup> Ibid., p. 43.

<sup>12</sup> House Journal, Regular Session, 34th Legislature, p. 135.

The above message indicates Ferguson did not like the idea of having to raise such a large sum by taxation, but that he was willing to approve it if it were needed. Ferguson requested economy when he asked the first called session of the Thirty-Fourth Legislature to cut the twenty-five million dollar appropriation bills which had been introduced in the regular session.<sup>13</sup>

Ferguson considered the need for taxation as a guide for his tax policy. He favored more taxes for education, but opposed getting the money from Texas industry in some cases. Ferguson did not commit himself along any one line of taxation; therefore had an opportunity to work unhampered by promises.

A resolution was passed by the regular session of the Thirty-Fourth Legislature, which would have enabled the county to vote a tax for school purposes. This tax was not to exceed fifty cents on one hundred dollars valuation, and would have been used for the maintenance of the public schools.<sup>14</sup> However, the act was defeated by voters of Texas in the November election of 1916, and did not become a part of the State Constitution.<sup>15</sup>

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<sup>13</sup> House Journal, First Called Session, 34th Legislature, pp. 20-21.

<sup>14</sup> H. P. N. Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XVII, pp. 287-288.

<sup>15</sup> The Texas Almanac, 1947, p. 69.

A second bill was passed by the same session of the Legislature, which provided for the purchase of textbooks by the local school districts. No increase was made in the tax ceiling, and the people had to vote such a measure.<sup>16</sup> These two bills were the only ones dealing directly with taxes related to education passed by the regular session of the Thirty-Fourth Legislature.

The first called session of the Thirty-Fourth Legislature failed to alter the tax program in relation to education, but the regular session of the Thirty-Fifth Legislature passed a bill which provided for an increased amount of taxes that might be voted by the taxpayers of an independent school district. The bill placed no ceiling on taxes which could be voted for the schools of an independent school district, and gave the district broad powers in relation to the amount and collection of such taxes.<sup>17</sup>

The regular session of the Thirty-Fifth Legislature passed a joint resolution, which provided for an increase in the State ad valorem tax for school purposes from twenty cents per hundred dollars valuation to thirty-five cents per hundred dollars valuation. The above resolution

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<sup>16</sup>  
Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XVII, p. 209.

<sup>17</sup>  
Ibid., 35th Legislature, Vol. XVIII, pp. 280-381.

provided that the State Board of Education set aside an amount needed to furnish free textbooks for the children of the public free schools of Texas.<sup>18</sup> This constitutional amendment was adopted by the voters of Texas in the general election of 1918.<sup>19</sup>

The increase in tax represented by the joint resolution and the institution of free textbooks on a State level were two major accomplishments in line with Ferguson's platform dealing with taxation. Direct taxes for education were passed by the Legislature and signed by the Governor, which indicated that Ferguson was consistent in his promises to the people for taxation relating to education.

The second part of Ferguson's tax program, which had called for more industry in Texas, and requested the lifting of taxes for a period of ten years upon factories making cotton and woolen goods, found no action during his administration. Ferguson mentioned the fact that he favored such a lifting of taxes several times to the Legislature during his two terms as governor, but no bill reached his desk dealing with that subject.

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<sup>18</sup>  
Gammel, Laws of Texas, Regular Session, 35th Legislature, p. 503.

<sup>19</sup>  
The Texas Almanac, 1947, p. 69.



Ferguson signed a bill which levied a franchise tax on foreign corporations in Texas which amounted to:

(...) \$1.00 on each \$1,000.00 or fractional part thereof up to and including \$100,000.00; \$2.00 on each \$5,000.00 or fractional part thereof in excess of \$100,000.00 and up to and including \$1,000,000.00; \$2.00 on each \$20,000.00 or fractional part thereof in excess of \$1,000,000.00 and up to and including \$10,000,000.00 and \$2.00 on each \$50,000.00 of such stock in excess of \$10,000,000.00 (...)<sup>20</sup>

The above franchise tax and a petroleum tax which were passed by the Legislature indicated that Ferguson would sign bills to increase taxes at the expense of foreign corporations, even though the amounts levied were not large. The petroleum tax levied was only one twentieth of one per cent of the market value of crude petroleum produced in Texas.<sup>21</sup> Both of these laws had small effect on foreign corporations in Texas, thus the Governor's campaign promise to protect foreign capital in Texas was not broken, even though minor taxes were passed by the Legislature.

No law was passed exempting homes from taxes when the owner was paying for a note of above six per cent interest as requested by the State platform of 1916.<sup>22</sup> This fact

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<sup>20</sup> Gammel, Laws of Texas, Regular Session, 35th Legislature, pp. 52-53.

<sup>21</sup> Ibid.

<sup>22</sup> House Journal, Regular Session, 35th Legislature, p.43.

represented a defeat for a Ferguson campaign promise to citizens buying their own homes.

Another important act which failed to pass was the constitutional amendment which would have authorized the collection of a special road tax not to exceed fifty cents on one hundred dollars valuation in a county.<sup>23</sup> This amendment failed to pass the general election of 1915.<sup>24</sup>

A tax was passed by the regular session of the Thirty-Fourth Legislature which taxed menageries, wax works, side shows or exhibitions.<sup>25</sup> Another act dealing with taxes was passed by the Thirty-Fourth Legislature which provided that delinquent taxes should be collected under a standard form. This act, which required that the tax collectors should mail notices to owners of real estate, also provided for the perfecting of delinquent tax records of the counties.<sup>26</sup>

Another bill dealing indirectly with taxes was passed, which provided an increase in the license fee to practice medicine in Texas. The tax bills introduced in Ferguson's

<sup>23</sup> Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XVII, p. 282.

<sup>24</sup> The Texas Almanac, 1947, p. 73.

<sup>25</sup> Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XVII, p. 209.

<sup>26</sup> Ibid., p. 250.

first term did not represent a large tax increase, but a number of bills were passed on the subject of taxation during his second term.

The Thirty-Fifth Legislature passed a bill empowering commissioners' courts to establish water improvement districts, and provided for taxation to pay for the improvements.<sup>27</sup> A second act of the same Legislature provided for automobile registration fees to be paid on the weight of the automobile.<sup>28</sup> An occupation tax was placed on bowling alleys,<sup>29</sup> and license fees were placed on chauffeurs.<sup>30</sup> Another act of the Legislature provided for a five cent tax for the support of county libraries.<sup>31</sup>

The Thirty-Fifth Legislature provided for the levying and collecting of inheritance taxes. The inheritance tax law amended Article 7491, Chapter 10, Title 126, of the Revised Civil Statutes of Texas, but did not change the amount of tax levied.<sup>32</sup> Another law passed by the above Legislature assessed an additional one and one fourth per cent tax on the gross fire insurance premiums of all fire insurance companies doing business in Texas.<sup>33</sup>

<sup>27</sup> Gammel, Laws of Texas, Regular Session, 35th Legislature, p. 181.

<sup>28</sup> Ibid., p.422.

<sup>29</sup> Ibid., p. 385.

<sup>30</sup> Ibid., p.482.

<sup>31</sup> Ibid., p.100.

<sup>32</sup> Ibid., p.377.

<sup>33</sup> Ibid., p. 138.

The Thirty-Fifth Legislature also passed tax acts dealing with the following: an occupation tax on medicine vendors;<sup>34</sup> a separation tax on mineral rights;<sup>35</sup> a maintenance tax for navigation districts;<sup>36</sup> a five cent tax for city parks;<sup>37</sup> a gross receipts tax on pipe line companies;<sup>38</sup> and remission of certain taxes in the cases of some Gulf cities.<sup>39</sup> These tax laws indicate that a greater number of bills dealing with taxes were passed during Ferguson's second term as governor than during his first term.

The ad valorem tax rate for all state purposes was substantially increased during the Ferguson administration. The Denton County tax rate, for example, showed changes as follows: thirty-seven and one half cents in 1914, fifty-five cents in 1915, forty-five cents in 1916, sixty cents in 1917, and fifty-five cents in 1918.<sup>40</sup>

The increased tax of Ferguson's term of office came first in 1915, and was an ad valorem tax for state purposes. The educational ad valorem tax, which was included in the above figures, remained at the constitutional limit of twenty cents per hundred dollars valuation during Ferguson's two terms, but increased to the new constitutional limit of

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<sup>34</sup>  
Ibid., p. 335.

<sup>35</sup>  
Ibid., p. 167.

<sup>36</sup>  
Ibid., p. 66.

<sup>37</sup>  
Ibid., p. 149.

<sup>38</sup>  
Ibid., p. 52.

<sup>39</sup>  
Ibid., pp. 305, 55.

<sup>40</sup>  
Official Records, Denton County Tax Collector's Office.

thirty-five cents during the first elective term of William P. Hobby in 1919.

Since local laws were passed allowing the county and other local governments to increase the ad valorem rate for school and other purposes, there was a decided tax increase in taxes on all levels.

In summarizing Ferguson's accomplishments in relation to his promises to the people of Texas, this last fact dominates the picture. He failed to keep taxes from increasing. During his administration school taxes were increased on a local level; a small tax was passed on Texas industries; state spending from the General Fund for education was increased; and county and local taxes were increased.

Since Ferguson had no well-defined tax program, it would seem that his work could only be judged on how much value the State received for each dollar spent.

#### William P. Hobby

William P. Hobby became governor of Texas as a result of the impeachment of James E. Ferguson in August, 1917; therefore no political promises in relation to the office of Governor of Texas were made before he assumed his position as Chief of State. Hobby served as governor under these circumstances until he announced for election in 1918

to the office he was then holding. He was elected in the same year.

Hobby ran for election upon a ticket of his record during the First World War, which had occurred during his first term of office. Since promises dealing with taxation were not made by Hobby during his first term, the study of his tax plan must be in relation to his first elective term as governor.

The first stand of Hobby on the question of taxation might be taken more in line with voting, but it would seem Hobby's position on the poll tax indicated also a tax adjustment policy for the returning service men. The Platform of the Democratic Party of Texas, 1918, contained a plank requesting that the Thirty-Sixth Legislature submit a constitutional amendment to the people repealing the clause in the Constitution which prohibited men in the armed services from voting in Texas, and to exempt them from payment of a poll tax for any year when discharged from the services after January 31, 1917.<sup>41</sup>

A bill was passed by the Texas Legislature along the lines requested by the Governor, but was vetoed by Hobby because the Attorney General of Texas said that parts of

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<sup>41</sup>

The Galveston Daily News, September 5, 1918, p. 1.

the bill were in conflict with the Constitution of Texas.<sup>42</sup>  
 Hobby told the Thirty-Seventh Legislature about the procedure used to get this legislation passed for the service men of Texas in the following words:

The Thirty-Sixth Legislature at the regular session passed a law attempting to permit discharged soldiers, sailors and marines who were absent from the State from October, 1918, to February, 1919, to vote in all elections of the current year without the payment of a poll tax. The Act was deficient because the Attorney General of the State held it to be unconstitutional and was inoperative because it did not carry the emergency clause and permit the soldiers to vote in the election of May, 1919, the most important of the year. To remedy this, I disapproved the Act and later convened the Thirty-Sixth Legislature in called session for the purpose of enacting legislation which would permit discharged soldiers, sailors and marines who were absent from home in January, 1919, to vote in all elections during the years 1919 and 1920 without the payment of a poll tax. The Legislature very promptly met this emergency, the Act becoming effective May 9, 1919, on the day it was finally passed.<sup>43</sup>

A second part of Hobby's tax program was revealed in his message to the Thirty-Sixth Legislature dealing with new taxes for Texas:

Fortunately by imposing a fair and equitable tax upon the newly discovered wealth in Texas and upon properties that now escape taxation the revenues of the State will make it possible without increasing the ad valorem or school taxes to provide for an advanced and more efficient system of common school education.<sup>44</sup>

<sup>42</sup>  
House Journal, Regular Session, 36th Legislature, Vol. XIX, p. 1125.

<sup>43</sup>  
Ibid., pp.9-10.

<sup>44</sup>  
Ibid., p. 145.

Hobby expanded his ideas about the sources of wealth in Texas that should be taxed for the benefit of the State. Since Hobby felt that taxes were out of proportion, he asked the Legislature to create a State Board of Equalization to handle tax problems. He then recommended the enactment of such laws and such amendments to the State laws as would provide a "fair and just tax" upon oil and oil products, upon all minerals, gas, electric lights, waterworks, express companies, parking houses, interurban lines, and all corporations, companies and interests which were not paying their just share of taxes. Hobby asked that those companies enjoying special franchise privileges and drawing upon the natural wealth and resources of Texas should be taxed first of all.<sup>45</sup>

Hobby's request included a gross receipts tax not to exceed eight per cent on the production of oil. He felt that such a tax would yield the State about a million dollars on the basis of oil production the year before. Hobby said, "A proper tax upon the properties I have enumerated above will more than enlarge the revenues of the State sufficiently to meet the appropriations recommended."<sup>46</sup>

The Governor made it very clear in his administration that he did not want to see the ad valorem tax raised on the homes of Texas, and indicated that an "equitable tax

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<sup>45</sup>  
House Journal, Regular Session, 36th Legislature,  
 Vol. XIX, pp.152-153.

<sup>46</sup>  
Ibid.



upon newly discovered wealth in Texas and upon properties heretofore escaping a just proportion of the tax burden" should be levied.<sup>47</sup>

The regular session of the Thirty-Sixth Legislature passed a bill which provided for an occupation tax of one and one-half per cent of the market value of all oil produced in Texas.<sup>48</sup> The act became effective March 17, 1919, and by December 1, 1920, Hobby said that \$6, 803,695.18 in revenue had been provided the State by the bill.<sup>49</sup>

Hobby had asked for a tax not to exceed eight per cent on oil production, which he had indicated would bring the State about a million dollars, but the tax passed was for only one and one-half per cent and produced over six million dollars in revenue in more than a year's time. This indicates that Hobby's ideas of just what his tax program would do, were far under revenue raised for the State.

The above session of the Legislature passed a joint resolution which provided for a constitutional amendment to authorize a maximum tax rate increase, in towns of five thousand or less, of one and one-half per cent of taxable values. This amendment was placed before the people of

<sup>47</sup>

Ibid., p. 461.

<sup>48</sup>

Gammel, Laws of Texas, Regular Session, 36th Legislature, Vol. XIX, p. 346.

<sup>49</sup>

Senate Journal, Regular Session, 37th Legislature, pp.8-9.

Texas in November, 1920, and passed.<sup>50</sup>

A second constitutional amendment was offered by the same Legislature which provided for a thirty cent road tax, a fifty cent tax for the erection of public buildings, streets, sewers, waterworks and other improvements, and a sixty cent maintenance tax.<sup>51</sup> This amendment was defeated in the election of November, 1919.<sup>52</sup>

These two proposed amendments to the State Constitution of Texas were not quite in line with the ad valorem tax policy as promised by the Governor, but the people of Texas had the right to choose or reject them.

The Legislature set the ad valorem tax rate for school purposes at the constitutional limit of thirty-five cents, and provided that fifteen cents of that amount should be set aside for the purchase of necessary school books. This act of the Legislature increased school taxes from twenty cents to thirty-five cents per hundred dollar valuation.<sup>53</sup>

Another law passed by the Thirty-Sixth Legislature provided that electric light and water works companies in towns of less than six hundred inhabitants would not have

<sup>50</sup> The Texas Almanac, 1947, p. 77.

<sup>51</sup> Gammel, Laws of Texas, Regular Session, 36th Legislature, Vol. XIX, p. 359.

<sup>52</sup> The Texas Almanac, 1947, p. 73.

<sup>53</sup> House Journal, First Called Session, 36th Legislature, Vol. XIX, p. 60.

to pay occupation taxes to the State.<sup>54</sup> Thus, once again a tax was lifted rather than levied on corporations of Texas during Hobby's administration.

No new taxes were passed on minerals, gas, express companies, parking houses, interurban lines and corporations of Texas as Hobby had requested in his speech to the Legislature. Taxes were lowered in the case of a few electric and water companies in the State, and Hobby's tax on oil was a great deal lower than requested in his message to the Legislature.

A third field which opened dealing with taxes during Hobby's second term as governor was also in relation to the poll tax. The Nineteenth Amendment to the United States Constitution in 1920 made it doubtful that the poll tax law of Texas was operating within the meaning of the Constitution.<sup>55</sup>

Upon calling the Thirty-Sixth Legislature into a fourth called session, Hobby told them that there was a need to pass legislation which would limit the vote to those who paid their poll tax. Hobby was opposed to going around the poll tax in any way which would allow those to vote who had not paid for the right; however, an exception had been made for service men just getting out of the army.<sup>56</sup>

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<sup>54</sup>Ibid., Fourth Called Session, 36th Legislature, Vol. XX, p. 27.

<sup>55</sup>Ibid., pp. 4-6.

<sup>56</sup>Ibid.

The fourth called session of the Thirty-Sixth Legislature passed a bill, which provided for the payment of a poll tax by certain voters, and erased all conflict on the requirement of sex between the State and Federal law.<sup>57</sup> Close cooperation between the Governor and Legislature was exhibited in dealing with the above problem.

Other bills in relation to taxation were passed by the Legislature without the request of the Governor, but were signed by him into law. The first of such acts to be passed by the Thirty-Sixth Legislature in regular session was an act to provide that the franchise tax on foreign corporations should be based upon that portion of the total authorized capital stock, plus the surplus and undivided profits of such corporations.<sup>58</sup> This act clarified a law which had been passed during Ferguson's administration.

The regular session of the Legislature passed a law which provided a new scale of payment for tax collectors in the case of drainage districts, road districts, and

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<sup>57</sup>  
House Journal, Fourth Called Session, 36th Legislature, Vol. XX, pp. 10-16.

<sup>58</sup>  
House Journal, Regular Session, 36th. Legislature, Vol. XIX, pp. 5-6.

other political sub-divisions of the county.<sup>59</sup> Other regulations were passed on the collection of taxes in the cases of motor vehicles<sup>60</sup> as well as county and local taxes,<sup>61</sup> but had no effect upon the tax rate of the State.

The first called session of the Thirty-Sixth Legislature passed a bill, which remitted penalties, costs and charges for non-payment of taxes by soldiers, sailors, and marines who served in the United States service during the First World War. The above bill provided for the service man giving proof of service, and required him to pay only the amount of his original taxes.<sup>62</sup>

The taxes mentioned dealing with Hobby's administration as Governor are the major tax adjustments made during the time he worked with the Thirty-Sixth Legislature of Texas. There were a number of minor tax changes dealing with assessors and collectors of taxes which are not mentioned in relation to Hobby.

Hobby's idea of no increase in the State ad valorem rate was followed except in the case of a constitutional amendment which was passed by the people dealing with an ad valorem tax for cities and towns of Texas. No tax

<sup>59</sup> Gammel, Laws of Texas, Regular Session, Vol. XIX, p. 299.

<sup>60</sup> Ibid., p. 101.

<sup>61</sup> Ibid., p. 300.

<sup>62</sup> Ibid., First Called Session, p. 179.

equalization board was created by the Legislature as requested by the Governor, and taxes requested on natural resources and corporations escaping taxation in Texas was limited to a small tax on oil.

Requests dealing with soldier voting and protection of the poll tax of Texas were passed by the Thirty-Sixth Legislature as requested by the Governor, but did not represent any major tax changes along the lines of poll taxes, except those changes which gave the woman the right to vote without paying a poll tax for a period of two years.

State ad valorem taxes increased to the constitutional limit of seventy-five cents per hundred dollars valuation in the year 1919, and represented a twenty cent increase over the prior year. The ad valorem tax levy for 1920 was reduced to sixty-two cents, or a saving of twelve cents over the prior year's tax rate. The reduction came in the tax for State purposes, while the school tax remained at its thirty-five cent constitutional limit, but both 1919 and 1920's ad valorem taxes were the highest in the State's history to that date.<sup>63</sup> Hobby failed in his promise to the people of Texas in that ad valorem taxes were raised, and only a minor natural resources tax was levied on oil.

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<sup>63</sup>Official Records, Denton County Tax Collector's Office.

## Pat M. Neff

Pat M. Neff opened his campaign for Governor of Texas with the following plank dealing with equalization and reduction of taxation:

One of the most important, as well as one of the most complex and complicated questions to confront the next state administration, will be the equalization and reduction of taxation. I stand for both. Our Constitution says, "Taxation shall be equal and uniform." In the face of that declaration and with current knowledge of the glaring inequalities existing throughout the state, not only between counties but between individuals, there has been for years no serious effort made to equalize the payment of taxes. Many examples can be cited of counties and individuals paying double what they should pay and others not paying one fifth enough. Many corporations and individuals are receiving the protection of the government without helping to maintain it. It is safe to say that more than half of the property of Texas pays no tax at all. Real estate owners are paying too much taxes in proportion to the value of their holdings. Real estate bears sixty-one per cent of the total ad valorem tax of the state. The tax rate on land has doubled during the past five years. If all property is made to bear its part of the burdens of government and taxes are equalized, the tax rate could be reduced about half, without crippling the efficiency of government service.<sup>64</sup>

Neff was elected governor on the above plank, but failed to take part in influencing the State Democratic Convention's Platform in the year which he was elected. Neff felt the State platform should be an expression of

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Pat M. Neff, The Battles for Peace, pp. 289-290.

the people's will; therefore, a study of the State platform will not reveal Neff's policy, but, on the other hand, will show that of the convention.<sup>65</sup>

Even though Governor Neff had no part in the writing of the Platform of the Democratic Party of Texas, he requested in his first message to the Legislature that the lawmakers support the entire State platform as written in the convention the year before.<sup>66</sup>

The State platform indicated that "talk about taxation and its changes were popular, but that the Legislature should give a careful study of the State tax system before changes were made." The platform called for collection of taxes at sub-offices when there was a demand for such service, and requested economy in State government to reduce taxes.<sup>67</sup>

In an executive message to the Legislature, Neff broadened his first message to the lawmakers, which requested that body to follow the State Democratic Platform, and appealed for the following adjustment in the State Tax Board and Tax Commissioner:

Repeal of the laws authorizing the State Tax Board and the work of the Tax Commissioner and the aforesaid board be transferred to the State Comptroller and the Railroad Commission. By this system the State Comptroller with the aid of the Railroad Commission could do the

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<sup>65</sup> Senate Journal, Regular Session, 37th Legislature, p. 120.

<sup>66</sup> Ibid., p. 120.

<sup>67</sup> Ibid., pp. 122-123.



job better than the existing State Tax Board and Tax Commissioner.<sup>68</sup>

Neff spent much of his first term of office asking the Texas Legislature to abolish a number of departments of government, so that it would be possible to reduce the cost of government and taxes.<sup>69</sup> He requested the following changes be made in the administrative offices of government in his last message to the regular session of the Thirty-Seventh Legislature: put the work of the Market and Warehouse Department under the supervision of the Department of Agriculture; abolish the State Mining Board, the State Agricultural Sub-station Board, the State Tax Commission, and other departments and boards which overlapped each other in their work.<sup>70</sup>

Neff expanded his ideas on taxation to the first called session of the Thirty-Seventh Legislature by requesting that there should be no increase in the tax rate, and that "no tax burdened industry now producing in part the wealth of the country should feel anew the heavy hand of taxation."<sup>71</sup> The Governor's request that no increase be made in the State tax rate was consistent with earlier requests of the governor; however, his

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<sup>68</sup>  
Ibid., p. 173.

<sup>69</sup>  
Ibid., p. 174.

<sup>70</sup>  
Ibid., p. 176.

<sup>71</sup>  
Ibid., First Called Session, 37th Legislature, pp. 10-11.

request that no new taxes be placed on industry was inconsistent with his program of equalization of taxes expressed in an earlier message.<sup>72</sup>

Governor Neff told the first called session of the Thirty-Seventh Legislature that he had vetoed a \$5,245,420.00 appropriation made by the regular session of the Legislature. Neff said that taxes for the State would have run \$21,266, 947.00, and would have caused a sixty-five cent tax rate per hundred dollar valuation. This amount was thirty cents more than the constitutional limit for the General Revenue Fund. He said if fifteen cents were added for free textbooks, twenty cents for public schools and five cents for Confederate pensions, the sum would have been \$1.05 on a hundred dollars valuation.<sup>73</sup>

The afore-listed stands on taxation represent the Governor's actions in his first term of office to carry out the tax program upon which he was elected. Even though Neff had promised to equalize and reduce taxation during his first term of office, no message dealing directly with the subject was issued to the Thirty-Seventh Legislature.

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Neff, op. cit., pp. 289-290.

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Senate Journal, First Called Session, 37th Legislature, p. 8.

Requests were made to the body asking for a reduction in state offices, and calling for no new taxes, but a reduction in the State tax rate as such was not requested.

No printed platform was published for Neff's second race for the Governor's office, and he did not make any real campaign speeches until about a month before the first primary. His campaign was based on his claim that he should be allowed to finish the work begun during his first term of office. In the Governor's speeches he discussed the possibility of lowering the ad valorem tax by substituting other "justifiable taxes."<sup>74</sup>

In his opening speech to the Thirty-Eighth Legislature the Governor left little doubt as to what was meant by "justifiable taxes." He again said that he was opposed to the raising of tax rates on the homes and lands of Texas, and then gave his idea of where part of the tax money might come from as follows:

Let us first illustrate with our oil production. We are now, and have been for some years, producing approximately ten million barrels of oil a month in Texas. This oil is worth, except when the Legislature is in session, about \$1.50 a barrel. That will aggregate in a year \$180,000,000.00 worth of oil. As a matter of equity, that oil belongs to Texas and she

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Emma M. Shirley, "The Administration of Pat M. Neff, Governor of Texas, 1921-1925," The Baylor Bulletin, XLI (December, 1938), pp. 68-69.

ought never to have relinquished her legal rights to it. These wells are rapidly draining Texas dry. Private interests will soon get strippings and all. While the oil production of the State is making paupers and millionaires, we should build some good roads and school houses with a part of this oil. Ought not the State to get at least a minimum five per cent of <sup>75</sup>this stream of gold flowing out of Texas?

The Governor indicated in the same speech that the people of Texas were spending annually some thirty million dollars for amusement and two million dollars for chewing gum. Neff felt that these objects might be other sources of taxation in Texas. <sup>76</sup>

He gave another message, further broadening his ideas dealing with taxation on those able to pay, in a prepared message dealing with taxes which he sent to the Legislature.

... Under our law, the big oil companies that build expensive filling stations on the street corners throughout the State, pay little or no gross tax on the oil commodities handled by them at these filling stations; while the little fellow who owns no oil wells or refineries is forced to pay a two per cent gross tax. As a result of this law passed in the interest of the big oil companies, the one-horse operator is squeezed out of business, and the filling stations owned by the big concerns control the markets at the oil filling stations of Texas. A law which permits a thing of this kind is fundamentally wrong.

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<sup>75</sup>  
Senate Journal, Regular Session, 38th Legislature,  
 p. 197.

<sup>76</sup>  
Ibid.

With one exception the principal owners of pipe lines in Texas refuse to make reports required by the statute. All refuse to pay the tax imposed. The contention is that the statute is unconstitutional. The tax assessed is a privilege or occupation tax equal to two per cent of its gross receipts if such line is wholly within the State, then in such proportion of its gross receipts as the length of line within the State bears to that of the entire line.<sup>77</sup>

Neff requested in the same message that the inheritance tax law should be properly drawn in such a manner that the State would receive a million dollars a year from that source. The Governor explained that if he were writing the tax laws for Texas, that he would not levy an ad valorem tax for State purposes. He advocated that property taxes in the counties should be used only for local purposes. "In this way I would lift, in part, the tax burdens from the home builders and small property owners of the State who have been long contributing more than their proportionate part to the support of the government."<sup>78</sup> This quotation indicates, in general, how he would build the tax system of the State.

Neff advocated that the counties should collect whatever ad valorem tax they might desire on county property, real estate, and personal property, and use it in any way they desired. At the same time he said

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<sup>77</sup>  
Ibid., p. 134.

<sup>78</sup>  
Ibid.

that the State should discern its needs and then collect the money needed by an income tax, an inheritance tax, a tax on natural resources, a franchise tax, and a tax on certain occupations and corporate privileges.<sup>79</sup>

Neff ended his message to the Legislature dealing with taxation by requesting the lawmakers to remove "our constitutional stumbling blocks," fix a standard of valuation, rewrite the tax laws, "make every dollar's worth of property, and every privilege, pay its rightful tribute to the State government."<sup>80</sup>

In the Governor's second term he made a number of speeches requesting the Legislature to make appropriations and State income balance. Neff expressed this to the lawmakers by saying that they should make "tongue and buckle meet."<sup>81</sup> He indicated that there were some eight million dollars appropriated in excess of revenues coming into the State in the next two years.<sup>82</sup> It is interesting to note that Neff did not ask for new taxes, but requested the Legislature to hold appropriations within the income

<sup>79</sup>  
Ibid.

<sup>80</sup>  
Ibid.

<sup>81</sup>  
Senate Journal, Third Called Session, 38th Legislature, p. 295.

<sup>82</sup>  
Ibid., p. 7.

of the State.

Governor Neff sent a great number of messages to the called session of the Thirty-Eighth Legislature dealing with his expanded tax program. He exerted every effort to pass a just tax program to his way of thinking and did not spare his effort in letting the Legislature know how he felt on the subject. It is interesting to notice the change in handling the Governor's tax program between his first and second term. The Governor had very little to say during his first two years in office on the subject of taxation, even though he was elected on an equalization and reduction plank. In his second term of office he went to the other extreme asking for numerous changes in the Texas tax laws.

The Thirty-Seventh Legislature did not reduce taxes as requested in the Governor's first term platform, and did not equalize them in any way. In fact, during the regular session of the Legislature of Neff's first term of office, Section 3 of Article 7 of the Constitution was put into effect, which would allow certain school districts to levy an increased ad valorem rate up to one dollar per hundred dollars valuation for school purposes.<sup>83</sup> An increase in the power to tax was granted towns of

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<sup>83</sup> Gammel, Laws of Texas, Regular Session, 37th Legislature, Vol. XX, p. 57.

over five thousand inhabitants upon a vote of the people.<sup>84</sup> This too increased ad valorem taxes within the State, even though in both cases the money was retained for local purposes, and had to be voted upon by the people.

The first called session of the Thirty-Seventh Legislature provided that a road district might increase its per capita road duty exemption tax by fifteen cents. This law went into effect without the Governor's signature.<sup>85</sup>

Two other laws were passed by the same session of the Legislature. These laws provided for registration of motor vehicles in Texas. The first bill passed provided fines for failure to register vehicles in Texas,<sup>86</sup> and the second bill levied rates for such registration.<sup>87</sup> This was not an ad valorem tax, but a tax for the use of the roads of the State. It did represent an increase in the State tax rate directly. The above bills also became law without the Governor's signature. In fact, Neff

<sup>84</sup>  
Ibid., p. 12.

<sup>85</sup>  
Ibid., First Called Session, p. 130.

<sup>86</sup>  
Ibid., p. 146.

<sup>87</sup>  
Ibid., p. 167.



sent a message to the Legislature requesting that the tax rate be cut on motor vehicles,<sup>88</sup> but no action was taken by the Legislature on the Governor's request.

Another bill provided that cities which had the power to set rates of taxes upon public utilities should levy only on the actual value of the property and not upon any stocks or bonds issued, or authorized to be issued. This bill in effect helped reduce the tax rates of public utilities in Texas, and was not in line with Neff's program of taxation.<sup>89</sup>

A general increase in the taxes of the State was brought about by the legislation passed during Neff's first term of office, and no major legislation requested by the Governor, in relation to taxes, became law.

The Governor's second term saw the Legislature pass several laws in line with requests made to both houses upon the subject of taxation. First, an occupation tax based on gross receipts was placed upon the wholesaler of gasoline at the rate of one cent per gallon.<sup>90</sup> This tax

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Senate Journal, First Called Session, 37th Legislature, p. 33.

89

Gammel, Laws of Texas, First Called Session, 37th Legislature, Vol. XXI, p. 152.

90

Gammel, Laws of Texas, Regular Session, 38th Legislature, Vol. XXI, p. 275.

was not as large as requested by the Governor, but was in line with his recommendation.

Second, a tax of two per cent of the market value of sulphur was placed upon all sulphur produced in the State.<sup>91</sup> Again this was in line with taxes on natural resources of Texas as requested by the Governor, and since he set no tax rate in his request to the Legislature it must be taken to be in line with his wishes.

A bill passed by the third called session of the Thirty-Eighth Legislature amended the above act, and made its terms stronger, but left the same tax rate in effect.<sup>92</sup>

Third, an occupation tax was placed on the gross receipts of companies publishing and selling books used in the State. This tax amounted to one per cent of the gross income of the companies doing business in Texas.<sup>93</sup> No special request had been made for the above law, but it was in line with taxing the wealth of the State.

Fourth, a gross production tax of two per cent of the average market value of oil was passed by the second

<sup>91</sup>  
Ibid., p. 337.

<sup>92</sup>  
Gammel, Laws of Texas, Third Called Session, 38th Legislature, Vol. XXII, p. 176.

<sup>93</sup>  
Gammel, Laws of Texas, Regular Session, 38th Legislature, Vol. XXI, p. 352.

called session of the Thirty-Eighth Legislature.<sup>94</sup> This amount was three per cent less than the Governor had requested the Legislature to levy, but represented a tax upon the oil of the State, which had been requested by the Governor.

Fifth, the Legislature passed an amendment to the inheritance tax law of Texas.<sup>95</sup> Each session of the Legislature had made changes of varying degree in the above law in an effort to better the collection of the taxes due the State. The above law was an effort on the part of the Neff administration to define such taxes and to collect them.

Sixth, an occupation tax on owners of amusement houses and shows in Texas was enacted by the second called session of the Thirty-Eighth Legislature, which defined the amount of tax in terms of population of the place where the amusement is given.<sup>96</sup> Again, this tax is in line with the requests of Neff.

Seventh, a tax of one dollar was placed upon all vending machines, as defined by law.<sup>97</sup> This and the above six laws were in line with requests made to the Legislature

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<sup>94</sup>  
Gammel, Laws of Texas, Second Called Session, 38th Legislature, Vol. XXI, p. 98.

<sup>95</sup> Ibid. p. 63.                      <sup>96</sup> Ibid., Third Called Session, p.161.

<sup>97</sup>  
Ibid., Second Called Session, p. 44.

by Neff, even though some of them fell short in amount or practice.

A constitutional amendment was offered to the people of Texas which increased the pension fund of the Confederate soldiers by adding two cents to the State ad valorem tax of five cents per hundred dollar valuation.<sup>98</sup> Even though the people of Texas voted and passed the amendment in 1924, it did represent a two cent increase in the State ad valorem rate. This was not in line with Neff's platform.

Such subjects were dealt with by the Legislature as assessments on lands in irrigation districts, collection of delinquent taxes, taxes for reclamation and irrigation purposes,<sup>99</sup> amendment to the delinquent tax law, assessment of merchandise, assessment of property stored in public warehouses, collection in levy improvement districts,<sup>100</sup> and credits allowed tax collectors for delinquent reports. Most of the above subjects dealt with the machinery of the tax problems in Texas, and with minor increases in some cases.

Neff's tax program during his second term as governor was slightly more successful. Even then, much of his tax legislation failed to pass. There was no reduction in

98

The Texas Almanac, 1947, p.57.

99

Gammel, Laws of Texas, Regular Session, 38th Legislature, VOL. XXI, p. 471.

100

Ibid., Second and Third Called Session, Vol. XXII, p.328.

State ad valorem taxes as requested, and very little equalization.

Neff wrote in his book, Battles of Peace, "As Governor, I sought diligently, but in vain, to correct this injustice as to taxation."<sup>101</sup> The Governor continued his writing to say that he worked to have a tax placed on the natural resources of Texas which were being taken from the State, but "an able lobby defeated it."<sup>102</sup> The Governor then summed up his ideas on the subject of taxation:

In the last analysis all taxes are, in one form or another, taken from the industry of the whole population and there is but one way to distribute, equitably and justly, the burden of government, and that is for those who profit most to pay most. If all property and all privilege bear their rightful share of taxation, the burden will fall lightly upon all, and at the same time there will be money enough to build in this fair State of ours a civilization worthy of the splendid heritage transmitted to us by the noble patriots who carved this rich commonwealth from the wilderness of the West. Then and not till then will Texas become the best place in all the world in which to live.<sup>103</sup>

The State ad valorem tax remained at its constitutional limit of seventy-five cents per one hundred dollars valuation during Neff's four years as Governor. The constitutional amendment raising the tax limit to seventy-seven

101

Neff, Battles of Peace, p. 82.

102

Ibid., p. 83.

103

Ibid., p. 84.

cents did not become effective until the year after he  
<sup>104</sup>  
 left office.

The little tax equalization which occurred came from the taxes levied on occupations such as the production of oil, and others, but the reduction of State ad valorem taxes was not accomplished.

The writer feels that Governor Neff worked to enact his tax program in every way which he knew how. His failure did not lie in lack of effort, and his program showed no signs of being influenced by outside forces. Neff was a constructive thinker and consistent for the greater part in his messages to the Legislature.

#### Miriam A. Ferguson

Miriam A. Ferguson followed the lead of her husband, James E. Ferguson, when the question of a plank on taxation entered the picture. James Ferguson had failed to have a tax plank as such in his platform, and since he was the voice of Miriam Ferguson in her race for governor it is not strange that a well-defined statement dealing with taxation was missing from his wife's platform.

Miriam Ferguson promised the people of Texas that she would cut the costs of government by a sum of fifteen million dollars. This plank should have meant that less

taxes would also be needed to run the State government.<sup>105</sup>

Another reason for thinking that Miriam Ferguson favored a reduction in taxes is based upon a speech made by James Ferguson in Galveston, Texas, July 21, 1924, when he promised that the Ferguson administration would "cut taxes to the bone."<sup>106</sup>

In Miriam Ferguson's first message to the Legislature she failed to mention the subject of taxation, but in a later message dealing with the State Highway Department she requested an average tax of six dollars on each motor vehicle in Texas. Under this plan she would have given all the money from the above tax to the country for roads, She said this would have amounted to some \$1,500,000 more than the counties were receiving under the law in effect at that time. She favored a three cent gasoline tax, which she said would raise a minimum of twelve million dollars.<sup>107</sup> This tax program was in connection with financing the State Highway Department and country roads, but did represent a request for more taxes in spite of early commitments to cut government spending.

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<sup>105</sup> Nalle, The Fergusons of Texas, p. 187.

<sup>106</sup> The Dallas Morning News, July 22, 1924, p.8.

<sup>107</sup> House Journal, Regular Session, 39th Legislature, p. 109.

In a message dealing with financing of education Miriam Ferguson had this tax program to offer the Legislature.

To relieve the general fund which should be used for current needs of this enormous demand for buildings (school building), I suggest that you, by proper legislative act, impose a tax on factory made cigarettes and cigars, which, for the lack of a better name, I shall designate "The Educational Tax." I suggest that a tax be levied on cigars increasing in proportion to price from \$5 per thousand to \$20 per thousand and upon factory made cigarettes or tobacco, or for any substitute therefor a tax of \$2 per thousand. There are in Texas more than two million people who smoke manufactured cigars and cigarettes. At the lowest calculation this tax would produce \$4,000,000 a year for the education tax.<sup>108</sup>

In a message to the first called session of the Thirty-Ninth Legislature Miriam Ferguson expanded her proposed tax on gasoline from the one cent per gallon then levied to three or four cents as the Legislature saw fit. Again she advanced her program of taxation on motor vehicles, and the return of the money to the county. She had this to say in respect to ad valorem taxes in the same speech.

I do not think that ad valorem taxes upon the farm and city and town real estate and personal property of the people should be further taxed, as this class of property now bears more than its proportionate part of the burdens of taxation, and for that reason I urge the tax upon sales of gasoline as a more equitable and uniform distribution of our tax burdens.<sup>109</sup>

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108

Ibid., p. 111.

109

Ibid., First Called Session, p. 696.



Most of the work of the Thirty-Ninth Legislature was spent in passing special road laws and creating school districts, and the appeals of Miriam Ferguson on matters of taxation went unheeded for the most part. In the regular session of the Legislature only four laws were passed dealing with taxation, and in the special session of the same Legislature there was not a single law passed on the subject.

Of the four tax laws passed by the regular session of the Thirty-Ninth Legislature, not one increased the State tax rate. The first dealt with the time for rendering property,<sup>110</sup> the second with time for valuation of property,<sup>111</sup> the third with water improvement districts,<sup>112</sup> and the fourth with setting a seven cent limit on the money spent for textbooks.<sup>113</sup> The seven cent limit was merely a part of the thirty-five cent ad valorem tax authorized under the Constitution, and did not represent any changes in the ad valorem tax structure.

Miriam Ferguson's first race for governor was based on economy in government, but she failed in her efforts to raise taxes in the case of cigarettes, cigars, tobacco and car license; therefore her administration did not add new taxes.

<sup>110</sup> Gammel, Laws of Texas, Regular Session, 39th Legislature, Vol. XXII, p. 48.

<sup>111</sup> Ibid., p. 381.

<sup>112</sup> Ibid., p.261.

<sup>113</sup> Ibid., p.218.

Taxes increased to their constitutional limit of seventy-seven cents per hundred dollars valuation in the Governor's first term. A constitutional increase of two cents on the Confederate Pension Fund was represented in this figure. But there was a marked reduction in the State tax for the General Fund in 1926. That fund dropped from its constitutional limit of thirty-five cents to twenty-three cents on one hundred dollars valuation. This reduction was made possible by reduced costs of government under the Ferguson administration, and formed the basis for a number of races for governor which followed until Miriam Ferguson's second election.

Since no new taxes were passed, and the ad valorem rate was lowered from seventy-seven cents to sixty-five cents during the second year of the Governor's first term, it would seem that the Ferguson administration had a just claim to economy in government. In relation to economy, however, if the proposed tax bills had passed the Legislature, there would have been an over-all tax increase for the State.

Miriam Ferguson was defeated for a second term by Dan Moody, but was re-elected during the depression in 1932. Taxes were much higher than the people could pay during Miriam Ferguson's second administration.

In her campaign of 1932 Miriam Ferguson said, "Our Government will fail unless taxes come down half, save for the school children and our helpless wards."<sup>114</sup> Another expression of the ills of taxation was given in a speech at Arlington, Texas, July 20, 1932, when she said, "Interest and taxes are damning the hope of a free Government, with eight per cent of the population controlling ninety-two per cent of the wealth."<sup>115</sup>

James Ferguson said, "This campaign rests squarely and solely on two issues -- whether or not the school children of Texas are going to have \$2,500,000 more money, and whether or not you are going to be relieved of more taxes." In the same speech at Denton, Texas, August, 1932, Miriam Ferguson favored a homestead exemption plan for taxing only the owners equity in real estate.<sup>116</sup>

On August 27, 1932, the Fergusons called for the consolidation of the offices of county tax collector and assessor and treasurer.<sup>117</sup> In this way Ferguson hoped to cut the expense of collection of taxes.

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The Dallas Morning News, July 23, 1932, p. 2.

115

Ibid., July 21, 1932, p. 3.

116

The Denton Record Chronicle, August 26, 1932, p. 5.

117

The Dallas Morning News, August 27, 1932, p. 2.

James Ferguson did most of the talking in the election year of 1932 as he did in 1924. He made an issue of the high taxes passed under Ross Sterling, and called for their reduction in most of the speeches he made. He said his tax program would bring the State thirty million dollars a year by placing a tax on gasoline.<sup>118</sup> He indicated that one third of the tax would go to the highway department, one third to schools, and one third to the general fund. Along with this program he was going to reduce State taxes.<sup>119</sup>

The Platform of the State Democratic Party of Texas called for material reductions in taxes, which would amount to at least one fourth. James Ferguson was credited with having written the State platform in the convention at Galveston, Texas.<sup>120</sup>

Miriam Ferguson carried her program for reduction to the Legislature when she asked that body to reduce spending by some \$15,106,724 for the next biennium, but she changed her position on the matter of taxation completely.<sup>121</sup>

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Denton Record Chronicle, August 26, 1932, p. 5.

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Dallas Morning News, July 21, 1932, p. 3.

120

The Galveston Daily News, September 14, 1932, pp.1-2.

121

House Journal, Regular Session, 43rd Legislature, p. 103.

The Governor told the Legislature that the present ad valorem tax was uncertain and that the government could not depend upon it. The value of property was down so much, and the people were not able to pay the current tax rate. She said, "Under present conditions, school funds are being cut down, official salaries are not paid, and if something heroic is not done, then Texas must face a deplorable condition." Miriam Ferguson then indicated the only answer was to balance the budget.<sup>122</sup>

The Governor continued her message to the Legislature by asking for a sales tax, which had not entered the picture during her campaign for office. She explained the program as follows:

I have decided to recommend to the Legislature the passage of what is known as the Sales Tax upon commercial purchases. I am transmitting a copy of the law, which I have had prepared, to the Senate for its information, and another copy of the law to the House of Representatives, where all bills for revenue must originate. I trust that this law, as proposed, will receive your careful study and consideration. If any better plan can be proposed, I welcome it; but I think the burden should fall upon those who oppose the law to offer a better plan in specific terms before my recommendations are rejected.<sup>123</sup>

The Governor estimated that commercial sales in Texas amounted to one billion five hundred million dollars a year,

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122

Ibid., p. 104

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Ibid.

and upon that amount she would have had the Legislature levy a three per cent tax on all commercial sales. She estimated that the above sales tax would bring the State forty-five million dollars in the fiscal year ending August 31, 1934, but she would have had the law put into effect at that time in order that the State might begin to pay on the twelve million dollar deficit, and meet current expenses of the government.<sup>124</sup>

Miriam Ferguson spent some time explaining how the sales tax she advocated would amount to only seven dollars and fifty cents per capita, and tried to justify its relation to the poor as follows:

If it be urged that this tax might fall heavily on the poor, let me say that by this plan we could keep the school open on a full \$17.50 apportionment and, while the small family would pay a minimum of \$12 and certainly not more than \$24, the Government would hand back to the family \$17.50 per student in school service and an average of \$2.50 in free textbooks, or \$20 in return for each child in the family, and for the average of three children it would be \$60 that the Government would return in lieu of the tax of \$12 or \$24, as the case might be. This tax will be paid as purchases are made. They will be collected by the merchants who will, of course, pass the tax on to the purchaser. And there is no denial that it will be a tax on the people. However, I want to impress that it will not be an additional tax, but it will be a substitute tax which we are now unable to pay. It has been provided in the law which I sent your body that the sales tax shall take the place of ad valorem taxes.<sup>125</sup>

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<sup>124</sup>

Ibid.

<sup>125</sup>

Ibid.

The Governor said that all taxes, with the exception of the ad valorem tax, would remain in force. She continued to explain that the sales tax was nothing new for Texas as the gasoline tax and cigarette tax were nothing but sales taxes, and "no informed person would repeal those taxes." Since the above taxes had been so successful in raising revenue she added that "the sales tax law is just an expansion of the same principles which we tried with success." <sup>126</sup>

No general reduction in the tax structure was called for by the Ferguson administration, but a substitute sales tax which would collect a tax the people were "unable to pay" was offered in exchange. No mention was made of cutting "taxes to the bone" or cutting them one half or one fourth. Even though James Ferguson had supported a detailed gasoline tax plan, no mention was made of it to the Legislature. In fact the sales tax offered by the Governor would have collected over six million dollars more than it would have taken to run the government, by her estimate, for the year.

Another action taken during Miriam Ferguson's administration was the veto of a bill which gave the independent school districts more power in the collecting of taxes.

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<sup>126</sup> Ibid.

She said,

My observation has been that independent school districts have almost invariably levied excessive valuation and the independent school district tax is now one of the most burdensome and oppressive obligations of the taxpayer.<sup>127</sup>

In a message to the lawmakers, May 23, 1933, the Governor requested that there be a tax placed upon intangible values of all corporations not paying a gross receipts tax.<sup>128</sup> This was the only request made to the Legislature for a tax on corporations in Texas as such.

The Ferguson administration issued relief bonds to aid families of Texas during the depression era. Miriam Ferguson told the Legislature in her proclamation calling the second called session of the Forty-Third Legislature that they might vote a tax to care for a sinking fund to pay for the bonds issued by the State. These bonds had been voted in a constitutional amendment on August 26, 1933.<sup>129</sup>

In the Governor's proclamation calling the fourth called session of the Forty-Third Legislature, she asked that the State not collect penalties and interest on delinquent taxes. She told the lawmakers that the people

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<sup>127</sup>Ibid., p. 132.

<sup>128</sup>Ibid., p. 2580.

<sup>129</sup>House Journal, Second Called Session, 43rd Legislature, p. 66.



could not pay their taxes, much less extra charges.<sup>130</sup>

In the above session of the Legislature, Miriam Ferguson called upon the lawmakers to tax in any manner "necessary or proper to raise and provide necessary funds for the holding of the Texas Centennial."<sup>131</sup> Her request in this case does not stand for reduction of taxes, but rather for raising them.

The Forty-Third Legislature failed to pass a sales tax as requested by the Governor, but did pass a number of laws dealing with the tax problem in Texas. Since Texas was in the middle of a depression period it was necessary to pass a number of laws to change the tax structure.

Since the Governor had run on a ticket of lower taxes, and changed her position to include a sales tax to cure the troubles of the tax system, all the tax changes will not be considered. There were some sixty laws and resolutions dealing with taxes passed by the Legislature, but a number of them were of a local nature.

There were three bills passed by the Legislature to relieve the tax paying public of interest and penalties

<sup>130</sup> House Journal, Fourth Called Session, 43rd Legislature, p. 1.

<sup>131</sup> Ibid., p. 28.

on ad valorem and poll taxes.<sup>132</sup> All three of these laws lowered the penalties and interest rates on delinquent taxes. These acts of the Legislature were in line with the recommendations of the Governor.

Another bill was passed by the regular session of the Legislature providing for the combining of the offices of assessor of taxes and collector of taxes into one office of assessor and collector of taxes.<sup>133</sup> This act had been requested by the Fergusons in the campaign for governor.

The Legislature passed two bills dealing with the cigarette occupation tax. These laws did not increase the taxes charged, but aided in the collection of such taxes as were levied under the law.<sup>134</sup>

A constitutional amendment offered by the regular session of the Legislature, which made more definite the provisions of the three thousand dollar homesteads exemptions amendment passed in November, 1932. The above resolution clarified the position of the subdivisions of the

<sup>132</sup>The three bills passed were Senate Bill Number 262, Regular Session; House Bill Number 40, First Called Session; and House Bill Number 7, Fourth Called Session of the 43rd Legislature.

<sup>133</sup>Gammel, Laws of Texas, Regular Session, 43rd Legislature, Vol. XXVIII, p. 598.

<sup>134</sup>Ibid., p.383 and Ibid., First Called Session, p.234.

State in relation to the law, and became a part of the Constitution on August 26, 1933, when it was approved by the voters of Texas.<sup>135</sup> This law was not directly requested, but was in line with the policy of the Fergusons.

An effort was made by the Legislature to make the State tax laws stronger by creating the State Tax Board and giving it more power in the collection of all nature of state taxes. Broad powers were granted the board in the collection of inheritance taxes, and set the rates for such collections.<sup>136</sup>

The Legislature passed a bill during the regular session which provided for the collection of a four cent tax per gallon of gasoline used in Texas. The bill, as most of the others passed during that time, was aimed at levying a tax that could be collected.<sup>137</sup>

A general revenue act of the regular session of the Legislature provided for a two-cent tax on each forty-two gallon barrel of oil produced in Texas, and a two per cent tax on the value of the oil above one dollar per

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<sup>135</sup>The Texas Almanac, 1947-1948, p. 71 and Gammel, Laws of Texas, Regular Session, 43rd Legislature, p. 954.

<sup>136</sup>Gammel, Laws of Texas, Regular Session, 43rd Legislature, pp. 581-592.

<sup>137</sup>Ibid., p. 75.

barrel. This act was amended by the first called session.<sup>138</sup>

The second called session of the Forty-Third Legislature placed a five dollar tax on vending machines selling cigarettes,<sup>139</sup> and a one-eighth cent tax per barrel of crude oil for administration and conservation of the laws relating to oil and gas.<sup>140</sup>

The third called session of the lawmakers passed a tax of ten cents per pound on oleomargarine, which amounted to a food tax.<sup>141</sup>

The fourth called session of the Legislature passed a bill which would allow the taxpayer to pay his taxes in advance of January, and would give a discount for taxes paid early. If a person paid his taxes in October before they were due, he was required to pay just ninety-seven per cent of his tax bill, and this progressed until January when he paid one hundred per cent of the money due the State. Several exceptions were made in the bill to include local conditions.<sup>142</sup>

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<sup>138</sup>Ibid., p. 409 and Ibid., First Called Session, p. 43.

<sup>139</sup>Gammel, Laws of Texas, Second Called Session, 43rd Legislature, Vol. XXIX, p. 113.

<sup>140</sup>Ibid., p. 99.

<sup>141</sup>Ibid., Third Called Session, p. 8.

<sup>142</sup>Ibid., Fourth Called Session, p. 36.

The Ferguson administration did not provide taxes for the Texas Centennial, failed to cut taxes, failed to pass a sales tax, and ended its administration still in a depression. It does not seem that it would have been possible to have changed the tax structure in such a way as to have placed the government on a paying basis during Miriam Ferguson's administration. The Legislature spent a great part of its time trying to solve the tax problem by collecting taxes which had been levied in past years, and enacted a number of laws in that connection.

Governor Ferguson changed her mind about the reduction of taxes when she found that those which were levied could not be collected under the system which existed then, and she advocated a sales tax as the only means of getting the money for the government of Texas.

Miriam Ferguson was unable to reduce the State ad valorem tax rate, and the full seventy-seven cents per one hundred dollars valuation was collected in both of her last years as governor.<sup>143</sup> Since many people failed to pay their taxes during her second administration, there was a need for finding a source of new revenue which could be collected in relation to each purchase. For this

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<sup>143</sup> Official Records, Denton County Tax Collector's Office.

reason, Miriam Ferguson advocated the sales tax, and signed other bills which increased fields of taxation outside of the ad valorem tax realm.

#### Dan Moody

Dan Moody's speech in his home town of Taylor, Texas, on May 8, 1926, gave the bulk of the plan he promised the people that he would follow as governor. The first section of his speech dealing with taxation was related to his education plank.

That money is needed will admit no debate. However, upon the discussion of money, we are immediately confronted by the demand on the part of the tax-burdened people that taxes shall not be increased, and for economy in expenditure of the public revenue.

I am opposed to an increase in taxes, which means to say that I favor the supplementing of the available fund by appropriations from the general revenues in amounts sufficient to raise the per capita apportionment to \$15 for each school child.<sup>144</sup>

Moody continued his speech to say that he favored an inheritance tax, but did not mention the tax program of Texas any further in his speech.<sup>145</sup>

The State Democratic Platform contained a plank, which followed the ideas expressed by Moody in Taylor:

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The Galveston Daily News, May 9, 1926, p. 1.

145

Ibid., p. 15.

We believe that the hope for reduction of taxes lies in the equalization of the burdens of taxation and the practice of economy in government. . . . We believe the Legislature should develop and enact into law a well-devised, scientific system of taxation to insure that the burdens of taxation will be lightened.<sup>146</sup>

In Moody's first message to the Fortieth Legislature he requested that body to consider the "correction of existing tax evils and abuses by the development of a scientific system of taxation."<sup>147</sup> This speech did not compare with his early platform speech in which he was "opposed to an increase in taxes."

Moody expanded his ideas on taxation to the Legislature when he admitted that the ad valorem tax was unfair in many cases, and that changes were needed in the tax system. Moody said,

I suggest to the Legislature with reference to this matter (taxes) the following program:

The Legislature submit to the people an amendment to the provisions of the Constitution herein referred to which would permit the Legislature to enact laws separating the subjects of taxation. I have in mind the ultimate purpose that the Legislature may enact laws permitting each county to levy an ad valorem tax for the support of the functions of government of the county, and such taxes as involve gross receipts, the inheritance, various occupations, intangible assets, and other taxes, which affect acts and things State-wide in their nature, be levied directly by the

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146  
 pp. 34-35. House Journal, Regular Session, 40th Legislature,

147  
Ibid., pp. 100-101.

State and paid quarterly into the State Treasury. In this manner each county would support, through its ad valorem tax, its own activities of government; and in one county the rate levied for county purposes on the value of the property might be low and the rendition high, and in another county the rendition low and the rate high, as the counties might determine; but ample revenue from those sources made the subject of taxation for State support would be paid directly into the State Treasury. This would prevent a deficit in the revenues of the State at any time, save much of the cost of collection of these taxes, and minimize the danger of extravagant appropriations through the accumulation of a large surplus.<sup>148</sup>

In a speech to the Legislature on January 28, 1927, Moody requested that the gasoline tax of one cent per gallon should be increased to two cents per gallon so that the Highway Department would have operating money.<sup>149</sup>

The Legislature did not increase the tax to two cents as requested by the Governor, but levied a three cent tax per gallon on wholesale dealers in gasoline,<sup>150</sup> and the second called session raised the tax to four cents per gallon and lowered the license fees for vehicles.<sup>151</sup> This requested raise in the tax on gasoline was in line with what the Governor had asked the Legislature, but not in line with his policy as expressed to the people of Texas

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<sup>148</sup> Ibid., p. 101.

<sup>149</sup> House Journal, Regular Session, 40th Legislature, p. 250.

<sup>150</sup> Gammel, Laws of Texas, Regular Session, 40th Legislature, Vol. XXV, p. 142.

<sup>151</sup> Ibid., Second Called Session, 41st Legislature, p. 172.



before his election.

The Legislature repealed the occupation tax on interurbans and street railways in Texas,<sup>152</sup> which represented a reduction in state income from that source. But a tax of twenty-five dollars was levied on "endless chains" doing business in the State, which helped to raise the taxes paid by the businesses of Texas.<sup>153</sup>

The regular session of the Legislature provided for a Tax Survey Committee in line with the request of the Governor, that the question of taxation should be studied.<sup>154</sup>

The first called session of the Fortieth Legislature provided for the appraisalment of property in unorganized counties for taxation purposes. This law was passed so that oil lands in the aforesaid counties would be taxed for State income purposes.<sup>155</sup>

A bill was passed by the Legislature which provided a method of creating a rural high school district and provided that a tax of one dollar could be charged on one hundred dollars valuation for maintenance of schools and that fifty cents could be charged for buildings, but that the total tax should not amount to more than one dollar on one hundred dollars valuation.<sup>156</sup>

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<sup>152</sup>  
Ibid., p. 431.

<sup>153</sup>  
Ibid., p.324.

<sup>154</sup>  
Ibid., p.482.

<sup>155</sup>  
Gammel, Laws of Texas, First Called Session, 40th Legislature, Vol. XXV, pp. 199-200.

<sup>156</sup>  
Ibid., p. 206.

An act of the Legislature provided for the counties to tax local lands for school purposes. This money was to be paid out of the county's revenue derived from land or from the general fund of the county.<sup>157</sup> This is an example of the county taxing itself for school purposes. Another tax along this line was a tax placed on prison property for school bond purposes.<sup>158</sup> The above acts were made possible by an amendment which allowed the counties to tax state lands for school purposes.

The gasoline tax represented the only major tax increase on a state level, but laws were passed which allowed counties and their sub-divisions to increase tax rates. There was a marked tax increase in the State on other than the State ad valorem tax rate.

Moody began his campaign for re-election running on his record as Governor. On July 28, 1928, Moody said he had fulfilled in every way promises made in the reduction of the tax burden, but did not offer a new program at his Waco, Texas, speech in relation to the tax question.<sup>159</sup>

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<sup>157</sup>  
Ibid., pp. 20-21.

<sup>158</sup>  
Ibid., p. 224.

<sup>159</sup>  
The Dallas Morning News, July 28, 1928, p. 2.

All through Governor Moody's campaign for re-election he stated the things which his administration had done and requested the people to re-elect him on that basis. Since his record and former campaign had been based on lower taxes, it seems reasonable that his plank calling for no new taxes used in his first campaign would be in order.

Moody advocated a number of changes in the tax system to the Forty-First Legislature. First of all, he called for a "pay-as-you-go plan" for the highway system.<sup>160</sup> He advocated local bond issues to be retired by an ad valorem tax to build roads in the counties. Second, Moody told the Legislature that he had received the report of the Legislative Tax Survey Commission, and advised them to read it.<sup>161</sup>

Governor Moody told the Legislature that he did not favor any more taxes than were needed, but that he felt no department or state institution should be wanting for funds because of a rigid tax program. "Necessary activities of government should not be crippled for want of funds."<sup>162</sup> . . . was the theme of his speech to the Legislature.

<sup>160</sup>  
House Journal, Regular Session, 41st Legislature,  
 p. 24.

<sup>161</sup>  
Ibid., p. 30.

<sup>162</sup>  
Ibid., p. 22.

Moody indicated that he would send the Legislature a message giving it his tax program, but the regular session did not receive such a message from the Governor.

In calling the first called session of the Forty-First Legislature, Moody said that taxation was one of the subjects for discussion, but did not carry it any further by message to the above body.<sup>163</sup>

The Governor convened the second called session of the Legislature to deal with, among other things, "taxation and revenue." Moody said that a maximum ad valorem tax would produce only forty-nine million dollars while the Legislature had appropriated some fifty-four million dollars. He continued his speech, telling the Legislature that he deplored the fact that the Legislature felt the necessity to appropriate the maximum of State income under the highest tax rate allowed under the Constitution. He said that such a necessity did not exist, and while he did not want the Legislature to be "niggardly or stingy in support of its institutions or departments," he felt that the amount should be lowered. Moody pointed out to the Legislature that since 1921, an eight year period, appropriations had increased one hundred and eight per cent.

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<sup>163</sup>  
House Journal, First Called Session, 41st Legislature, p. 35.

Moody then told the Legislature that he was going to veto all appropriation bills before him.<sup>164</sup>

The third called session of the Legislature passed bills which would have also brought the appropriations up to some fifty-four million dollars, and again Moody told the Legislature that he felt the taxes were too high, and indicated that he felt the amount should be about forty-five million dollars. This message lowered his estimate of the amount the Automatic Tax Law would bring the State, with a maximum ad valorem, tax, to forty-eight million dollars.<sup>165</sup>

In the fourth called session of the Forty-First Legislature, Moody indicated that he would sign a tax increase to meet some two million dollars passed by that session in appropriations, but that he would veto any income tax bill.<sup>166</sup>

The above messages to the Legislature showed that Moody had to call four extra sessions of the lawmakers to pass a tax bill. Moody fought the increase in taxes during the first called session, but gave ground to the next three sessions trying to find a way in which to make

<sup>164</sup> House Journal, Second Called Session, 41st. Legislature, pp. 778-779.

<sup>165</sup> House Journal, Third Called Session, 41st Legislature, pp. 12-13.

<sup>166</sup> House Journal, Fourth Called Session, 41st Legislature, p. 171.

appropriations and taxes meet even at the maximum tax rate under Texas law.

The regular session of the Forty-First Legislature did not pass an important bill dealing with the tax question. Such subjects as tax refunds in specific cases, sales of real estate for taxes, regulating issuance of poll tax receipts, exemption of parsonages and certain associations from taxes, and raising the school tax rate in cities of over one hundred thousand population were passed by the Legislature.<sup>167</sup> All the above bills had no real effect upon the State system of taxation, and did not represent any of the changes advocated by the Governor.

The five called sessions of the Forty-First Legislature passed a number of laws in relation to taxation, but only the fifth called session passed a number of laws which directly levied taxes and changed the tax structure to any great extent. All five called sessions had the question of taxation before them. Such matters as inheritance tax exemptions, poll tax receipts,<sup>168</sup> limitation in tax suits,<sup>169</sup> and regulation of delinquent tax contracts<sup>170</sup> made up the minor sections of the legislative tax program.

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<sup>167</sup> Gammel, Laws of Texas, Regular Session, 41st Legislature, Vol. XXVI, p. 776.

<sup>168</sup> Ibid., First Called Session, p. 301.

<sup>169</sup> Ibid., Fourth Called Session, p. 9.

<sup>170</sup> Ibid., Second Called Session, p. 545.

The third called session of the Legislature passed an act which provided for amending the powers of the State Tax Board in calculating the ad valorem tax rate for state purposes each year. The purpose of the bill was to allow the board to supply the seventeen dollars and fifty cents per capita in Texas.<sup>171</sup> This was according to the wishes expressed by the Governor to the Legislature.<sup>172</sup>

A tax of three dollars a year was enacted by the Legislature upon those male citizens of the ages of twenty-one to forty-five years of age who did not wish to perform road duty.

The fourth called session of the Forty-First Legislature passed the following tax increases or changes:

1. The Legislature defined taxable property of corporations in Texas, in such a way, that more tax money could be received from them.<sup>173</sup>
2. A two hundred and fifty dollar tax was placed on stock exchanges.<sup>174</sup>
3. A one per cent gross receipts tax on textbook companies.<sup>175</sup>

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Ibid., Third Called Session, p. 527.

172

Gammel, Laws of Texas, Third Called Session, 41st Legislature, Vol. XXVII, p. 234.

173

Ibid., Fourth Called Session, 41st Legislature, Vol. XXVII, p. 222.

174

Ibid., p. 116.

175

Ibid., p. 175.

4. An increase on gas and water companies in Texas. Public utilities in cities under ten thousand inhabitants to pay the State one half of one per cent of gross receipts tax,<sup>176</sup> and cities over ten thousand to pay a one per cent tax.
5. An occupation tax of fifty-five cents per long ton on all sulphur produced in Texas.<sup>177</sup>
6. An occupation tax of from five to seventy-five dollars on theatres.<sup>178</sup>
7. Provision was made for the taxation of tank cars.<sup>179</sup>

Looking upon Moody's two terms as governor in relation to reduced ad valorem taxes, the picture shows a tax of sixty-seven cents in 1927, a tax of sixty-four cents in 1928, a tax of sixty-eight cents in 1929, and a tax of sixty-nine cents in 1930. The ad valorem tax increased four cents during Moody's two terms as governor. This increase was accompanied by large increases in the occupation taxes of the State. The Governor's program did not reduce taxes, and his second term raised them over the spending of Miriam Ferguson's first term as Governor.<sup>180</sup>

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<sup>176</sup>  
Ibid., p. 169.

<sup>177</sup>  
Ibid., p. 233.

<sup>178</sup>  
Ibid., p. 169.

<sup>179</sup>  
Ibid., p. 181.

<sup>180</sup>  
Official Records, Denton County Tax Collector's Office.



No reorganization of the State tax system, as advocated by the Governor in his first term was carried into effect, but some occupation taxes were passed in line with the requests of the Governor.

Moody gave an account to the Forty-Second Legislature of what he felt should be done in relation to taxes in the State. It is interesting to notice that he opposed an income tax during the Forty-First Legislature, but upon leaving office favored one. Moody said in 1947 that the income tax would be the only section of his tax program which he would not support in 1947 for the Federal Government had entered that field of taxation.<sup>181</sup>

His speech to the Legislature related to taxation is as follows:

The income is the fairest basis of measuring a citizen's ability to support the government that makes it possible for him to engage in business. The inequalities of the State ad valorem tax could be eliminated by adopting an income tax as a substitute therefor and the income tax could be collected with less expense and less inefficiency than State ad valorem taxes.

Texas has been blessed with tremendous and valuable stores of natural resources. Most of these resources are being developed and many of them are in that state of development which prophesies exhaustion at no very remote date. Some of these resources are being taken out of Texas without those who profit by their removal paying any considerable portion of the burden of supporting the government or of educating the children.

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Letter from Dan Moody, Former Governor of Texas, December 14, 1946.

We have the object lesson of other states that permitted their natural resources to be exploited and their wealth taken away without the states' receiving the benefits to which they were entitled. Texas should profit by the example and experience of such states. A present failure to make these resources pay their just part of the cost of supporting the government will not be regarded by posterity as a credit to the business foresight and ability of those who had the power, but failed to properly exercise that power for the benefit of the State.... This increase in the cost of government should be paid by taxes imposed upon those activities now developing and exhausting these natural resources. The laws should not penalize these industries but should require 182 them to pay their fair proportion of the expense.

#### Ross Sterling

Ross Sterling ran for governor of Texas in 1930 upon two rather definite planks stating his stand on taxation. The Dallas Morning News published the sections of Sterling's platform dealing with taxation as follows:

Relief of the farms, homes, and other property of the burden of State highway taxation, and placing that burden on the traffic, where it belongs. This is effective farm relief.

Equalization of taxes making natural resources of the State pay their just share of the tax burden and reducing the taxes on other property. This is vital at this time.<sup>183</sup>

Sterling broadened this original plank by suggesting that a tax of three cents per gallon should be placed on

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House Journal, Regular Session, 42nd Legislature, pp. 21-22.

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The Dallas Morning News, July 25, 1930, p. 9.

gasoline, and a tax of one dollar per ton should be levied on sulphur.<sup>184</sup> The gasoline tax was to be divided with three fourths for State highways and one fourth for the schools of Texas.<sup>185</sup>

The Platform of the Democratic Party of Texas opposed the building of State highways by the use of an ad valorem tax, and favored the use of the gasoline tax to pay for road building.<sup>186</sup> From this plank it would seem that the party supported Sterling's tax program.

Sterling was true to his promises in his first message to the Forty-Second Legislature, when the section of his message dealing with taxation was written as follows:

The burden of taxation for any public purposes already has fallen too heavy upon farms, homes, ranches and other real and personal property, and there should be a thorough revision of the tax laws of the State to distribute more equitably the burdens of taxation and to lighten that which has been placed and is still being placed upon farms, homes, ranches, and other real and personal property. Mineral wealth, such as oil, gas, sulphur and the like should bear a just share of taxation.<sup>187</sup>

In the same message to the Legislature the Governor also requested that the ad valorem tax should not be used to finance highways, and that he felt the best way to

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<sup>184</sup> Ibid., August 22, 1930, p. 2.

<sup>185</sup> Ibid., July 24, 1930, Sec. 2, p. 16.

<sup>186</sup> The Galveston News, September 10, 1930, pp.1-2.

<sup>187</sup> House Journal, Regular Session, 42nd Legislature, p.88.

raise the money was by a gasoline tax.<sup>188</sup>

Sterling made a number of requests to the Legislature upon the tax question. While Moody was still in office, Sterling sent a telegram to the Governor requesting that the subject of paying taxes semiannually in installments should be placed before the lawmakers.<sup>189</sup> Sterling sent another message by the same route asking that certain water improvement districts be allowed to pay taxes twice a year rather than once.<sup>190</sup>

On August 3, 1931, Sterling sent the following message to the first called session of the Forty-Second Legislature on the subject of a new arrangement of taxation on the oil supplies of Texas:

The revenues of this State have been seriously depleted because of the low price of oil, since our production tax is based on 2 per cent of the value of the oil produced. Unless the Legislature takes some necessary steps, it will result in a very much lower income to the State from this source than in years gone by. I think that you should amend this law to provide that there should be levied a tax of 2 cents per barrel on crude oil, which would bring in the same amount as the present production tax of 2 per cent on oil at \$1 per barrel.<sup>191</sup>

This message was brought about by the price of oil dropping to a record low price, and the depression era in the United States in 1931. In the same year he requested

<sup>188</sup>Ibid., p. 27.

<sup>189</sup>Ibid., p. 117.

<sup>190</sup>Ibid., p. 87.

<sup>191</sup>House Journal, First Called Session, 42nd Legislature, p. 140.

that because of the hard times, the State ad valorem tax should not be allowed to increase above sixty-nine cents.<sup>192</sup> An act to this effect was passed by the Legislature.<sup>193</sup>

Sterling told the Legislature in its second called session that expenditures must be reduced or the State would have to levy the ad valorem tax at the constitutional limit. In the same message Sterling asked that all penalties and interest on state, county, special school, school district, road district, levee improvement district, and irrigation district taxes should not be charged if the above taxes were paid by January 1, 1932,<sup>194</sup> and in the third called session he requested the same thing for taxes if paid before January 31, 1933.<sup>195</sup>

Sterling called the third called session of the Legislature to give the people of the State tax relief. The Governor told the Legislature that taxes were just too high for the people of the State to pay, and requested their reduction, or change.<sup>196</sup>

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<sup>192</sup> House Journal, Second Called Session, 42nd Legislature, p. 54.

<sup>193</sup> Ibid., Second Called Session, p. 135.

<sup>194</sup> Ibid., p. 240.

<sup>195</sup> Ibid., Third Called Session, p. 2.

<sup>196</sup> Ibid., p. 8.

Sterling called for a tax of five dollars on all places selling cigarettes in Texas as an annual license on cigarette dealers.<sup>197</sup> This was the only specific tax called by the Governor other than a three cent tax on gasoline and a dollar tax on sulphur. Sterling was very consistent in his requests to the Legislature on the subject of taxation. He fought for aid to the taxpayer, and a lower ad valorem rate for the people of Texas.

There was no change in the four cent gasoline tax levied by the State except for a Gasoline Tax Law passed by the regular session of the Forty-Second Legislature which provided a new system for the tax collection.<sup>198</sup>

Sterling had advocated a system by which the State would assume county and local road bonds during his race for governor, but an amendment to that effect was defeated by the people of Texas.<sup>199</sup> A bill was passed by the third called session of the Legislature which was in line with the promises of the Governor. This bill provided that the

<sup>197</sup> House Journal, Second Called Session, 42nd Legislature, p. 23.

<sup>198</sup> Gammel, Laws of Texas, Regular Session, 42nd Legislature, Vol. XXVII, pp. 163-169.

<sup>199</sup> House Journal, Regular Session, 43rd Legislature, pp. 24-25.

gasoline tax should be divided by giving the county one fourth, the schools one fourth and the State Highway Fund one half of the four cent tax. Even though this bill did not assume county debts by bonds, the money was to be used for the retiring of such bonds and development of county roads.<sup>200</sup>

Since the Governor, in his race, had advocated a dollar tax per long ton of sulphur, it is interesting to notice that only a twenty cent increase was made on each long ton of sulphur, making the amount of tax seventy-five cents per long ton.

The Legislature passed a bill which allowed the taxpayers of Texas until October 15, 1931, to pay taxes due by February 1, 1931. This installment plan did not include all State and local taxes, but represented relief to those who could not pay their taxes by the time required.<sup>201</sup> This bill had been requested by the Governor.

In line with the Governor's request that something be done about changing the tax system of oil in Texas the Legislature passed a bill which placed a new tax of one tenth of a cent on all standard barrels of oil produced in Texas. This tax was to help enforce oil and gas

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Gammel, Laws of Texas, Third Called Session, 42nd Legislature, Vol. XXVIII, pp. 15-18.

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Gammel, Laws of Texas, Regular Session, 42nd Legislature, Vol. XXVII, p. 3.

conservation laws,<sup>202</sup> but no other adjustment was made in line with the requests of the Governor.

A five dollar tax was placed upon cigarette dealers as requested by the Governor, along with new taxes and increased taxes upon peddlers, brokers, insurance adjusters, general and special agents, money lenders, coin operated vending machines, circus and shows, carnivals, wax works, wrestling matches, rodeos, baseball parks, shooting galleries, hobby horses, sulphur producers and cement distributors.<sup>203</sup> All of these occupation taxes helped to raise the State's revenue.

Other tax laws passed during Sterling's administration are as follows:

1. A law giving the city council the power to levy and collect a poll tax of one dollar for every citizen over twenty-one years and under sixty years of age.<sup>204</sup>
2. An adjustment in the payment of corporate franchise taxes in the case of water, ice and electric power companies.<sup>205</sup>
3. A bill authorizing levying of taxes for building seawalls along the Gulf of Mexico.<sup>206</sup>

<sup>202</sup>

Ibid., First Called Session, Vol.XXVIII, p.55.

<sup>203</sup>

Ibid., Regular Session, Vol.XXVII, pp.355-363.

<sup>204</sup>

Ibid., p.377.

<sup>205</sup>

Ibid., p.441.

<sup>206</sup>

Ibid., p.933.



4. Inheritance tax exemptions were listed.<sup>207</sup>
5. A maximum school tax rate of one dollar and twenty cents was set for independent school districts for building and maintenance. The tax for building should never be above fifty cents per hundred dollar valuation.<sup>208</sup>
6. Two per cent tax on the value of all gas produced or sold in Texas with some exceptions.<sup>209</sup>
7. A tax of from one dollar and fifty cents to three dollars and sixty cents per thousand was levied on cigarettes.<sup>210</sup>
8. An occupation tax of ten dollars per year for those selling pistols.<sup>211</sup>
9. Provided for taxes upon University lands.<sup>212</sup>
10. Tax on peddlers was repealed.
11. A bill was passed to forbid the ad valorem tax rate to be over sixty-nine cents in the years 1931 and 1932.<sup>213</sup>
12. Bills dealing with water improvement districts and changes in their tax system.

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<sup>207</sup>  
Ibid., p. 109.

<sup>208</sup>  
Ibid., p.829.

<sup>209</sup>  
Ibid., p.112.

<sup>210</sup>  
Ibid., p.114.

<sup>211</sup>  
Ibid., p.447.

<sup>212</sup>  
Ibid., p. 136.

<sup>213</sup>  
Ibid., Second Called Session, 42nd Legislature, p. 54.

These were the major bills passed during Sterling's administration upon the subject of taxation. The trend during the Governor's term of office was away from ad valorem taxes, which the people could avoid paying, and placing taxes upon those things which people had to buy. In this manner the State could collect taxes enough to run its government. Rather than a reduction of taxes, the trend during Sterling's term of office was a shifting process by which some natural resources and occupations were required to pay more of the cost of government.

Even though Sterling served just one term as governor, he demonstrated that a chief executive could be consistent in his tax program. He summed up the needs of the State to the Forty-third Legislature as follows:

The ad valorem tax is the most suitable and feasible method for local purposes. It should be continued as a local tax; but the State should turn to other sources.... It occurs to me that a well-balanced plan for this State, if it could be worked out practicably, would be a combination system of property taxes for local government and both a sales tax and an income tax for State purposes, each made only high enough to raise the funds necessary for a frugal administration. The ad valorem levy would make sure that the property owners pay their just share of the cost of local government, according to the will of the locality in which they live. The sales tax would compel all people to contribute their bit toward the maintenance of the State Government, according to the amount of life's necessities and luxuries they purchase, and as they purchase them. The income tax, scaled so that it would not place an undue burden upon the person of small means who would also have to pay the sales tax would equalize the load of those with larger incomes....<sup>214</sup>

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## James V. Allred

"Real estate is overburdened with taxation, while other property completely escapes taxation," was a section of a speech given by James V. Allred on August 4, 1934. Allred told the people of Texas that taxes were not equal and uniform as was provided for in the State Constitution, and he called for equalization of the State tax structure.<sup>215</sup>

Allred favored a more efficient system of collection of taxes in order that those companies and individuals, escaping their just share of taxation, would be taxed. He also proposed an amendment to the Constitution which would have permitted the Legislature to classify property for taxation.<sup>216</sup>

Allred did not favor the abolishment of the ad valorem tax, because he felt that the three thousand dollar exemption of homesteads provided for protection of the poor, and the people who owned homes valued at more than three thousand dollars for tax purposes should have to pay the ad valorem tax. He also opposed the sales tax and favored a chain store tax.<sup>217</sup>

<sup>215</sup> The Dallas Morning News, August 5, 1934, pp. 1, 10.

<sup>216</sup> Ibid.

<sup>217</sup> Ibid.

In his first race for governor, Allred did not make an issue of natural resources taxes, but in calling for all to pay their just share of taxes he indicated he might favor such a levy.

The Platform of the Democratic Party of Texas was in complete accord with Allred's plank on taxation. It took the following stands on the tax questions: relief from high tax burdens on the farms, enactment of a substantial graduate chain store tax, opposition to the complete abolition of the ad valorem tax, and opposition to a general sales tax.<sup>218</sup>

Allred sent a special message to the Legislature on the subject of taxation. This message outlined the most complete tax program presented to the State Legislature in the period from 1914 to 1941. He opened his speech as follows:

We have inherited an ad valorem tax system which goes back to a time in Texas history when 95 per cent of the people were engaged in agricultural pursuits; and when, therefore, land ownership was practically the sole source of wealth. We have since progressed to a point of social and economic complexity when almost half of the people busy themselves with urban occupations. This antiquated ad valorem system no longer justifies itself as the primary basis for taxation. Indeed, it no longer affords sufficient revenue for the conduct of the government.<sup>219</sup>

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<sup>218</sup> House Journal, Third Called Session, 43rd Legislature, p. 235.

<sup>219</sup> James V. Allred, Legislative Messages of Hon. James V. Allred, pp. 41-59.

The Governor then called for a graduate chain store tax, an increased tax on crude oil, an increased tax on natural gas of one cent per 1,000 cubic feet, an increase in the tax on sulphur, a one per cent franchise tax on the gross assets of both gas and oil pipe line companies, changes in the franchise tax structure, a substantial increase in the inheritance tax rate, a selective luxury tax, an income tax, a property classification tax amendment to the Constitution, strong laws to stop tax evasions, a law to give the State Tax Commissioner control over all taxes, a system of tax experts to help county officials levy taxes, the ultimate unification and centralization of the state tax administration, opposed the sales tax, and favored a better system of budgetary control.<sup>220</sup>

Allred cited the fact that the Louisiana tax on sulphur was two dollars per ton while the Texas tax was only seventy-five cents per ton.<sup>221</sup> Allred sent a number of messages to the lawmakers requesting tax changes during his first administration.

The Governor's first blow came when Coke Stevenson of Junction, Texas, was elected Speaker of the House. Allred had supported Robert Calvert for the above office.

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<sup>220</sup>  
Ibid.

<sup>221</sup>  
Ibid.

The Governor said the election of Stevenson had much to do with the failure of the greater part of his legislative program.<sup>222</sup>

The regular session of the Forty-Fourth Legislature made very few changes in the State tax system. The following are some of the major changes made by the above session:

1. Raised the maximum ad valorem tax rate for school purposes in an independent school district to one dollar and fifty cents.<sup>223</sup>
2. A twenty-five cent tax on one hundred dollar valuation for a county unit system of education.<sup>224</sup>
3. Set times for the collection of taxes in the State, counties, and other subdivisions of the State.<sup>225</sup>
4. A three-sixteenths of a cent tax per barrel of oil to finance enforcement of the conservation laws.<sup>226</sup>

A number of other laws were passed of a minor nature, but no tax program in line with the requests of the Governor was enacted by the regular session of the Legislature.

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Statement of James V. Allred, personal interview.

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Gammel, Laws of Texas, Regular Session, 44th Legislature, Vol. XXIX, p. 177.

224

Ibid., p. 284.

225

Ibid., p. 355.

226

Ibid., p. 618.

The only major bill dealing with taxation was passed by the third called session of the Forty-Fourth Legislature when that body was called into session to finance the old age assistance law. An omnibus tax bill was passed by the lawmakers with the expressed purpose of raising money to pay pensions to the aged of the State. Some of the tax increases were as follows:

1. A tax of two and one half cents per package of cigarettes.
2. A graduate amusement tax.
3. A license tax of fifty to five hundred dollars on cigarettes.
4. A tax of two and three fourths cents per barrel of oil.
5. A tax of three and three fourths per cent on some public utilities.
6. A tax of ninety-six cents per gallon on spiritous alcoholic liquor.
7. A graduated tax on wine ranging from ten to fifty cents per gallon.
8. A license tax of twenty-five dollars on places selling beer.
9. New taxes on coin operated machines.
10. An increased tax on insurance companies.
11. A new tax on sulphur in the amount of one dollar and three cents per ton.

12. A graduate tax on horse racing.
13. A tax of one twelfth of a cent per pound of carbon black.
14. A tax on gas of three per cent of its market value.<sup>227</sup>

The provisions of the act listed above constituted the bulk of the taxes levied under the new tax bill to raise money needed to pay for old age assistance, but a part of some taxes went to the public schools.

Governor Allred had this to say about the action of the Forty-Fourth Legislature on the subject of taxation:

I say this not critically of the 44th Legislature, but to keep the record straight. During the regular session, appropriations were substantially increased, resulting in an increase in the deficit of more than five million dollars; and yet during that session, not a single tax measure of any consequence passed, although I recommended at the time a comprehensive tax program for equalizing our tax burdens and to balance the budget.<sup>228</sup>

The Governor's stand on taxation in his race for re-election can best be summed up by his message telling the Forty-Fifth Legislature that he had been mistaken in his promises to the people during the past summer.

At the outset I regret to inform you that we are going to need considerable additional revenues; and that it will be necessary to raise this money by taxation.

I preface my estimates with this statement in view of the fact that after I shall have made my

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Gammel, Laws of Texas, Third Called Session, 44th. Legislature, Vol. XXX, pp. 2040-2083.

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Allred, Legislative Messages, p. 130.



recommendations, some will no doubt point out a conflicting statement made last summer that we would not need new taxes for the ordinary purposes of government. This statement was based upon my honest judgment at that time and figures furnished me by the State Tax Commissioner. Indeed, I then believed that we would be able to wipe out the deficit in our General Fund without any additional revenues. At the same time, however, I frankly stated that we would have to have additional revenues for old age assistance, and other features of the National Social Security Act--the extraordinary purposes of government.

My embarrassment in this regard is somewhat relieved by reflecting upon the fact that all of us sometimes find we have made an honest mistake of judgment; and I have been somewhat consoled by Emerson's essay on 'Consistency.' He says:

'Consistency is the bugbear that frightens little minds.... A foolish consistency is the hobgoblin of little minds borne by little statesmen, little philosophers and divines.'

I therefore, conclude that I would prefer to be frank and right, than to be consistent.<sup>229</sup>

Allred continued his message to the Legislature by saying that the General Revenue Fund debt had increased to \$14,874,157. He told the lawmakers that he did not feel the expenses of government could be cut any great amount, since no one wanted to cut the forty-eight per cent of the State's General Revenue Fund which went for education or the thirty-one per cent which went to eleemosynary institutions. Allred told the Legislature that there were three ways to reduce the debt,<sup>230</sup> and he listed them as follows:

- a. Expenditures must be curtailed to make income equal outgo and additional cuts made so as to reduce the existing deficit substantially each year; or

<sup>229</sup>  
Ibid., p. 126.

<sup>230</sup>  
Ibid., pp. 127-128.

- b. Taxes can be levied so as to make income into this fund equal outgo and provide a sufficient amount to substantially reduce this deficit each year; or
- c. Unless the budget is balanced under one or the other, or both, of the foregoing methods, then appropriations for our educational institutions should not be made out of general revenue but a separate fund should be set up and adequately financed by taxation.<sup>231</sup>

Allred estimated that if no new appropriation bills were passed by the Legislature, that the General Fund would need over six million dollars in new revenue annually to place the fund on a cash basis. The Governor called upon the Legislature to equalize the State's tax structure, to pass natural resources taxes in line with his message issued to the Forty-Fourth Legislature, and to increase the franchise taxes of the State.<sup>232</sup>

There was no increase in taxes upon oil, gas, and sulphur as requested by the Governor in his second term of office. During Allred's last term the ad valorem tax was the lowest since 1916. The full thirty-five cents was collected for state purposes, but the school tax amounted to only seven cents per hundred dollar valuation.<sup>233</sup> This was caused in part by the omnibus tax bill passed during Allred's first term, which gave part of its funds to education.

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<sup>231</sup>  
Ibid., p. 129

<sup>232</sup>  
Ibid., pp. 129-140.

<sup>233</sup> Official Records, Denton County's Tax Collector's Office.

A number of laws were passed raising the taxes collected in the State even though most of them had not been requested by the Governor. Some of the changes in taxes and tax collection were:

1. Deputy assessors-collectors of taxes were appointed in certain counties.<sup>234</sup>
2. A state tax of one dollar and twenty-four cents per barrel of beer sold in Texas.<sup>235</sup>
3. A county tax on beer was provided under the Texas Liquor Control Law.<sup>236</sup>
4. A constitutional amendment to restrict assessed to true market value, and to provide for stated discounts for payment of taxes.<sup>237</sup> This amendment carried in the election of August, 1937, but had not carried the Governor's signature.<sup>238</sup>
5. Creation of a Cigarette Tax Stamp Board.<sup>239</sup>
6. A dog tax of one dollar.<sup>240</sup>
7. An additional tax of one and one fourth cents

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<sup>234</sup> Gammel, Laws of Texas, Regular Session, 45th Legislature, Vol. XXX, p. 149.

<sup>235</sup> Ibid., p. 1111. <sup>236</sup> Ibid., p. 1098.

<sup>237</sup> Ibid., p. 1500.

<sup>238</sup> The Texas Almanac, 1947-48, p. 74.

<sup>239</sup> Gammel, Laws of Texas, Regular Session, 45th Legislature, Vol. XXX, p. 625.

<sup>240</sup> Ibid., p. 121.

of the fire, lightning, tornado, windstorm, and hail insurance premiums of companies doing business in Texas.<sup>241</sup>

8. Revision of the Texas Liquor Control Law tax system.<sup>242</sup>
9. Revision of the law allowing independent school districts to levy a school tax of one dollar and fifty cents. No change in tax rate, but in classification.<sup>243</sup> Six changes of this nature were made by the Forty-Fifth Legislature.
10. Established what was known as the "Partial Payment Plan for Delinquent Taxes."<sup>244</sup>
11. Creation of tax standards for receiving rural aid from the State.<sup>245</sup>
12. A one per cent tax on gross receipts of foreign mutual insurance companies.<sup>246</sup>
13. An amendment to the laws of Texas to insure the collection of a gross receipts tax upon telegraph companies doing business in the State.<sup>247</sup>

There were a number of other tax bills passed, but these were the most important of a general nature. No.

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<sup>241</sup> Ibid., p. 29.                      <sup>242</sup> Ibid., p.1080.                      <sup>243</sup> Ibid., p. 39.

<sup>244</sup> Ibid., p. 1262.                      <sup>245</sup> Ibid., p. 1275.

<sup>246</sup> Ibid., Second Called Session, Vol.XXXI, p. 1913.

<sup>247</sup> Ibid., p. 1918.

over-all increase was made in the State's tax system as requested by the Chief Executive, and a General Revenue Fund deficit of approximately twenty million dollars existed when the Governor left office.<sup>248</sup>

The Governor admitted that his program to equalize taxes had failed, and placed that blame upon the utility and natural resource lobby of Texas.<sup>249</sup> It would seem that Allred aided the movement away from the ad valorem tax as a method of financing state spending. The omnibus tax bill, passed during Allred's first administration to finance the old age assistance program, was a move on the part of the government to find sources other than real estate to tax for state needs.

The omnibus tax bill provided new funds for education in Texas, and did relieve property of a part of its ad valorem tax for school purposes. In fact the ad valorem tax for state school purposes dropped from twenty cents to seven cents per hundred dollar valuation during Allred's last two years in office. This equalization in the ad valorem tax did not reach as far as the Governor had wanted, and his requests to the Forty-Fifth Legislature went unheeded for the most part.

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<sup>248</sup>Allred, op. cit., pp. 234-235.

<sup>249</sup>Statement of James V. Allred, personal interview.

It appears that Allred's frankness in dealing with the tax question represented a new phase in Texas politics, when he admitted that he was wrong in his platform for re-election as Governor of Texas. He exhibited courage and consistency in his messages to the Legislature on the matter of taxation, and his administration was marked by reductions in the ad valorem tax rate as promised.

#### W. Lee O'Daniel

W. Lee O'Daniel announced that he would run for Governor upon three tax planks. First, he opposed the poll tax because it placed a "price tag on voting."<sup>250</sup> Second, he opposed the sales tax.<sup>251</sup> Third, he opposed "increases in other forms of taxation." O'Daniel said that enforcement of the tax laws and economy in government would produce all the money that the State needed to pay old age assistance.<sup>252</sup>

In O'Daniel's first speech to the Legislature he had the following to say on taxation:

....I have made a diligent study of many suggested means of raising the necessary revenue to pay old age pensions and I recommend that the money be raised by levying of a 1.6 per cent

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<sup>250</sup>  
p.34. Seth S. McKay, W. Lee O'Daniel and Texas Politics,

<sup>251</sup>  
Ibid., p. 32.

<sup>252</sup>  
The Austin American, July 4, 1938, p. 2.

transaction tax, because I believe that this will give the broadest possible base from which to secure this revenue. A transaction tax, such as I recommended, is applied alike to every line of business and industry. It does not exempt the producing industries which are largely our natural resource industries. It does not centralize all the tax raising within the retail industry, as would be done by a retail sales tax. It is my opinion that the best interests of the State generally would be served if our producing or natural resource industries, our manufacturing, our wholesaling, or retailing, and other service industries all bear a part of this tax burden.<sup>253</sup>

The Governor opposed the sales tax because he did not think the retail industry should be singled out for taxation alone, and that sales tax would require a three or four cent tax on each dollar.<sup>254</sup> This statement is interesting because O'Daniel's transaction tax amounted to about the same thing as a sales tax, for it also taxed the sale of goods, but on a larger scope.

O'Daniel continued his speech to the Legislature in the following words:

....It has been suggested that this money be raised exclusively by a tax on oil. If we should attempt to do this, it would require probably an additional eight cents per barrel tax, supplemented by similar increases in taxes on sulphur and other natural resources. I have not recommended this tax to the Legislature for the reason that I believe it would be unwise to attempt to raise this amount of money for this purpose from our natural resources.<sup>255</sup>

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<sup>253</sup> House Journal, Regular Session, 46th Legislature, p.109.

<sup>254</sup> Ibid.

<sup>255</sup> Ibid., p. 109.

The Governor said he opposed the following taxes to raise old age assistance: a flat gross receipts tax on oil, sulphur, insurance companies, public utilities, an income tax, and an ad valorem tax.<sup>256</sup>

The Governor had the following to say about ad valorem taxes:

I am definitely of the opinion that we should write into the Constitution of this State a provision abolishing all State ad valorem taxes. And I submit this program to you at this time because if we adopt a transaction tax as a means of financing old age pensions, teacher retirement, and aid for destitute children, then we will release more than \$10,000,000 revenue now being used to pay old age pensions which revenue can be diverted to the purpose of replacing all of the State ad valorem tax now being collected.<sup>257</sup>

O'Daniel continued his speech by saying that over sixty per cent of the money collected in the form of taxes to carry on state and local government came from ad valorem taxes.<sup>258</sup>

The Chief Executive also indicated that he would like to see the Legislature give all the money raised from the current tax on cigarettes, at that time, to the Available School Fund as of January 1, 1940. This plan was to give the schools some nine million dollars in a period of two years.<sup>259</sup>

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<sup>256</sup> Ibid., pp.109-110.

<sup>257</sup> Ibid., p.110.

<sup>258</sup> Ibid., p. 111.

<sup>259</sup> Ibid.



O'Daniel told the Legislature the extent of his plan when he said,

If the Legislature approves the plan which I am submitting, we will have cared for the aid to destitute children, pensions to Confederate Soldiers; we will have provided for teacher retirement and for old age pensions. While at the same time we will have released revenue now going to old age pensions to the Available School Fund and the General Revenue Fund in a ratio which will make possible the abolition of the State ad valorem tax now levied on the homes, farms and business property of this State. All of this will be written into the Constitution, and it will be done with the approval of the voters of the State. . . .

Based on the best information I have been able to obtain, it is my judgment that the transaction tax herein levied will produce in excess of \$45,000,000 (millions). But in this connection I would especially invite the attention of the Legislature to the fact that I am endeavoring in this legislation to definitely fix in the Constitution the tax rate and to fix it in a manner that it cannot be changed except by a vote of the people.<sup>260</sup>

The Governor made another interesting statement to the Legislature when he said that he opposed the O'Mahoney Borah Licensing Bill, which he indicated would invade the rights of the State. This bill would have placed a federal tax on corporations in the State.<sup>261</sup>

O'Daniel broke faith with the people of Texas on all three of his platform promises on taxation. First, he did not even send a message to the Forty-Sixth Legislature dealing with the poll tax. Second, he also introduced a

260  
Ibid., p. 115.

261  
Ibid., p. 1193.

transaction tax, which amounted to the same thing as a sales tax, and later supported a sales tax under that name.<sup>262</sup> Third, he did not try to finance his social program without new taxes. And if a fourth break of promises were named, it would be his forgetting the "common people" for the protection of the wealth of the State.

O'Daniel gave his support to two bills for raising the old age assistance payments to those over sixty-five years of age. The first bill he supported was a house joint resolution. This bill provided for a retail sales tax of one cent upon each sale of forty cents or fractional part thereof; a one cent tax on natural or artificial gas on each forty cents value, except on sales to industrial users; a one cent tax on each forty cents of telephone bills; a one cent tax for each forty cents on amusement places of all types; an additional twenty-five cent tax on sulphur per ton; a three fourths of one per cent tax upon the market value of gas produced; and a three fourths of one per cent tax on oil produced in the State. Certain exemptions to the above taxes were listed in the resolution.<sup>263</sup>

The second bill which the Governor supported was a senate joint resolution, which also provided for a

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<sup>262</sup>

The Dallas Morning News, March 20, 1928.

<sup>263</sup>

House Joint Resolution Number 16, Regular Session, 46th Legislature.

constitutional amendment. This bill also supported a sales tax, which amounted only to two cents on each dollar, and lowered the tax rate on the natural gas, telephone bills, and amusement places at the same ratio as in the house joint resolution, except for natural resources taxes which remained the same in both bills. There were a few additions to the senate joint resolution in that parking taxes and advertising taxes were added to the house resolution.<sup>264</sup>

Both of these bills were defeated in the House of Representatives, by a group known as the "Fifty Six" who opposed both of the above sales tax bills. Through his Sunday radio speeches the Governor brought a great deal of pressure to bear upon those who opposed either of the bills.

Since neither of the O'Daniel supported tax bills passed the Legislature, the State found itself with no new taxes to pay the old people of Texas the amount advocated by the Governor. There was not one first class tax bill passed by the Forty-Sixth Legislature.

Bills of importance which did pass the Legislature are as follows: remission of one half of the ad valorem taxes to the counties,<sup>265</sup> adjustment of the insurance laws,<sup>266</sup> setting maximum tax rates for independent school districts,<sup>267</sup>

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<sup>264</sup> Senate Joint Resolution Number 12, Regular Session, 46th Legislature.

<sup>265</sup> Gammel, Laws of Texas, Regular Session, 46th Legislature, Vol. XXXI, p. 668.

<sup>266</sup> Ibid., p. 638.

<sup>267</sup> Ibid., p. 292.

creating a formula for calculating the tax rate for state and public free school purposes and discounts for advanced payment of taxes.<sup>268</sup> All of these bills were of a regulatory nature and did not increase the tax income of the State except through making the tax system a more efficient force for collecting revenue.

The Governor did not request the above laws in his messages to the Legislature, but most of the legislation passed tended to stabilize the tax structure of the State.

O'Daniel opened his campaign for re-election by radio on April 3, 1940, when he had the following to say in relation to the payment of the State's obligations:<sup>269</sup>

You know where I stand with reference to paying our debts, improving our public schools, improving our higher educational facilities and improving our eleemosynary institutions, all of which total around \$20,000,000 annually. My opinion is that these obligations should be met by an increased production tax on natural resources and by increased taxes on public utilities and by diverting to the general fund the taxes on liquor, wine and beer. But if your Legislature selects and approves some better plan I gladly will cooperate with it in putting its plans in effect.

You also know where I stand with reference to paying old age pensions, caring for the indigent blind, caring for helpless children and fulfilling the state's obligation with reference to the teachers' retirement service. You know what my recommendation was with reference to the kind of tax that would raise enough money to do this job and you know that I have told you and the Legislature that if you don't like my recommendation I will accept any plan that your senators

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<sup>268</sup> Ibid., p. 654.

<sup>269</sup> Seth S. McKay, W. Lee O'Daniel and Texas Politics, p.34.

and your representatives will pass and send to my desk whether it be a transactions tax, a general consumer tax, a tax of five cents, eight cents or ten cents a barrel on oil or any other kind of tax or combination of taxes, just so enough money will be raised to pay off these honest and solemn obligations.

By the above stand of the Governor, he had completely reversed his campaign promises of 1938 by calling for a huge increase in the tax rates of the State. O'Daniel forgot his promise to pay the people of Texas over sixty-five years of age, thirty dollars a month without any new taxes, and stood for re-election upon a platform of new taxes to pay the deficit in the General Revenue Fund and Old Age Assistance Fund.

O'Daniel called for placing the State on a cash basis, and once again called for doing away with the poll tax in Texas, but did not oppose the sales tax as had been the case in his first campaign two years before.

The Governor's first message to the Forty-Seventh Legislature came much nearer fitting O'Daniel's campaign promises than his message to the Legislature before. The Governor told the lawmakers that by the end of the year there would be a debt in the General Revenue Fund of some thirty million dollars, and called upon that body to place the government upon a cash basis. O'Daniel requested increased production taxes on natural resources and public utilities. He favored diverting taxes on liquor, wine, and beer to the General Revenue Fund. He said, "I

advocated this same thing all through my campaign, and I am now submitting it in the form of a recommendation for the consideration of this Legislature." This proposed bill was to raise twenty million dollars, and included taxes on oil, gas, sulphur and public utilities.<sup>270</sup>

The Governor issued the following plan for collection of taxes for the social security program of Texas:

When I announced as a candidate for re-election to the office of Governor of this State, I enumerated them to you in this message today, and I stated then that I believed the revenue to meet the cost of the Social Security bill in Texas should be raised from a transaction tax levied on established lines of business. That was my opinion then, and it is my opinion now as to the best<sup>271</sup> method of raising the revenue to meet these obligations.

O'Daniel continued his speech by advocating a one and six tenths of one per cent transaction tax bill, which he indicated would raise some fifty million dollars in revenue for the State. He told the Legislature that the ad valorem tax could be done away with if this bill passed that body. He then listed the taxes which he had opposed in his first term of office and said,

It is my deliberate judgment, however, that the transaction tax is the best means of raising the money. But I have no desire to even attempt to dictate to the Legislature how this task shall be accomplished. This is a matter for the members to decide.<sup>272</sup>

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<sup>270</sup>  
pp. 97-98. House Journal, Regular Session, 47th Legislature,

<sup>271</sup>  
Ibid., p. 100.

<sup>272</sup>  
Ibid., pp. 100-101.

In another message to the Legislature on April 14, 1941, the Governor requested that the poll tax be removed,<sup>273</sup> and expressed the belief that the omnibus tax bill which had passed the House would supply some thirty-six million dollars to pay the social security obligations of the State. He indicated, however, that the Legislature had not taken care of the twenty million dollars needed by the General Fund as he had requested.<sup>274</sup>

Toward the close of the Legislature, the Governor issued a second message on the poll tax, which he said was not to his liking, but would have been a great deal better than the system as it existed then. O'Daniel said,

This plan contemplates that any person who meets certain qualifications (must register free of charge if qualified other than poll tax) can vote in any State Primary by presenting either a poll tax receipt or a registration receipt.

The poll tax receipts will, of course, permit the holder of same to also vote in the general election, while the registration receipt will permit voting only in primaries, but not in the general election.<sup>275</sup>

No legislation passed which provided for the twenty million dollars requested by the Governor to place the General Revenue Fund on a cash basis, and no bill for removing the poll tax as a requirement for voting was

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<sup>273</sup>  
Ibid., pp. 2038-2039.

<sup>274</sup>  
Ibid.

<sup>275</sup>  
Ibid., p. 1232.

passed. The only bill which did pass the Legislature increasing taxes to a large extent was the omnibus tax bill which provided the larger part of the social security obligations of the State. The bill did not include a transaction tax as had been requested by the Governor.

The main sections of the bill are as follows:

1. An occupation tax of four and one hundred twenty-five thousandths (4.125) cents per barrel of oil produced in the State.
2. A five and two tenths (5.2) per cent tax on the market value of natural gas in Texas.
3. An occupation tax of one dollar and twenty-seven and two tenths cents (1.272) per long ton of sulphur.
4. An occupation tax upon telephone companies ranging from one and five tenths (1.5) per cent to two and two hundred seventy-five hundredths (2.275) per cent of the gross receipts.
5. An occupation tax on water works, water and light plants, electric light, electric power located within any incorporated city or town in the State could be taxed ranging from forty-four hundredths (.44) of a cent to one and five thousand one hundred twenty-five ten



- thousandths (1.5125) per cent of gross receipts.
6. A tax of one per cent of the sales price of every motor vehicle in Texas.
  7. A one dollar and twenty-eight cent tax levied on each gallon of distilled spirits sold in the State, and a graduated tax on other types of liquor.
  8. An increased tax on foreign corporations doing business in the State.
  9. A twenty-two cent tax on every prescription for liquor delivered by a pharmacist.
  10. A five cent tax on each package of playing cards.
  11. A tax ranging from less than one cent to more than five cents was levied on each pound of carbon black produced in Texas.
  12. A tax of two and one half cents per hundred pounds of cement.
  13. Enforcement of intangible taxes on companies doing business in the State.
  14. A two and two tenths (2.2) per cent tax on bus companies.
  15. A three cent tax on every share of stock sold in the State per hundred dollar value.
  16. A four cent tax per gallon on gasoline.
  17. A tax of four and five hundredths (4.05) per

cent of gross premium receipts on insurance companies in certain cases.

18. A graduate chain store tax of from one dollar to seven hundred and fifty dollars.<sup>276</sup>

The Act provided that one fourth of all money collected under the bill listed above would go to the Available School Fund and three fourths into the Clearance Fund, which was provided for in the same act. The Clearance Fund was to be used in connection with the payment of the social security obligations of the State.<sup>277</sup>

Even though this bill did not produce all the money needed under the social security program of the State at the time, a war time condition made the taxes levied sufficient to pay the needs of the State's social security program.

O'Daniel's administration failed to meet its promises to the people of Texas in several respects. First, O'Daniel did not provide the people with a bill abolishing the poll tax. Second, the Chief Executive tried to place a sales tax upon the people of Texas, which he had opposed in his first race for office. Third, the ad valorem tax for state purposes was not done away with but was increased during

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<sup>276</sup> General and Special Laws of Texas, Regular Session, 47th Legislature, pp. 269-340.

<sup>277</sup> Ibid.

his term of office. Fourth, the Governor did not raise the twenty million dollars he had promised the people for the General Revenue Fund. Fifth, O'Daniel had to levy new taxes to pay for the social security program.

O'Daniel apparently did not take his promises to the people of Texas seriously in matters of taxation. The Governor made promises to the people of Texas which he could not keep, and was confronted with paying for promises which the State did not have the money to meet.

#### Conclusions

The ad valorem tax moved from a very important place in financing the State General Fund and School Fund to a relatively low per cent of the total amount. In the year 1946 the ad valorem tax amounted to only eight and twenty-three hundredths of the State's revenue receipts. This shift in the tax load for state purposes has been made with increased occupation taxes, gross receipts tax, gasoline tax, as well as a number of minor other taxes.

There were two laws passed which helped reduce the major tax burden of the State and counties in the matter of ad valorem taxes. First, was the gasoline tax one fourth of which was given to the counties to retire road bonds. This reduction was passed during the Sterling administration, and cut the county ad valorem rate in half.

Second, was the homestead tax exemption act which was passed by the Legislature and people in a constitutional amendment to relieve the homesteads of Texas of the ad valorem tax for state purposes up to a three thousand dollar valuation. These two major reductions in the State tax system were accompanied by more taxes upon other phases of Texas life.

Political planks of the eight governors were very general as to how the tax program would work during their terms. Miriam and James Ferguson, for example, made vague references to economy, but did not make specific promises of how that economy would take place. Not one Governor favored the increase in the ad valorem tax rate before election, yet there were increases in the State ad valorem rate in relation to the previous governor in the cases of James Ferguson, Hobby, Neff, Sterling, O'Daniel and Miriam Ferguson (second term). In the case of Sterling, however, the homestead exemption law reduced the number of taxpayers for State purposes during Miriam Ferguson's administration even though the thirty-five cent maximum tax was collected.

The administration of the last-named governor was affected, however, by the homestead exemption law which had been passed during the Sterling administration. Although the thirty-five cent maximum tax was collected, the homestead law reduced the number of taxpayers for state purposes.

Three cases in which the ad valorem tax rate was lowered for state purposes were the administrations of Miriam Ferguson (first term), Moody, and Allred. The greatest reduction came in Allred's administration, which showed an average reduction of twenty-two cents per hundred dollars valuation during his four years of office. This reduction was made possible by the omnibus tax bill for pensions, which added a great deal of money to the school fund. Moody's administration reduced the ad valorem rate for the General Fund an average of three cents during his four years in office, but new taxes were levied in other fields to bring up the State income. Miriam Ferguson's first term represented a near static period in taxation on the State level with an average drop of one cent per hundred dollars valuation over her predecessor.

The tax most often proposed by the governors in question was a natural resources tax, but no tax program was passed in the amounts asked for by the governors who favored such a tax. Governors Neff and Allred presented extensive programs in relation to natural resources taxes, and blamed the lobby for the defeat of the greater part of their tax programs.

The twenty-eight year period in question has been marked with a near tripling of state ad valorem taxes, but revenues from other sources have increased many times

the tax income of the State. Whether a governor reduced the ad valorem tax rates or not has had little effect upon the general tax picture.

In 1941 the ad valorem tax had been reduced to just about seven per cent of the State income, while the gasoline tax produced over twenty-six per cent, and the gross receipts tax over fifteen per cent of the State tax income.<sup>278</sup>

In 1925 the ad valorem tax had accounted for over thirty-seven per cent of the State income.

Even though the ad valorem tax doubled for State purposes in the period from 1914 to 1942, the ratio to taxes collected reduced the per cent of contribution to the Government.

The people of Texas have preferred to pay taxes which the Assessor and Collector do not send a bill for at the first of the year. The movement in political promises has been toward few promises upon the subject of taxation, and steering clear of the ad valorem tax, for that tax more than any other is seen by the people.

Political promises have meant little in the tax field, and the need for revenue has been the guide for taxation.

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The Texas Almanac, 1943-1944, p. 240.

## CHAPTER III

### EDUCATION

The education of Texas youth has been an ever prevalent subject in state politics. Texas has spent more money for education than for any other single item in her budget; therefore, the subject of education has entered into most political campaigns for the executive office as well as for the legislative offices.

Of the eight governors considered in this study, Allred was the only one who did not have an education plank in his platform, but the other governors all felt a need for some commitment upon the subject.

Political promises in relation to education were made in three ways: First, a governor might give a very general promise which would include both public school education as well as the institutions of higher learning. Second, a chief executive might make specific or general promises or both in relation to public school education. And third, he might make specific or general promises or both in relation to higher education.

Because these facts must be taken into consideration, this chapter is presented with a division of political promises into public school education and institutions

of higher learning when possible, but when the two are closely woven together they are treated as a unit. With this in mind the administrations of the following governors are presented with their promises on education and the legislative results of such promises.

#### James E. Ferguson

Ferguson opened his campaign for governor with a very liberal plank upon the subject of education in Texas. Since Ferguson had spent many years in a country school, and had learned law by self-study, it is not strange that he favored the "little school house on the country road."

The second plank of a six-plank platform gave Ferguson's position on both higher and public school education in these words:

I am heartily in favor of any legislation looking to the improvement and advancement of our public schools, the A. & M. College and our State University. In the matter of appropriations for such a purpose I would only be restricted by the ability of the state to pay and an economical expenditure of public money. If we get our money's worth, let us buy all the education we can pay for. And let us begin with the little schoolhouse on the country road.<sup>1</sup>

In Ferguson's opening speech in Blum, Texas, on March 21, 1914, he gave his original platform and added other sections. In this speech Ferguson set forth his ideas on education as follows: advancement and improvement of the University and the Agricultural and Mechanical

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<sup>1</sup>Nalle, The Fergusons of Texas, pp. 66-67.



College; improvement of public schools; improvement in rural education and equalization of educational opportunity for city and rural students; enactment of a new state ad valorem tax law for education; procurement of textbooks printed in Texas; and relief from buying new textbooks each year.<sup>2</sup>

Ferguson spent much time during his campaign calling for aid to the rural schools of Texas. By working his rural aid, tenant, and bonded warehouse planks, Ferguson built up strong support among the farming classes of Texas. An example of Ferguson's bid for the farm vote are his words upon the subject of rural education:

The idea of having to move to town to educate the children is today sapping the vitals of the Nation, and is destroying the finer sentiments and affections for the country home. The idea of back to the farm can never be attained unless rural education is made equal to town education. You may perhaps be surprised when I tell you that we can build 200 country high school buildings every year with the money that we are losing annually in the operation of the penitentiaries.<sup>3</sup>

The State platform was written by Ferguson and his friends and included the Ferguson campaign promises. The party platform gave six sections to education and followed Ferguson's pledges in every respect.<sup>4</sup>

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<sup>2</sup>The Dallas Morning News, March 22, 1914, p. 9.

<sup>3</sup>Ibid.

<sup>4</sup>House Journal, Regular Session, 34th Legislature, p. 141.

The Governor had a very specific program to offer the Thirty-Fourth Legislature when it met in 1915. He listed all of his original planks, but gave more detailed information on how he felt the problem should be met. He stated,

"... I recommend that you make liberal appropriations for the support of all state educational institutions in Texas.

In this connection, however, I want to especially call your attention to the need of better educational facilities for the rural districts of Texas.

If the children of these districts wait until the amount of wealth in their localities justifies their education by taxation, it will be a long time before education will reach them, and they must grow up without the educational advantages of their more fortunate brothers and sisters who are able to live in the towns and cities.

This legislation involves the stability of the government. Everybody must have an education in Texas, whether he or she is able to buy it or not. When the destiny of our government is considered it is no time to talk about the technical proposition of taxation without representation.

One of the ways that this idea can be put into practical operation is to appropriate \$250,000 for the support of 100 rural high schools. Said money to be given \$2500 to each school located in towns of not over 1000 inhabitants and conditioned that said district raise by taxation, bond issue or otherwise a like sum of \$2500 or more.

I would recommend the passage of an act authorizing trustees of a district, whose taxpayers so vote, to furnish to the children of the school free text-books.

I would recommend a reasonable compulsory education law. This law can be so drawn as not to interfere with the necessary liberty of the child and the same time make certain at least an elementary education to every child in Texas.<sup>5</sup>

Another section of his legislative message dealt with higher education. Ferguson opposed the separation of the Agricultural and Mechanical College and the State University.

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<sup>5</sup>Ibid., p. 132.

The Governor said that if the schools were separated it would cost a great deal more for their administration; he added that he did not feel that their separation would end the trouble between the institutions.<sup>6</sup>

Ferguson made a comparison of higher and public school education in his first message to the Legislature, and once again told the people of Texas that he felt the need for education was on a public school level. He said that Texas was suffering more from a want "of under education of the many" than it was from a want "of over education of the few." He clarified his stand in the following words:

When we consider the seventy thousand children in Texas who never get a chance to go to school against this put the fact that the Texas Legislature is today being asked to appropriate over \$325 per student for the benefit of those fortunate enough and able to go to the A. and M. College and the University, you can begin to see that there is real danger of somebody going hog wild about higher education. Let us avoid any legislation that would permit the establishment of a law school at the A. and M. College or establishment of a veterinary school at the University.<sup>7</sup>

In the same message Ferguson indicated the following legislative act should be taken in relation to the location of the institutions of higher learning: the University should be located in Austin, Texas; the Agricultural and Mechanical College should be located in Brazos County, Texas; and the State Medical University should be located

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<sup>6</sup>Ibid.

<sup>7</sup>Ibid., pp. 132-133.

in Galveston, Texas. The Governor also recommended that all three schools should be placed under one board of control, consisting of six members, three of whom should be actual experienced farmers.<sup>8</sup>

On April 30, 1915, the Governor told the first called session of the Thirty-Fourth Legislature that they were being called upon to appropriate in the neighborhood of four million dollars for institutions of higher learning; he added,

I believe the people of Texas would be gratified to see your body appropriate a full million dollars to be expended in the next two fiscal years in the support of the country schools.<sup>9</sup>

The Governor then called upon the Legislators to support the rural aid bill, and place its administration under the State Board of Education.<sup>10</sup> This was the first move on the part of the Governor to set the amount of aid for rural schools.

The first major victory for Ferguson's public school education plank came during the first called session of the Thirty-Fourth Legislature. The Legislature provided one million dollars to be used for equalization of rural and city education. The administration of the rural aid

<sup>8</sup>Ibid., p. 133.

<sup>9</sup>House Journal, First Called Session, 34th Legislature, p. 21.

<sup>10</sup>Ibid.

law was to be placed in the State Board of Education as requested by the Governor; rural school supervisors were appointed for the purpose of carrying out the provisions of the act. The rural aid law was the first positive movement toward equalization of educational opportunities in Texas, and was the basis for a great part of Ferguson's "vest pocket vote."<sup>11</sup>

The second major victory of Ferguson was the passage of a compulsory education law for those children between the ages of eight and fourteen years. The law had a number of exemptions, but represented a positive step toward universal education in Texas.<sup>12</sup>

A third campaign promise, which was filled to a minor degree, dealt with the subject of printing textbooks in the State. The Legislature passed an act which required that textbooks which were adopted by the Textbook Board should be printed in the State, but there were several exceptions which reduced the effectiveness of the law.<sup>13</sup>

A fourth promise made by the Governor became law when provisions were made for free textbooks in common and independent school districts. This law provided for the calling of an election when ten per cent of the

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<sup>11</sup>Gammel, Laws of Texas, First Called Session, 34th Legislature, Vol. XVI, p. 22.

<sup>12</sup>Ibid., Regular Session, p. 92.

<sup>13</sup>Ibid., p. 169.

qualified property tax paying voters of a district signed a petition requesting that free textbooks be furnished by the district. The financing of textbooks was to come from local tax funds, which could be voted by the district.<sup>14</sup>

Two constitutional amendments were offered by the Thirty-Fourth Legislature in conjunction with public school education. The first amendment provided for the levy and collection of an ad valorem county tax not to exceed fifty cents on one hundred dollars valuation for the maintenance of the public schools of the county, and authorized the levy and collection of an ad valorem district tax not to exceed one dollar on one hundred dollars valuation for the maintenance of the public schools of the district.<sup>15</sup> This amendment did not pass in the general election of November, 1916, and failed to become a part of the Texas Constitution.<sup>16</sup>

The second constitutional amendment provided for the creation of a student loan fund, which was to be administered by the commissioners court of each county. The fund was to be raised by a twenty-cent tax on one hundred dollars valuation of county property,<sup>17</sup> but this amendment was defeated in the July elections of 1915.

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<sup>14</sup>Ibid., p. 207.

<sup>15</sup>Ibid., p. 287.

<sup>16</sup>The Texas Almanac, 1947, p. 69.

<sup>17</sup>Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XVII, p. 286.

Both of the amendments to the Constitution proposed for public school education were in line with the requests of Ferguson to the Legislature, and even though both were defeated by the people of Texas, Ferguson and the Legislature had done their part in keeping their promises on education.

One of the objectives of the Ferguson administration was the creation of a system of rural high schools. This objective found its beginning in an act passed by the regular session of the Legislature. The administration of a great section of all public education was placed under an agency to be called county school trustees. The five trustees were to work under the State Superintendent of Public Instruction, and carry out duties provided in the law in relation to the school districts in the county. The trustees were granted the power to create rural high schools in the county and make certain changes in boundaries of school districts under the provisions of the law.<sup>18</sup>

The Legislature also provided for the teaching of agriculture, manual training, domestic economy, and other vocational subjects for those schools located outside of incorporated towns and cities.<sup>19</sup> This law was in response to Ferguson's request that useful subjects be taught students who lived on the farms of Texas.

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<sup>18</sup> Ibid., p. 68.

<sup>19</sup> Ibid., p. 72.

Ferguson ran for re-election upon his record as governor during his first term. He cited the many things his first administration had accomplished for the public schools of Texas, and expanded these actions into his platform for re-election. Those planks dealing with public school education are listed as follows:

The appropriation by the next Legislature of \$2,000,000 for the aid of the rural schools to be expended in the same manner as the \$1,000,000 appropriated by the last Legislature for the same purpose.

The increase of the constitutional limitation which will permit districts to levy a tax sufficient to provide more suitable buildings and better maintenance for schools for nine months in each year.

A reasonable increase in the salaries now paid teachers in the public schools, in order to induce more men and women to make teaching their life work, which will result in greater efficiency.

The printing of school books in Texas, where same can be published and purchased approximately as cheaply as elsewhere, quality and workmanship considered.

Necessary law providing for text-books for use in the public schools, at expiration of present contracts, so that same may be furnished at lowest possible cost.<sup>20</sup>

The Governor also favored homes for teachers. He would have allowed the local school district to raise such money from local funds,<sup>21</sup> but no legislation was passed to this effect.

The Governor made rural aid to education the main issue of his public school plank. He told the Thirty-Fifth

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<sup>20</sup>House Journal, Regular Session, 35th Legislature, p. 42.

<sup>21</sup>Statement of Dr. S. B. McAlister, personal interview.



Legislature why he liked the appropriation made by the last Legislature and requested a larger appropriation for rural aid in the following words,

Your attention is specially directed to the demand of our party that the sum of two million dollars (2,000,000) be appropriated to aid the country schools. Under the appropriation of one million dollars made by the Thirty-Fourth Legislature about 1450 country schools have been helped from an average term of four and a half months to more than a six months term. The appropriation of two million dollars for the same purpose will enable every country school in Texas to get much needed relief.<sup>22</sup>

Ferguson left little doubt in the minds of the people of Texas that he favored a liberal education system for rural children, and equalization of education throughout the State. Because Ferguson was impeached during his second term, it is difficult to evaluate his aid to rural schools during that period; it is significant, however, that most of the laws dealing with public school education were passed before the second called session of the Thirty-Fifth Legislature began impeachment proceedings against him.

The only constitutional amendment offered to the people of Texas upon the subject of education provided for a tax increase from twenty cents to thirty-five cents per hundred dollars valuation for state educational purposes. Besides raising revenue for general school purposes, the amendment

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<sup>22</sup>House Journal, Regular Session, 35th Legislature, p. 20.

provided for free state textbooks.<sup>23</sup> On November 5, 1918, by a vote of the people, this amendment became a part of the State Constitution.<sup>24</sup>

Both provisions of the constitutional amendment were in line with the requests of the Governor during his race for re-election; but the greatest bit of legislation, in connection with the Governor's campaign promises, was the appropriation for rural schools. The Legislature intended to follow the campaign promises made by Ferguson in his second term race, and passed what the lawmakers thought to be a \$2,000,000 bill for rural aid. Upon studying the bill, educators found that \$1,000 had been appropriated for the school year ending August 31, 1918, and \$1,000,000 for the year ending August 31, 1919.<sup>25</sup> The mistake of \$999,000 for the year 1918 was corrected by the first called session of the Thirty-Fifth Legislature when it appropriated an amount to bring the rural aid program to the requested amount.<sup>26</sup>

A bill was passed by the Legislature which aided the cities and towns in raising revenue for education. This

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<sup>23</sup>Gammel, Laws of Texas, Regular Session, 35th Legislature, Vol. XVII, p. 503.

<sup>24</sup>The Texas Almanac, 1947, p. 69.

<sup>25</sup>Gammel, Laws of Texas, Regular Session, 35th Legislature, Vol. XVII, p. 503.

<sup>26</sup>Gammel, Laws of Texas, First Called Session, 35th Legislature, Vol. XVIII, p. 7.

bill provided for the voters setting the tax rate for a city or a town at such a rate as was required to finance the schools.<sup>27</sup> This bill also aided in equalization of public school education.

Other legislation passed by the Ferguson-governed Thirty-Fifth Legislature provided for changes in granting teacher certificates,<sup>28</sup> establishment of kindergartens,<sup>29</sup> required teaching of Texas history,<sup>30</sup> new qualifications for school trustees,<sup>31</sup> and appropriated over \$62,000 to match federal funds for vocational education.<sup>32</sup>

Ferguson's public school policy met no major defeats during his two terms of office. His administrations increased the per capita apportionment and by so doing raised teachers' salaries. The Legislature also provided for aid to rural schools, which was the most important plank in Ferguson's education platform.

Even as Ferguson had fought for public school education, his ideas of higher education were a definite part of his philosophy. Ferguson had favored higher education in his first campaign, but he had stressed that the need for education was in the public schools of Texas and more

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<sup>27</sup> Ibid., Regular Session, Vol. XVII, p. 380.

<sup>28</sup> Ibid., p. 12.

<sup>29</sup> Ibid., p. 319.

<sup>30</sup> Ibid., p. 302.

<sup>31</sup> Ibid., p. 447.

<sup>32</sup> Ibid., p. 194.

specifically in the rural sections of the State; however, he called for liberal appropriations for the institutions of higher learning which would "rank Texas institutions with those of any state in the Union."<sup>33</sup>

The Thirty-Fourth Legislature appropriated a total of \$5,122,625.99 for higher education. This appropriation represented an increase of \$2,675,993.81 over the total appropriation of the Thirty-Third Legislature for higher education;<sup>34</sup> therefore Ferguson's first term of office represented a very liberal attitude toward higher education.

The regular session of the Thirty-Fourth Legislature passed three emergency appropriations amounting to over \$63,000,<sup>35</sup> but that session of the Legislature failed to pass any of the general appropriation bills which had been requested by the Governor.

The Legislature also passed a resolution providing for a constitutional amendment, which would have separated the University of Texas and the Agricultural and Mechanical College.<sup>36</sup> The Governor had opposed the separation of the

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<sup>33</sup>House Journal, Regular Session, 34th Legislature, p. 141.

<sup>34</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>35</sup>Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XVII, pp. 2, 150 and 181.

<sup>36</sup>Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XVII, p. 291.

two schools, and the people of Texas agreed with him in the election by defeating the proposed amendment.<sup>37</sup>

The first called session of the Legislature made liberal increases in appropriations for most of the institutions of higher learning, but made no major changes in the administration of these institutions.

Ferguson's platform for re-election carried provisions for a second agricultural and mechanical college to be located in the western section of Texas.<sup>38</sup> The Governor also indicated that the Thirty-Fourth Legislature was, "perhaps, generous to a fault to the cause of higher education,"<sup>39</sup> but he again called for support of the institutions of higher learning.

Ferguson's second term as Governor saw a number of educational institutions added to the chain of state supported colleges. They were as follows: East Texas Normal at Commerce was purchased at a cost of \$80,000;<sup>40</sup> Grubbs Vocational College was founded in Tarrant County at a cost of \$50,000;<sup>41</sup> John Tarlton Agricultural College was donated to the State by the citizens of Erath County;<sup>42</sup> South Texas

<sup>37</sup>The Texas Almanac, 1947-1948, p. 69.

<sup>38</sup>House Journal, Regular Session, 35th Legislature, p. 44.

<sup>39</sup>Ibid., p. 29.

<sup>40</sup>Gammel, Laws of Texas, Regular Session, 35th Legislature, Vol. XVII, p. 440.

<sup>41</sup>Ibid., pp. 260-262.

<sup>42</sup>Ibid., p. 58.

State Normal College and Stephen F. Austin Normal College were established by the Legislature at a cost of \$150,000 each, and \$30,000 was appropriated for maintenance of each of the schools;<sup>43</sup> Northeast Texas Agricultural College was to be established at a cost of \$250,000;<sup>44</sup> Sul Ross Normal College was established at a cost of \$240,000;<sup>45</sup> and an appropriation of \$500,000 was also made to establish an agricultural and mechanical college in West Texas.<sup>46</sup>

The above liberal appropriations were made for the establishment of a system of higher education throughout Texas. These appropriations were in line with Ferguson's thinking even though he did not call for the establishment of the above institutions, with the exception of an agricultural and mechanical college in West Texas. The Governor signed these liberal appropriations, and also signed liberal increased appropriations for the old established schools of Texas; but he vetoed the University appropriation bill.

Ferguson gave as a reason for vetoing the University appropriation that the bill was "grossly excessive and extravagant,"<sup>47</sup> yet his administration had established new schools and increased the appropriations for the other

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<sup>43</sup>Ibid., pp. 427-430.

<sup>44</sup>Ibid., p. 468.

<sup>45</sup>Ibid., p. 443.

<sup>46</sup>Ibid., p. 448.

<sup>47</sup>Ibid., Third Called Session, p. 2.

institutions of higher education. It seems that Ferguson favored higher education when it could reach the average income group of Texas, but felt that the University of Texas assumed too much power in State affairs, and ran counter to the average income group of the State.<sup>48</sup>

In summarizing the Ferguson administrations the following figures are given: The total amount spent on public school education in Texas in 1914, \$5,732,608; in 1915, \$6,990,407; in 1916, \$7,780,326; and in 1917, \$9,030,816. The per capita apportionment from the State Available School Fund amounted to \$8.00 in 1914-1915, \$6.00 in 1915-1916, \$7.00 in 1916-1917, \$7.50 in 1917-1918, and \$7.50 in 1918-1919.<sup>49</sup> The total amount spent on higher education in Texas was: \$2,446,632.18 spent by the Thirty-Third Legislature before Ferguson's administration; \$5,122,625.99 spent by the Thirty-Fourth Legislature; and \$6,690,310.75 spent by the Thirty-Fifth Legislature.<sup>50</sup> The average teacher's annual salary in 1915 was \$475, and that amount had increased to \$570 during the last year of Ferguson's administration.<sup>51</sup> The total amount

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<sup>48</sup> Author's opinion.

<sup>49</sup> Letter from Myrtle L. Tanner, Director of Information and Statistics, State Department of Education, Austin, Texas, April 19, 1948.

<sup>50</sup> Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-182.

<sup>51</sup> The Texas Almanac, 1947-1948, p. 372.

spent by the State for all education in Texas was \$11,419,768 in 1915-1916, \$12,593,399 in 1916-1917, \$14,730,464 in 1917-1918, and \$13,917,894 in 1918-1919.<sup>52</sup>

The above figures indicate a general trend toward increased spending in education, which was in keeping with the Ferguson platform.

In only two major cases did Ferguson fail to translate his promises to the people into law. First, the institutions of higher learning were not placed on a constitutional basis, a provision which would have granted permanent support to all the colleges of Texas. Second, the printing of textbooks in the State failed, because the legislation passed by the Thirty-Fourth Legislature was too weak.

It seems that Governor Ferguson was consistent with his philosophy on education. He favored both public school and higher education, but thought that the real need for education was on a public school level. His terms of office were marked by liberal appropriations for both public school and higher education, with the exception of a veto of the University appropriation bill in his last term of office. Even taking the University veto into consideration, it would seem that by other actions related to higher education Ferguson exhibited a friendship to all education--just as long as the "people" were benefited.<sup>53</sup>

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<sup>52</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>53</sup>Author's opinion.



William P. Hobby

Hobby ran for election for his second term upon a liberal education plank. He had filled the remainder of James Ferguson's second term; therefore, he was running upon his record as governor.

On June 30, 1918, Hobby gave views on state education as follows:

I want to commit myself unreservedly to State aid for the rural schools, and as in the past I will favor the appropriation of a million dollars for them, and I will go further and if possible, make their terms six or seven or eight months. By passing a law that if the school district pass the maximum 50¢ school tax and then have not enough money for longer terms, the State will give aid, \$1,000,000 more a year can make every school in Texas have an eight month term if it wants it.

I also favor free textbooks for all school children and better salaries for teachers. I favor the best there is for all the schools and the University of Texas, and I promise, to economize on every state activity except that of education.<sup>54</sup>

The State platform carried the above promises of the Governor into its framework. The State platform requested a nine-months school, consolidation of rural schools, support of state schools, and stabilization of the teaching profession.<sup>55</sup>

Governor Hobby told the Thirty-Sixth Legislature how he felt about education when he said,

Education that begins down at the bottom and goes all the way to the top, and education of the first class throughout the system, should in my judgment claim your first thought and receive the amplest provision.

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<sup>54</sup>The Dallas Morning News, June 30, 1918, p. 7.

<sup>55</sup>The Galveston Daily News, September 4, 1918, p. 7.

He continued his message to say that the State should not spend all of her money on education, yet "if Texas should go broke, let it be for the sake of education."<sup>56</sup>

Hobby felt that education could be financed through a fair and equitable tax upon the newly discovered wealth in Texas and upon properties escaping taxation. The governor then placed his program for education before the Legislature.

I recommend that a half million dollars for each fiscal year ending August 31, 1920, and August 31, 1921, be appropriated out of the general funds of the State to supplement the available school fund to be used by school districts under such regulations as your body may prescribe to increase the salaries of school teachers in Texas.... I urge that you make the appropriation available to supplement salaries according to rules and regulations provided by the State Superintendent of Public Instruction and approved by the State Board of Education.<sup>57</sup>

Hobby also requested: a million dollars for rural aid and support of those schools under five hundred enrollment; a million dollars for those school districts which, after levying the maximum school tax of fifty cents per hundred dollars valuation, needed more money to keep the schools open nine months; and a million dollars to make sure that apportionment per child of Texas did not fall below seven dollars and fifty cents.<sup>58</sup>

The Governor said that the requested educational appropriations were made possible by the amendment to the

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<sup>56</sup>House Journal, Regular Session, 36th Legislature, p. 147.

<sup>57</sup>Ibid.

<sup>58</sup>Ibid., p. 148.

Constitution on November 7, 1918. This amendment had provided for state aid when the tax limit of a district was insufficient to support the public schools for a term not less than six months. In such a case, the deficit could be met by appropriations from the general funds of the State.<sup>59</sup>

The Governor called for legislation which would aid and encourage the building of better roads, in order that weak school districts could be consolidated into larger units. Another request made by the Governor was that the Legislature remove the county superintendent from the realm of politics. Hobby would have accomplished this by having the superintendent selected by the county school board.<sup>60</sup>

The Governor also requested that the Legislature enact laws making it compulsory for the teachers in the schools to teach the principles of patriotism, and requiring the American flag to be exhibited on every public school house. In the same message Hobby requested that salaries of county superintendents be increased.<sup>61</sup>

The Governor expanded his higher education plank to include a constitutional amendment, which would place all the institutions of higher learning on a constitutional

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<sup>59</sup>Ibid.

<sup>60</sup>Ibid.

<sup>61</sup>Ibid.

basis.<sup>62</sup> He was very consistent with this program when he sent the following message to the Thirty-Sixth Legislature:

I recommend the submission of a constitutional amendment more clearly defining the status and making provision in the organic law for the University of Texas, the Agricultural and Mechanical College, the College of Industrial Arts, and the State Normal Schools. This amendment should set out the way for permanent development and the manner of support and maintenance of these institutions. In my judgment the opportunity for permanent development of the University of Texas and the Agricultural and Mechanical College is best presented by embracing in this amendment constitutional authority for an issue of bonds by the State not to exceed \$10,000,000 at the lowest practicable rate of interest, the proceeds to be used for the benefit of these institutions, and to constitute a permanent endowment, the principal of which shall always be kept intact and invested in such securities as are now lawful for the investment of the public school fund, while the revenue derived from such investment may become available for the building and for the development of these institutions.<sup>63</sup>

In connection with this program, Hobby requested that the Legislature place two million acres of public land, reserved for the University, on sale under conditions to be set forth by the Legislature. In this manner Hobby felt that the State could raise the ten million dollars needed to issue the needed bonds.<sup>64</sup>

The first step taken by the Thirty-Sixth Legislature to carry Hobby's platform into effect was an appropriation

<sup>62</sup>House Journal, Regular Session, 36th Legislature, p. 461.

<sup>63</sup>House Journal, Regular Session, 36th Legislature, p. 148.

<sup>64</sup>Ibid.

of two million dollars a year for the school years ending August 31, 1920, and August 31, 1921.<sup>65</sup> The Legislature also appropriated one million dollars for the available school fund. This appropriation was to be used by August 31, 1919,<sup>66</sup> and helped to keep the public schools in operation. A third appropriation made by the same Legislature was for nearly \$270,000 which was to be used to aid vocational training in the State.<sup>67</sup> A fourth large appropriation was made by the third called session of the Thirty-Sixth Legislature when that body appropriated \$4,000,000 out of the General Revenue Fund for the public free schools of Texas, which was to be used to help pay teachers salaries.<sup>68</sup> All of these appropriations represented liberal increases over the Ferguson administration.

The Legislature passed a resolution calling for a constitutional amendment, which provided for the removal of the one dollar tax limit in the cases of independent school districts, and the Legislature was to be granted the power to set the maximum tax rate for such school districts.<sup>69</sup> The amendment was passed by the people of

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<sup>65</sup>Gammel, Laws of Texas, Regular Session, 36th Legislature, Vol. XIX, p. 105.

<sup>66</sup>Ibid., p. 135.

<sup>67</sup>Ibid., p. 179.

<sup>68</sup>Ibid., Third Called Session, Vol. XX, p. 30.

<sup>69</sup>Ibid., Regular Session, Vol. XIX, p. 356.

Texas and became effective in 1920.<sup>70</sup> This legislation had been requested by the Governor when he called for better methods of financing the public schools.

During Hobby's term laws were passed which placed into operation the constitutional amendment granting the State the power to buy and distribute free textbooks. The State Board of Education was given the power to purchase textbooks from a new Textbook Fund which was created by the act, and the purchasing and distribution of the free textbooks was to be placed under the management of the State Superintendent of Public Instruction. Other rules and regulations were set forth in the law.<sup>71</sup>

An act was passed by the second called session of the Legislature which provided for state aid in those common school districts in which the State owned at least ten per cent of their land. This law was aimed at raising the revenue of those districts in which certain land was not taxed.<sup>72</sup>

The Governor, in his race for re-election, had called for consolidation of rural school districts. A bill passed the Legislature which provided for the consolidation of common and independent school districts.<sup>73</sup> This law removed

<sup>70</sup>The Texas Almanac, 1947-1948, p. 69.

<sup>71</sup>Gammel, Laws of Texas, Regular Session, 36th Legislature, Vol. XIX, pp. 43-47.

<sup>72</sup>Ibid., First Called Session, p. 171.      <sup>73</sup>Ibid., p. 162.

the need for part of the excessive number of special laws needed upon the subject of consolidation of school districts, but did not solve the consolidation problem.

Other laws passed by the Thirty-Sixth Legislature aiding public school education are as follows:

1. Increased the county superintendents' salaries.<sup>74</sup>
2. Changed requirements for teachers' certificates.<sup>75</sup>
3. Removed the ceiling on teachers' salaries.<sup>76</sup>
4. Provided that women school teachers should be paid the same compensation as men for doing the same work.<sup>77</sup>
5. To protect school funds, the Legislature defined the spending of public school money.<sup>78</sup>

Since Hobby had favored higher education in Texas, his actions in regard to its position in Texas life reflects a steady movement in the educational system of the State. Appropriations for higher education were doubled in relation to Ferguson's first administration,<sup>79</sup> but this increase was partly due to the new schools which had been added by Ferguson's second term.

<sup>74</sup>Gammel, Laws of Texas, Second Called Session, 36th Legislature, Vol. XX, p. 100.

<sup>75</sup>Ibid., p. 107.

<sup>76</sup>Ibid.

<sup>77</sup>Ibid., Regular Session, p. 145.

<sup>78</sup>Ibid., p. 189.

<sup>79</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

Hobby's administration appropriated \$9,027,850.23 for higher education. This represented an increase of \$2,337,539.48 over the appropriations of the Thirty-Fifth Legislature,<sup>80</sup> but much of this increase aided in the construction of new schools.

Hobby had requested the placing of the institutions of higher learning upon a sound basis. The Legislature complied in part with his request when it proposed an amendment to the Constitution, which was passed by the people of Texas in November, 1919. This amendment provided for the separation of the University of Texas, the Agricultural and Mechanical College, the Prairie View Normal, and the College of Industrial Arts. This act made each a separate state institution. The Texas Medical College and the School of Mines remained branches of the University, while the Prairie View State Normal and Industrial College became a branch of the Agricultural and Mechanical College. This amendment further provided for the University to receive two thirds of the permanent fund for that institution and the Agricultural and Mechanical College to receive one third of the same fund. The two schools were to apportion their share of the funds to their respective branches.<sup>81</sup>

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<sup>80</sup>Ibid.

<sup>81</sup>Gammel, Laws of Texas, Regular Session, 36th Legislature, Vol. XIX, p. 350.



The above schools were still dependent upon the Legislature for appropriations for equipment, maintenance, and certain developments.<sup>82</sup>

The amendment also provided for bond issues for the University and the Agricultural and Mechanical College.<sup>83</sup> These bond issues were in line with Hobby's ideas of financing sections of the two schools' administrations.

It would seem that the constitutional amendment passed in relation to higher education aided the schools in which changes were made for a stable source of income. Those schools which benefited from the permanent University fund were aided by a permanent source of income, even though the Legislature was still responsible for a great section of their needs through appropriations. The College of Industrial Arts and the State Normal Schools were not given a part of the permanent University fund, and were wholly at the mercy of the Legislature for all their needs.<sup>84</sup> In the case of the State Normals and the College of Industrial Arts, Hobby failed to place the schools upon a sound economic basis as he had promised in his platform.

Before leaving office Hobby summed up his administration in relation to his aid to education and its needs. His speech covered about three and one-half years of service,

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<sup>82</sup>Ibid.    <sup>83</sup>Ibid., pp. 350-353.    <sup>84</sup>Ibid.

and dealt in part with legislation passed by the last half of Ferguson's term in which Hobby acted as chief executive. Hobby wrote as follows:

During the last four years both the Legislative and Executive Departments have given more attention to the educational needs of the State than at any previous time in our history. Each session of the Legislature with the exception of the first called session of the Thirty-sixth Legislature, which enacted only one measure, as heretofore described, has given a most thorough consideration to the educational interests of the State for which reason I have deemed it advisable to in this communication summarize the Acts of the Legislature and the State Board of Education with respect thereto altogether, rather than to review those enactments by session.

The apportionment of State funds to the schools of Texas has been increased from \$7.50 in 1918 to \$14.50 per child in 1920. This increase in the per capita apportionment came at a time to relieve a crisis in school affairs when the closing of many schools and the crippling of the entire system was threatened. A total of \$7,500,000 was added to the funds for common school education, while at the same time the State ad valorem tax rate was decreased from 35 cents to 22 cents. One session of the Thirty-sixth Legislature alone convened in May for the purpose of providing support for the schools of Texas appropriated a lump sum of \$4,000,000 for the public free schools, and at the same time the sum of \$1,000,000 was appropriated for the institutions of higher learning. The revenue derived from the oil tax imposed under my administration largely supplied the funds for these appropriations. During the three years I have had the honor of serving as Chief Executive of your State, a total sum of \$63,412,065.52 has been appropriated or apportioned for education....

In addition to the splendid financial support given education, the people by the adoption of a constitutional amendment in November, 1920, removing the limitation of taxes which may be voted in country school districts as well as in city school districts, unshackled the public school system of Texas and made it possible for this State in the not remote future to rank among the first with respect to education.

The Thirty-sixth Legislature has by reason of the educational program alone it adopted recognized the foundation upon which all governments that survive

must be based, and in so doing enacted upon the statute books a monument to the members of that Legislature. Not only that, but the Thirty-sixth Legislature, redeeming all platform demands and fulfilling every pledge and promise made to the people, has established a record heretofore unequalled by any legislative body.<sup>85</sup>

Other figures of interest related to the Hobby administration are as follows: Total appropriations for the institutions of higher learning increased from \$6,690,310.75 appropriated by the Thirty-Fifth Legislature to \$9,027,860.33 appropriated by Hobby's Thirty-Sixth Legislature.<sup>86</sup> The State Government spent \$13,344,349 on public school education from all sources in the fiscal year 1920-1921. Total expenditures for all education paid from the State amounted to \$13,907,894 in the fiscal year 1918-1919, but the Hobby administration saw that amount increase to \$20,783,677 in 1919-1920 and to \$27,714,219 in 1920-1921.<sup>87</sup> Teacher's salaries increased from an average of \$570 in the fiscal year 1918-1919 to \$895 in the fiscal year 1920-1921.<sup>88</sup>

All these figures represented liberal increases in state spending for education, and all of these advancements were requested by the Governor.

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<sup>85</sup>House Journal, Regular Session, 37th Legislature, pp. 10-11.

<sup>86</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>87</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>88</sup>The Texas Almanac, 1947-1948, p. 372.

It seems that the Thirty-Sixth Legislature did carry the greater part of Hobby's promises into law, and that body went a great deal further than the requests of the Governor in relation to common school education. Nearly double the amount of money requested by the Chief Executive was appropriated by the lawmakers. Several minor requests failed to become a part of Texas law, but the financing of State education followed closely the requests of the Governor.

The major flaw in Hobby's requests to the Legislature was the failure to place the State Normal Schools and the College of Industrial Arts upon a sound financial basis.<sup>89</sup>

A great part of Hobby's administration was used in putting the program passed during the Ferguson administration into effect; therefore little was done about the creation of new schools. Hobby demonstrated that he had the interests of state education at heart.<sup>90</sup>

#### Pat M. Neff

In Pat M. Neff's opening speech for governor he reviewed Texas education and called for changes in the system as follows:

Foremost among the questions of these destiny-making days is the education of our people. Wisely did Thomas Jefferson say, "If a nation expects to be

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<sup>89</sup>Author's opinion.

<sup>90</sup>Ibid.

ignorant and free in a state of civilization, it expects what never was and never will be." I rejoice that our forefathers who died at the Alamo and who rode to fame on San Jacinto's triumphant field, wrote into the Declaration of Texas Independence that axiom of political science that "unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self-government." They also declared that "the failure of a government to provide for the education of the people is just ground for revolution." A school-less people is a non-progressive people. The school is humanity's best emblem of growth. The conquering army that will win our victories in years to come, in peace and in war, in church and in state, can be found in the 1,243,476 children of the state now within scholastic age. Every school house that stands by the roadside is a fortification for freedom, the only antidote for bolshevism. The patriotism, the prosperity, and the power of the people in the years to be will come from the school rooms, and not from the tented fields.

The money a state invests in public education is for the self-preservation of the state itself. The road over which are now traveling the future builders and defenders of our government runs through the school house. Broad-minded, high-thinking, far-visioned patriots laid deep and solid and sure the foundation stones of our educational system. Have we been building the superstructure in keeping with the splendid foundation laid? Notwithstanding Texas has the largest permanent school fund of any state in the Union, it should puncture the pride of every citizen to know that we are tenth from the bottom of the ladder of the forty-eight states, in general school efficiency. No longer can we excuse our tardiness in the development of our public schools on the theory that Texas is a pioneer state, because in wealth she stands near the head of the list of states, and in population she is surpassed by only two. We should face frankly and fearlessly our educational problem. The army draft examination showed that twenty-five per cent of our Texas boys could not read or write, and only a small per cent had advanced beyond the fourth grade.

Two hundred and fifty thousand Texas boys and girls have no school to attend worthy to be called a school, and there are more than half a million country children who have no access to high schools. I favor equal educational opportunities for all the children of all the people by greatly extending and improving educational facilities in the rural districts. An

opportunity, educational, should be given to every child. The school house door should stand open to him nine months in the year. The country school house should be made the training camp for citizenship. The highest function of the public school is to make useful citizens, loyal to Texas, and true to all the civic and moral duties of life.

I do not underrate the cultural value of education, and yet it is my judgment that our entire educational system should be changed so as to teach our boys and girls how to make a living as well as how to build a life. Teach them things to do, as well as words to know. Our country schools are too far removed from the daily thought and lifework of the average citizen of the community. The boy should be taught the elements of scientific farming, and the girl should be tutored in practical domestic economy. They should be taught to know something about the properties of the soil, its possibilities and its limitations; about plant life, its friends and its enemies; about stock raising, dairying, chicken feeding and every other thing connected in any way with home and farm life.

The school house of every community should be made an information and inspirational center. The next legislature should pass a law requiring school trustees to open the school house for use whenever the people of any community desire to come together to consider public matters. The school house belongs to the people and should be used by the people as a public gathering place. During school terms the teachers should be required, at least every two months, to put on a public entertainment at the school house, arrange a program worth while, and let citizens, children, and teachers all come together in friendly and social greeting, and in school and community pride. The community should organize, and at least once a month invite some one efficient in his work to come and discuss affairs of public concern, such as good roads, farming, banking, stock raising, courts, citizenship, functions of government, education, and public health. This would be one of the means of keeping boys and girls satisfied with country life. Each neighborhood should organize for the common good and make the school house the social and informational center.

There has never been in Texas such scarcity of school teachers as now. They are leaving the school room at a distressingly alarming rate for more lucrative fields, forced to do so on account of inadequate pay. Fifteen hundred schools are now closed in Texas for want of teachers. Thirty per cent of our teachers

have quit the profession this year, and more than half of those now teaching in our rural schools have only second-grade certificates. We need red-blooded manhood and virile womanhood in all our school rooms. Let a salary be paid that will demand the best. Not only does the self-preservation of our school system require, but common honesty demands, that we pay our public school teachers better salaries. The average salary paid the country teachers in Texas is \$436.00 a year. The average salary paid the city teacher is \$544.00 a year. Compensation should always be commensurate with necessary preparation to do the work and with the importance of the work when completed. It takes years of hard labor, coupled with great expense, to properly train a teacher. The teacher's finished product is an educated citizen. A negro cook or a street bootblack clears more money a year than the one into whose hands you commit the moral and intellectual training of your child. The average trained manual laborer gets sixty cents an hour, while the average trained teacher gets sixteen cents an hour. You can't expect to keep up the morale of the great army of teachers in Texas on half pay. You can't expect them to sing with our children in patriotic voice, "My Country, 'Tis of Thee," knowing that their state is not paying them salaries commensurate with the duty, the dignity, and the destiny of their work.<sup>91</sup>

Neff based his campaign upon aid to public schools and he did not spend a great deal of time talking about advancement for higher education.

Neff did not influence the writing of the platform of the Democratic Party of Texas; therefore the provisions of that platform can be taken only in the light of party ideas. However, the Governor requested that the Legislature follow the State platform. This platform called for the establishment and maintenance of a properly organized educational system, support of the common schools, support of rural

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<sup>91</sup>Neff, The Battles of Peace, pp. 275-278.

schools, and support of the institutions of higher learning.<sup>92</sup>

The following recommendations were made by the Governor during his first term of office:

1. The Farmers' Institute should be placed under the "educative branch in the Texas Agricultural and Mechanical College."<sup>93</sup>
2. All home economics work done by the Department of Agriculture should be placed under the supervision and administration of the College of Industrial Arts.<sup>94</sup>
3. All public funds, including those of the Agricultural and Mechanical College, should be paid into the State Treasury, and paid only under specific legislation.<sup>95</sup>
4. Aid to rural education would be signed only if the Legislature taxed luxuries and non-essentials of life for such aid.<sup>96</sup>
5. "It is earnestly recommended and urged that every dollar that can be spared be invested in the education and development of the more than one million Texas school children."<sup>97</sup>

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<sup>92</sup>Senate Journal, Regular Session, 37th Legislature, p. 121.

<sup>93</sup>Ibid., pp. 171-172.      <sup>94</sup>Ibid.      <sup>95</sup>Ibid., pp. 276-277.

<sup>96</sup>Ibid., First Called Session, pp. 10-11.

<sup>97</sup>Ibid., pp. 15-16.



6. A bill was requested to authorize the State to work with the Federal Board of Vocational Education, and to handle funds in Texas for vocational education.<sup>98</sup>
7. A bill to renew a contract with the textbook companies was opposed by the Governor. He wanted to replace the old books which were worn out with new books of a like type, and save the State nine-tenths of the money the other system would have called for.<sup>99</sup>
8. He called for appropriations within the available revenues of the State for the support of state institutions.<sup>100</sup>

There was no effort on the part of the Governor to direct the amount of money to be spent for education, but a program of consolidation was undertaken in most parts of state education upon requests of the Governor. Neff felt that the State should do away with duplication of educational service, and a strict accounting system of money spent on education should be kept.

The Governor sent a message to the second called session of the Legislature upon the topic of educational spending. The lawmakers had educational appropriation

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<sup>98</sup>Ibid., pp. 32-33.

<sup>99</sup>Ibid., p. 144.

<sup>100</sup>Ibid., Second Called Session, p. 1.

bills under consideration in the amount of twenty-two million dollars. In his message the Governor told the Senate that a twenty-two cent tax would raise only nineteen million dollars. The Chief Executive then requested that the lawmakers limit their spending to the latter amount.<sup>101</sup>

The first action taken on behalf of public schools was a \$3,000,000 appropriation for the scholastic year beginning September 1, 1921, and ending August 31, 1922, for aid to all public schools.<sup>102</sup> The first called session of the Thirty-Seventh Legislature provided \$1,500,000 for the fiscal year ending August 31, 1922, and \$1,000,000 for the fiscal year ending August 31, 1923, for aid to rural education. This bill also provided for transportation of rural children.<sup>103</sup>

The appropriations of the Thirty-Seventh Legislature proved to be inadequate to support the public school of Texas, and the Thirty-Eighth Legislature was forced to appropriate \$3,000,000 for the scholastic year beginning September 1, 1922, and ending August 31, 1923.<sup>104</sup>

<sup>101</sup>Senate Journal, Second Called Session, 37th Legislature, p. 2.

<sup>102</sup>Gammel, Laws of Texas, Regular Session, 37th Legislature, Vol. XX, p. 259.

<sup>103</sup>Ibid., First Called Session, Vol. XXI, p. 141.

<sup>104</sup>Ibid., Regular Session, 38th Legislature, Vol. XXI, p. 39.

Other appropriations made for the public schools of Texas were for vocational education. The Legislature appropriated \$165,000 for the fiscal year 1921-1922, and \$185,000 for the fiscal year 1922-1923, for vocational education to match federal funds.<sup>105</sup>

The Legislature also passed a law which provided for the payment of teachers from local funds. This, in effect, lifted maximum teachers' salaries even though the State did not appropriate such money.<sup>106</sup> A second bill provided for new standards for teacher certification.<sup>107</sup> This legislation forms the basis for classification of certificates of teachers today.

The compulsory school attendance law was amended to exempt certain blind, deaf and dumb children from compulsory attendance, and provided for the special education of such students.<sup>108</sup>

An appropriation was also made for the State Superintendent of Public Instruction to take the scholastic census in cases where there was doubt of the correctness of the reports from the local districts.<sup>109</sup>

Neff won a major victory when the Legislature passed a bill which gave the State Textbook Commission power to

<sup>105</sup>Ibid., First Called Session, 37th Legislature, p. 28.

<sup>106</sup>Ibid., Regular Session, Vol. XX, p. 211

<sup>107</sup>Ibid., p. 242.

<sup>108</sup>Ibid., p. 236.

<sup>109</sup>Ibid., First Called Session, Vol. XXI, p. 42.

renew existing contracts for textbooks, when that commission felt that the books being used were better than those which were up for adoption. This legislation gave the Commission the power requested by the Governor, even though it did not insure that new books would not be bought.

Governor Neff vetoed \$154,108.00 of \$378,139.00 emergency appropriations for the institutions of higher learning. Most of the appropriations vetoed dealt with physical improvements of the institutions, but in the case of Southwest Texas Normal College the Governor vetoed three thousand dollars for vocational home economics, which Neff had expressed a desire for in his campaign.<sup>110</sup>

A second appropriation made by the regular session of the Legislature was \$1,350,000 for the University of Texas to buy more land for its campus.<sup>111</sup> These were the only two bills of note passed during the session of the Thirty-Seventh Legislature on the subject of higher education. In fact the appropriations for the University and the colleges of the State were not made until the second called session of the Legislature.

The general appropriation bill for higher education amounted to \$4,349,861 for the fiscal year ending August 31, 1922, and \$4,014,765 for the fiscal year ending August 31, 1923, but the Governor vetoed all of the appropriations for

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<sup>110</sup>Ibid., Regular Session, pp. 108-109.

<sup>111</sup>Ibid., p. 266.

Stephen F. Austin Normal and some \$8,500 from other appropriations for higher education. These vetoes were made after the Legislature had adjourned, and were not voted upon by the lawmakers.<sup>112</sup>

There was no legislative aid to Stephen F. Austin Normal until the second called session of the Thirty-Eighth Legislature appropriated \$41,800 for its support in late 1923.<sup>113</sup> This was only a small part of the \$284,945 appropriated by the Thirty-Seventh Legislature and vetoed by the Governor.

Increased expenditures for higher education were reflected in Neff's first term of office, but the increases were, for the most part, in the newly established schools.<sup>114</sup> The Governor used his veto power dealing with higher education a great deal more than either James Ferguson or Hobby.

The Legislature authorized the appointment of a committee to make an examination of the institutions of higher learning. This committee was to look for unnecessary duplication of work in the colleges of Texas.<sup>115</sup> This

<sup>112</sup>Ibid., Second Called Session, Vol. XXI, pp. 272-360 and 368.

<sup>113</sup>Ibid., Regular Session, 38th Legislature, Vol. XXII, p. 38.

<sup>114</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>115</sup>Gammel, Laws of Texas, Second Called Session, 37th Legislature, Vol. XXI, p. 370.

committee had been called for by the Governor in a speech to the Legislature, and represented a fulfillment of a legislative request.

In very general terms during his campaign for office Neff had promised the people of Texas many advancements; then he failed to call for the enactment of several of his promises. For example, the Governor did not request legislation which would require teachers to give programs, school trustees to hold the school house open for any group, and equal education for all students.

The Governor also made a number of specific requests which the lawmakers did not heed. For example, the Farmers' Institute was not made a part of the Agricultural and Mechanical College, all home economics work done by the Department of Agriculture was not placed under the supervision of the College of Industrial Arts, and all public funds were not paid into the State Treasury. There was also a failure to give all students equal education.

Total educational spending increased on all levels from \$20,783,677 in 1920 to \$23,655,644 in 1922. Per capita spending showed a decrease from the fiscal year ending August 31, 1921, when fourteen dollars and fifty cents was paid. Both fiscal years of Neff's first term gave only thirteen dollars per capita.<sup>116</sup> This represented a defeat for educational advancement.

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<sup>116</sup>Letter from Myrtle L. Tanner, op. cit.

The only noticeable gains made by the Neff administration lay in vocational aid to education, reduction on the textbook bill, and expansion of the rural aid program. On the other side Neff used his veto power to control educational spending in the field of higher education. Even with such reductions, the spending of the Thirty-Seventh Legislature exceeded that of the Thirty-Sixth Legislature by nearly two million dollars.<sup>117</sup>

Governor Neff proved to be mainly interested in economy in government and in a general revision of its administrative machinery. Education made some advances, but it would seem that Neff's leadership had little influence upon the legislation passed.

Neff ran successfully for re-election upon his record as governor during his first term of office. His platform was summarized in relation to education in a message to the Legislature. Neff gave his twelve point program for education as follows:

First, the State must recognize education as a vital function of the government.

Second, let the State make a thorough, scientific, impartial survey of our entire educational life, and find out just what we have in an educational way.

Third, make the State the big unit of the educational system with a strong, active, aggressive State Board of Education as the administrative head.

Fourth, invest not less than fifty dollars in every child in the State within scholastic age, the

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<sup>117</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

State providing half of this amount and the local unit the other half.

Fifth, provide nine months of school each year for every child in Texas.

Sixth, tap in Texas new resources of revenue in order to get money with which to pay our educational bill.

Seventh, enact a law making a safer, saner, and more economic method of buying, distributing, and using free text-books. When a change is made in text-books let the new books be gradually introduced so as not to junk the old books.

Eighth, see to it that our scholastic census is accurately and honestly taken.

Ninth, make scholastic apportionment on the basis of actual attendance at school.

Tenth, take up the slack, stop the leaks, and eliminate the waste and duplication in our educational system.

Eleventh, provide, as far as possible, a definite income for the maintenance of our institutions of higher learning so as to take these schools out of political wrangle every two years.

Twelfth, teach the boys and girls of the State some of the practical things of life, and impress on their minds the thought that the man whose brow glistens with the beads of honest sweat is king of men "for 'a that and for 'a that."<sup>118</sup>

Neff impressed upon the Legislature that there was a definite need for money to support the educational system of the State and called for a five per cent tax on the gross value of the oil produced in Texas.<sup>119</sup> The Governor also gave the Legislature a number of questions to think about in relation to free textbooks.<sup>120</sup>

Neff did not want to serve on the State Textbook Commission. He said that the Governor did not have time to serve on the Commission, and indicated that changes

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<sup>118</sup>Senate Journal, Regular Session, 38th Legislature, p. 107.

<sup>119</sup>Ibid.

<sup>120</sup>Ibid., p. 142.



should be made to keep the Commission out of public scandals.

He continued by saying,

It is time now to appoint a new Text Book Commission. Under present conditions no school teacher in Texas who values his good name can afford to accept membership on the new Commission, and certainly no Governor should be made by law to serve on the Commission under existing circumstances which necessarily cripple the efficiency and effectiveness of his work as Governor.<sup>121</sup>

In a message to the third called session of the Legislature Neff requested the teaching of the United States Constitution and the Texas Constitution in the public schools of the State. He also requested the creation of an illiteracy commission to work with the problem of illiteracy in Texas. Neff also requested that the University be allowed to use its available funds for permanent improvements.<sup>122</sup>

Governor Neff vetoed three bills passed by the second called session of the Thirty-Eighth Legislature making appropriations for Texas education. These bills were a \$11,898,124.80 appropriation for support of educational institutions, \$3,000,000 for rural education, and \$6,000,000 for aid to public schools. The Governor likewise vetoed all of the appropriations for state government at the same time and requested that the third called session of the Legislature pass legislation in keeping with the State's income.<sup>123</sup>

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<sup>121</sup>Ibid., p. 330.    <sup>122</sup>Ibid., Third Called Session, p.112.

<sup>123</sup>Ibid., p. 65.

The regular session of the Thirty-Eighth Legislature did not pass a rural aid bill for the coming fiscal years. A \$3,000,000 emergency appropriation was made to pay for the fiscal year from September 1, 1922, to August 31, 1923, but this represented debts incurred by the Thirty-Seventh Legislature.<sup>124</sup>

After the Governor had vetoed a rural aid act for \$3,000,000 for the fiscal years ending August 31, 1924, and August 31, 1925, in the second called session of the Legislature, he later allowed an appropriation for the same amount to become law without his signature.<sup>125</sup>

A \$4,000,000 appropriation was made by the third called session of the Legislature for the public schools of the State.<sup>126</sup> This appropriation represented a \$2,000,000 reduction from the vetoed bill passed by the second called session of the Legislature.<sup>127</sup> This bill also became law without the Governor's signature.

The State Board of Vocational Education was created by the regular session of the Legislature from the State Board of Education. The duties of the above board were to receive federal money and to aid in the disbursement of the

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<sup>124</sup>Gammel, Laws of Texas, Regular Session, 38th Legislature, Vol. XXI, pp. 38-39.

<sup>125</sup>Ibid., p. 306.

<sup>126</sup>Ibid., p. 292.

<sup>127</sup>Senate Journal, Third Called Session, 38th Legislature, p. 655.

funds.<sup>128</sup> The Legislature appropriated \$490,762.32 for operating expenses of the Board in its work.<sup>129</sup>

The above bills were the only major appropriations made by the Thirty-Eighth Legislature for aid to public schools.

Some of the most important laws passed by the Thirty-Eighth Legislature upon the subject of public school education were as follows:

1. The county unit system of education became law. Under the county unit system a county board of education was elected which had the power to control the administration of the common school districts of said county. Each county had to accept the legislation before it could receive the benefits of the county unit system.<sup>130</sup>
2. A law was passed providing for emergency transfer of school children in certain cases.<sup>131</sup>
3. The compulsory education law was amended to include children from eight years of age to those fourteen years of age inclusive.<sup>132</sup>

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<sup>128</sup>Gammel, Laws of Texas, Regular Session, 38th Legislature, Vol. XXI, p. 271.

<sup>129</sup>Ibid., Third Called Session, Vol. XXII, p. 248.

<sup>130</sup>Ibid., Regular Session, Vol. XXI, p. 237.

<sup>131</sup>Ibid., p. 253.

<sup>132</sup>Ibid., p. 255.

4. Local school districts were given the power to issue bonds to pay for teacher's homes.<sup>133</sup>
5. One-fourth of a one cent tax per gallon upon gasoline was allocated to the public free schools.<sup>134</sup>
6. A bill was passed limiting the term of employment of school personnel to a two year period at one time.<sup>135</sup>
7. An investigation of the Textbook Commission was authorized,<sup>136</sup> and provisions were made for the Textbook Commission to continue its investigation after the legislative session had ended.<sup>137</sup>
8. An act was passed providing for the dissolution of consolidated school districts by a majority vote of the qualified voters of a district.<sup>138</sup>
9. A resolution was passed calling for the teaching of the State and National Constitutions in the public schools of Texas.<sup>139</sup>

The above bills did not make all the adjustments requested in the public schools of Texas, but the trend in Texas public school education was toward a stronger centralization of education in the State.

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<sup>133</sup>Ibid., p. 257.      <sup>134</sup>Ibid., p. 276.      <sup>135</sup>Ibid., p. 260.

<sup>136</sup>Ibid., p. 440.      <sup>137</sup>Ibid., p. 448.

<sup>138</sup>Ibid., Third Called Session, Vol. XXII, p. 169.

<sup>139</sup>Ibid., p. 313.

The regular session of the Thirty-Eighth Legislature failed to pass any general appropriation bill for higher education, but some \$1,421,775 was passed by the above session for emergency appropriations and building needs of the schools. The largest single item in the appropriations was \$850,000 for the establishment of Texas Technological College in West Texas.<sup>140</sup> A second large appropriation was \$300,000 for the construction of an administration building at North Texas State Normal College.<sup>141</sup>

Emergency appropriations were passed by the lawmakers in the sum of \$154,269.54, for the institutions of higher learning. This money was to be used for the fiscal year ending August 31, 1923. Another emergency appropriation for \$14,400 was made by the second called session of the Legislature for the institutions of higher learning.<sup>142</sup>

An appropriation was made in the amount of \$1,350,000 for enlarging the campus of the University of Texas.<sup>143</sup> The general appropriation bill was also passed by the third called session of the Legislature after the Governor had vetoed the entire appropriation of \$11,898,124.80

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<sup>140</sup> Ibid., Regular Session, Vol. XXI, p. 33.

<sup>141</sup> Ibid., p. 231.

<sup>142</sup> Ibid., Second Called Session, Vol. XXII, p. 95.

<sup>143</sup> Ibid., p. 179.

which had been passed by the second called session.<sup>144</sup>  
 The bill which passed the third called session of the  
 Legislature was only about two hundred thousand dollars  
 less than the original appropriation vetoed by the Governor.  
 No section of the last appropriation bill was vetoed, but  
 it also became law without the Governor's signature.<sup>145</sup>

Other acts of the Thirty-Eighth Legislature upon  
 the subject of higher education were as follows:

1. Texas Technological College was to be estab-  
 lished in West Texas.<sup>146</sup>
2. An Educational Survey Commission was created  
 to study all phases of state education.<sup>147</sup>
3. Former service men and women were not required  
 to pay dues, fees and charges except board and  
 clothing in the Texas institutions of higher  
 learning.<sup>148</sup>
4. The State Normal Schools changed their names,  
 inserting the word "Teachers" for "Normal" in  
 their titles.<sup>149</sup>

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<sup>144</sup>Senate Journal, Third Called Session, 38th Legis-  
 lature, p. 65.

<sup>145</sup>Gammel, Laws of Texas, Third Called Session, 38th  
 Legislature, Vol., XXII, pp. 282-291.

<sup>146</sup>Ibid., Second Called Session, p. 32.

<sup>147</sup>Ibid., Third Called Session, p. 258.

<sup>148</sup>Ibid., p. 316

<sup>149</sup>Ibid., p. 241.

Neff summed up his relation with the Legislature in the closing hours of the third called session of the Thirty-Eighth Legislature, June 14, 1923, when he said,

I have had no time to make an accurate analysis of the work of this session, as the most important appropriation bills have just reached my desk. A cursory observation, however, leads me to believe that you have neither provided the necessary revenue with which to meet the made appropriations, nor place the appropriations within the available revenue. So often have I submitted this proposition to you that I have no hope that you will make "tongue and buckle meet" should I again reconvene you for this purpose in another special session. I do not feel that we should at this time spend more of the people's money in marching up the legislative hill and down the legislative hill in a futile effort to do the thing that ought to be done, but which it seems is impossible for you to do.<sup>150</sup>

In Neff's book The Battles of Peace, the Governor did not claim any great victory during his tenure as chief executive. He pointed with pride to the Educational Survey Committee and urged the new Legislature to study the Committee's report. The Governor admitted that Texas did not have an adequate school system. He said the need for advancement was acute in the rural schools. Neff once again called for a larger per capita apportionment in Texas.<sup>151</sup> He estimated that forty dollars per child would pay the needs of education. Neff ended his chapter on education with these words,

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<sup>150</sup>Senate Journal, Third Called Session, 38th Legislature, p. 295.

<sup>151</sup>Neff, The Battles of Peace, pp. 29-35.

It seems to me the time has now come when Texas should lay her gold by the side of her girls, and her bounty by the side of her boys, and challenge the world to produce a higher, a nobler, or a better educated citizenship than can be found where falls the light of the Lone Star.<sup>152</sup>

In summarizing Neff's administration in terms of education the following figures are of interest: Total spending for public school education from the State Government increased from \$13,344,249 in the last year of Hobby's administration to \$21,168,674 in Neff's last fiscal year. The per capita apportionment dropped from the \$14.50 paid in Hobby's last fiscal year to \$13.00 in the fiscal years 1921-1922 and 1922-1923. In the next fiscal year, 1923-1924, the per capita apportionment dropped to \$12.00 but increased to \$14.00 in Neff's last fiscal year. Total spending for all education from the State amounted to \$27,714,219 in Hobby's last administration. Neff's terms saw the following amounts spent: \$23,655,644 in 1921-1922; \$25,578,526 in 1922-1923; \$24,916,885 in 1923-1924; and \$32,556,861 in 1924-1925.<sup>153</sup> Appropriations for the institutions of higher learning increased from \$9,027,850.33 in Hobby's administration to \$10,758,485.24 in Neff's first term and to \$12,660,091.75 in his second term.<sup>154</sup> Average

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<sup>152</sup>Ibid., p. 36.

<sup>153</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>154</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.



teachers' salaries showed a decrease in the first three years of Neff's administration. Hobby's term as governor saw an average annual salary of \$895 paid the school teachers. Neff's administration paid an average salary of \$877 in 1921-1922; \$878 in 1922-1923; \$881 in 1923-1924; and \$935 in 1924-1925.<sup>155</sup>

Most of the above figures reflected little or no advancement in education during Neff's first term and a little more pronounced improvement in his second.

Of the twelve requests made by the Governor to the Legislature upon the subject of education during his second term, at least six of them failed altogether or in part. The per capita was not raised to fifty dollars per child; nine-months schools were not made a part of Texas education; in fact some schools ran only four months; only a fifth of the tax requested on natural resources was levied; the textbook problem was not settled; the scholastic apportionment was not based upon attendance; and no definite income was provided for the institutions of higher learning.

The Governor had not made a promise to reduce the ad valorem school tax for state purposes, and it remained at its maximum of thirty-five cents per hundred dollars valuation during his entire term of office.

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<sup>155</sup>The Texas Almanac, 1947-1948, p. 372.

It would seem that Neff failed in many respects to carry out his campaign promises, but the Governor worked and placed a great deal of pressure upon the Legislature even though a large part of his legislation was cast aside. Neff often used his veto power on educational bills and did show signs of economy at the expense of education, but it would seem that his reason for using the veto was a matter of balancing the State budget.

#### Miriam A. Ferguson

Miriam Ferguson made very few speeches in her 1924 race for Governor of Texas. The principal issues of the campaign were given to the people by her husband, James Ferguson, who proposed two educational planks in his wife's platform. First, he said that the Fergusons would cut \$2,500,000 from the appropriations for the institutions of higher learning; and second, that he favored the liberal support of rural and common schools.<sup>156</sup>

James Ferguson's terms as governor from 1915 to 1917 had been marked by aid both to higher and to public school education with the exception of the veto of the University of Texas appropriation bill. James Ferguson had favored a closer per capita financial ratio between public school and higher education in his terms of office, but had signed large increases in both fields of

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<sup>156</sup>The Dallas Morning News, July 22, 1924, p. 8.

education. The University of Texas had played a large part in James Ferguson's impeachment; therefore it was not strange that his wife's platform in 1924 would be much more pronounced against higher education than that of her husband in his campaigns for office.

James Ferguson told the people of Texas that money was being spent for higher education at the "expense of the children of the farmer and poor people."<sup>157</sup>

Miriam Ferguson sent a message to the Legislature telling that body that there were three hundred thousand people in Texas who could not read or write. She felt that the six months school provided in the Constitution should be conformed to as a minimum standard. She was opposed to establishing any new colleges in the State, but wanted to improve those which had been created. Ferguson told the Legislature that she felt the \$11,500,000 requested for buildings in all state supported schools was excessive, but that she favored some building for these institutions.<sup>158</sup>

The Governor then proposed a tax on cigarettes and cigars which she told the Legislature would produce four million dollars a year. She would have distributed the money as follows: to the University and its branches

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<sup>157</sup>Ibid., July 26, 1924, p. 3.

<sup>158</sup>House Journal, Regular Session, 39th Legislature, p. 111.

one million dollars; the Agricultural and Mechanical College and its branches one million dollars; the teachers colleges, the College of Industrial Arts, and West Texas School of Technology one million dollars; and the common and country schools one million dollars.<sup>159</sup>

The Governor did not mention the reduction of \$2,500,000 which she had recommended in her campaign for governor, nor did she set the amount to be given the rural and common schools of Texas.

Miriam Ferguson's general message to the regular session of the Thirty-Ninth Legislature was the only message delivered that dealt with the subject of general education in the State, but a number of messages were sent the Legislature requesting the establishment of specific independent school districts. In the regular session of the Legislature there were some two hundred twenty-five House bills passed on the subject of local school districts.

During the first called session of the Legislature the Governor requested an investigation of the State Textbook Commission, and called for consideration of revision of the entire textbook law.<sup>160</sup> In another message Miriam Ferguson requested that the one cent per gallon tax on gasoline be increased to three or four cents. By increasing this tax the Governor hoped to provide a fifteen dollar per

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<sup>159</sup>Ibid.

<sup>160</sup>Ibid., First Called Session, p. 694.

capita apportionment for the public schools.<sup>161</sup> The Governor also requested an emergency appropriation for Stephen F. Austin State Teachers College.<sup>162</sup>

One million five hundred thousand dollars per year for the two fiscal years of Miriam Ferguson's first term were appropriated by the regular session of the Thirty-Ninth Legislature for aid to rural schools.<sup>163</sup> A second appropriation for the public schools of the State was made by the first called session of the Legislature, which provided \$3,500,000 to supplement the available public school funds. The latter appropriation was to raise the per capita apportionment from eleven dollars and fifty cents to fourteen dollars per child.<sup>164</sup> These appropriations had been requested by the Governor.

The two appropriation bills giving a total of \$6,500,000 to the public schools of the State were the only such bills for that purpose passed by the Thirty-Ninth Legislature.

Higher education appropriation bills of the Thirty-Ninth Legislature showed a decrease of about \$225,000 under that of the previous Legislature, when \$14,439,070.36 was

<sup>161</sup>Ibid., p. 696.

<sup>162</sup>Ibid., p. 1045.

<sup>163</sup>Gammel, Laws of Texas, Regular Session, 39th Legislature, Vol. XXIV, p. 292.

<sup>164</sup>Ibid., p. 37.

appropriated from state funds for higher education.<sup>165</sup>  
 This reduction fell \$2,225,000 short of the \$2,500,000  
 reduction promised in appropriations for higher education.

Both sessions of the Legislature passed only three laws  
 relating to higher education in Texas. The first gave the  
 University of Texas title to certain property in Austin,  
 which had formerly been occupied by the State Blind Insti-  
 tute.<sup>166</sup> Second, the University of Texas was given the  
 right to use the income from University owned lands for  
 building purposes.<sup>167</sup> Third, a bill was passed providing  
 for inspection and standardization of junior colleges,  
 teachers colleges, and universities in the State.<sup>168</sup> Not  
 any of the three laws had been requested by the Governor  
 in her campaign or administration.

A number of bills were passed relating to public  
 school education, even though the Governor had placed  
 little or no pressure to bear on the Legislature for their  
 passage. Some of the bills passed were as follows:

1. The maximum portion of the thirty-five cent ad  
 valorem school tax for the purchase and distri-  
 bution of free textbooks was set at seven cents  
 per hundred dollars valuation.<sup>169</sup>

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<sup>165</sup> Texas State Department of Education, The Thirty-  
 Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>166</sup> Gammel, Laws of Texas, Regular Session, 39th Legis-  
 lature, Vol. XXII, p. 451.

<sup>167</sup> Ibid., p. 415

<sup>168</sup> Ibid., p. 370.

<sup>169</sup> Ibid., p. 218.

2. The amount of bond required for depositories of independent school districts was reduced.<sup>170</sup>
3. The trustees of common or independent school districts were authorized to pay all or part of the outstanding bonded indebtedness of the district on any interest paying debt.<sup>171</sup>
4. A permanent textbook commission was created and its powers were defined by the Legislature. The commission was to be known as "The Texas State Textbook Commission."<sup>172</sup>
5. The requirements for first grade certificates for teachers were changed in such a manner that experience was taken into consideration for obtaining a permanent first grade certificate.<sup>173</sup>
6. The State Educational Survey Commission was granted two thousand dollars to spend on a survey of Texas education,<sup>174</sup> and a second act of the Legislature added another eight thousand to the commission.<sup>175</sup>

For many years the Legislature had spent a great deal of time passing special legislation creating and changing school districts. The Legislature proposed a constitutional

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<sup>170</sup>Ibid., p. 328.

<sup>171</sup>Ibid., p. 375.

<sup>172</sup>Ibid., p. 417.

<sup>173</sup>Ibid., p. 449.

<sup>174</sup>Ibid., p. 459.

<sup>175</sup>Ibid., p. 468.

amendment which eliminated the lawmakers' power to create special school districts and vested that power in the general law.<sup>176</sup> The people of Texas accepted the amendment in November, 1926.<sup>177</sup>

In summarizing Miriam Ferguson's first administration as governor of Texas, one should take into consideration several items: First of all, the Ferguson administration failed to reduce the spending on higher education as promised in their campaign. Second, there was a normal increase in rural school appropriations, but the effect the Governor had upon the passage of these is doubtful. Third, the most far reaching legislation was in relation to the constitutional amendment which gave a new basis for the creation of school districts, even though the Legislature had failed to comply with this legislation by passing general laws with special meanings.

Some figures of interest in regard to the above administration are as follows: The per capita apportionment remained at fourteen dollars during the Ferguson administration. Total spending for public school education from all state sources increased from \$21,168,674 paid the last year of Neff's administration to \$25,484,536 the last fiscal year of Miriam Ferguson's first term. Total spending for all state education dropped from \$32,556,861 in

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<sup>176</sup>Ibid., p. 682.

<sup>177</sup>The Texas Almanac, 1947-1948, p. 69.



Neff's administration to \$31,295,460 during the last fiscal year of the Ferguson administration.<sup>178</sup> Teacher's salaries increased on an average of forty dollars per year during this period.<sup>179</sup>

Higher education failed to advance in terms of other years and public school education made a normal advance. This was in light of Ferguson campaign promises, except the reduction in higher education was not so great as promised.

The year 1933 found Texas still in the midst of a depression era. Sterling had served one term as governor of Texas and was replaced by Miriam Ferguson. The nation was in the throes of change with the election of Franklin D. Roosevelt to the White House. It is little wonder that the people turned to "the people's friends" in Texas and returned the Fergusons to office.

Since economy in government had marked Miriam Ferguson's first term of office, it is not strange that economy was the keynote of the election year in 1932. Miriam Ferguson said, "Our Government will fail unless taxes come down half, save for the school children and our helpless wards."<sup>180</sup>

Aid to education became a very vital part of the

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<sup>178</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>179</sup>The Texas Almanac, 1947-1948, p. 372.

<sup>180</sup>The Dallas Morning News, July 23, 1932, p. 2.

Ferguson campaign. James Ferguson told an audience in Denton, Texas, August 25, 1932, what he considered to be the issues in the campaign:

This campaign rests squarely and solely on two issues--whether or not the school children of Texas are going to have \$2,500,000 more money, and whether or not you are going to be relieved of more taxes.<sup>181</sup>

James Ferguson advocated a gasoline tax, which he said would finance the needs of the State. Under his tax program the schools would receive one third of the revenue from such a tax.<sup>182</sup>

On August 24, 1932, James Ferguson told the people of Texas that there would be economy in government, but his platform did not include a plank calling for economy at the expense of education.<sup>183</sup> The Ferguson platform did not oppose higher education, but stressed the needs of public schools.

The State platform included Miriam Ferguson's ten-plank platform, and expressed the ideas of the Fergusons during the campaign.<sup>184</sup>

Miriam Ferguson told the Legislature that the Available School Fund had a deficit of \$3,889,543.93, when she

<sup>181</sup>The Denton Record Chronicle, August 26, 1932, p. 5.

<sup>182</sup>The Dallas Morning News, July 21, 1932, p. 2.

<sup>183</sup>Ibid., August 24, 1932, p. 7.

<sup>184</sup>The Galveston Daily News, September 14, 1932, p. 1.

assumed her office.<sup>185</sup> The Governor then gave the lawmakers her plan to finance all the State's needs by a sales tax. She told the people that they could gain from a sales tax because a per capita apportionment of seventeen dollars and fifty cents could be paid for every school child in Texas.<sup>186</sup> The program of using a sales tax to finance education was a departure from the gasoline tax though not a change in tax principle proposed in the primary elections the summer before.

During her entire term the Governor did not ask for specific legislation for the improvement of the public schools or the institutions of higher learning. Minor requests, such as, allowing the use of school funds to buy certain bonds issued by the State,<sup>187</sup> and passing a law to allow both World War and Spanish-American War veterans to attend the State schools free of charge were requested.<sup>188</sup>

The entire Ferguson program on education was tied up in the sales tax proposal made to the Legislature. The Governor did not oppose educational appropriations by message to the Legislature, but requested reductions in government spending.

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<sup>185</sup>House Journal, Regular Session, 43rd Legislature, p. 103.

<sup>186</sup>Ibid., p. 105.

<sup>187</sup>Ibid., Second Called Session, p. 12.

<sup>188</sup>Ibid., First Called Session, p. 22.

The first act passed by the Forty-Third Legislature to aid public schools was an emergency appropriation of \$1,620,041.00 to pay debts of the Sterling administration. The above appropriation represented aid to rural schools for the fiscal years 1931-1932 and 1932-1933. The aid granted under this act was itemized naming each school receiving financial help from the State.<sup>189</sup>

A rural aid appropriation of \$6,000,000 for the fiscal years 1933-1934 and 1934-1935 represented an increased appropriation of one million dollars over the allotment of the Forty-Second Legislature.<sup>190</sup> The appropriations of the Forty-Third Legislature did not represent a \$2,500,000 increase in appropriations for the school children of Texas for the next two fiscal years. In fact money from all sources decreased during Miriam Ferguson's administration. Sterling spent \$32,912,066 for all public school education in the fiscal year 1931-1932, and \$27,564,107 in the fiscal year 1932-1933. The Ferguson administration decreased the amount spent to \$23,874,107 in the fiscal year 1933-1934, and \$23,637,145 in the next fiscal year.<sup>191</sup>

The per capita apportionment was placed at sixteen

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<sup>189</sup>Gammel, Laws of Texas, Regular Session, 43rd Legislature, Vol. XXVIII, pp. 530-542.

<sup>190</sup>Ibid., p. 627.

<sup>191</sup>Letter from Myrtle L. Tanner, op. cit.

dollars during the first fiscal year and was raised to sixteen dollars and fifty cents during the second fiscal year.<sup>192</sup> The increased per capita apportionment was still one dollar below the amount spent in 1931-1932.

Miriam Ferguson's last term of office failed to aid public school education in Texas as she and her husband had promised the people. It would seem doubtful that increases could have been made with the breakdown of state finances which continued in force during Miriam Ferguson's last term of office. Both the Governor and her husband knew that the economic conditions of the State were in a very bad condition, yet they promised to give the "school children of Texas" two million five hundred thousand dollars more money. The above promise cannot be taken in the light of economic changes for the worse, for conditions actually improved in some cases, yet with this condition the Ferguson administration failed in its public school educational promises.

The Governor had not promised any changes in the administration for the public schools; therefore actions taken by the Legislature cannot be taken in relation to political promises. Some of the most important legislation passed by Miriam Ferguson's second term are as follows:

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Ibid.

1. Provisions were made for paying school taxes in two payments.<sup>193</sup>
2. Changes in the teachers' institutes were made defining certain sections of the law and changing others.<sup>194</sup>
3. Certain school districts were granted permission to borrow from the Reconstruction Finance Corporation.<sup>195</sup>
4. School districts were granted the power to hold election for cancellation and revocation of unsold school bonds.<sup>196</sup>
5. A board of equalization for school districts was provided by the Legislature. This board was to be appointed by the board of trustees of the district, and was to replace the trustees as an equalization board.<sup>197</sup>
6. Independent school districts were authorized to build or purchase recreational facilities.<sup>198</sup>
7. The bill providing for the teaching of Spanish in schools bordering Mexico was amended to allow

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<sup>193</sup>Gammel, Laws of Texas, Regular Session, 43rd Legislature, Vol. XXVIII, p. 8.

<sup>194</sup>Ibid., p. 72.

<sup>195</sup>Ibid., p. 132 and 195.

<sup>196</sup>Ibid., p. 229.

<sup>197</sup>Ibid., p. 231.

<sup>198</sup>Ibid., p. 330.

- the teaching of Spanish in the elementary grades of cities having five thousand population.<sup>199</sup>
- 8.. School trustees were authorized to issue interest bearing warrants in payment of teachers' salaries. The interest on the warrants was not to exceed four per cent, and warrants issued were not to amount to more than eighty per cent of the proceeds of the local maintenance tax.<sup>200</sup>
  9. A resolution passed by the Senate called upon the committee on classification not to withdraw the credits or to reduce the standard of any accredited high school for a period of two years. This resolution was aimed at aiding the schools to keep their rank during the depression era.<sup>201</sup>
  10. Fourteen thousand dollars was appropriated to aid the State Department of Education in its investigation and correction of the scholastic census.<sup>202</sup>
  11. An act was passed prohibiting inquiry concerning the religious affiliations of persons seeking employment in the public schools of the State. The person could be asked if he believed in a "Supreme Being."<sup>203</sup>

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<sup>199</sup>Ibid., p. 325.

<sup>200</sup>Ibid., p. 579.

<sup>201</sup>Ibid., p. 960.

<sup>202</sup>Ibid., First Called Session, p. 133.

<sup>203</sup>Ibid., p. 48.

Other than the laws listed above, there were a number of laws passed by the Forty-Third Legislature, which provided for numerous changes in the educational system. These acts were listed as general laws, but used a population range to make the legislation special in its effect.

The appropriation for every educational institution in the State was reduced by the Ferguson administration. The total legislative appropriation for education dropped from \$15,504,543.14, which had been appropriated by the Forty-Second Legislature, to \$9,209,170.98 appropriated during the Ferguson administration.<sup>204</sup>

The reduction in appropriations for the institutions of higher learning represented a reduction in State expenditures at the cost of higher education. Miriam Ferguson had been very general on the subject of higher education and only mentioned it by implication; therefore the reduction in appropriations can not be taken in relation to political promises.

The deficiency claims approved by the Legislature reached a new low when only \$7,500 was appropriated for higher education.<sup>205</sup> The Sterling administration had failed to appropriate enough for summer schools in the

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<sup>204</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183

<sup>205</sup>Gammel, Laws of Texas, Regular Session, 43rd Legislature, Vol. XXVIII, p. 130.



year 1933; therefore \$221,750.00 was appropriated for such schools.<sup>206</sup> Seventy-two thousand dollars was also appropriated to pay taxes upon the University of Texas lands.<sup>207</sup> These appropriations represented a very small donation to higher education in relation to prior deficiency and emergency appropriations.

The following are some of the acts passed by the Forty-Third Legislature upon the subject of higher education:

1. Student tuition fees were increased in state supported schools of college rank. The increase called for fees of twenty-five dollars for four and one half months of school. Other increases were made in the bill which allowed the school to finance more of its expenses from student fees than had been formerly done.<sup>208</sup>
2. No salary paid to a new teacher of the institutions of higher learning was to exceed seventy-five per cent of the maximum amount paid for the same job in the biennium ending August 31, 1933. A large number of other regulations were passed upon salaries and spending in general for the colleges of the State.<sup>209</sup> The bill was aimed at

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<sup>206</sup>Ibid., p. 528.

<sup>207</sup>Ibid., Third Called Session, Vol. XXIX, p. 91.

<sup>208</sup>Ibid., Regular Session, Vol. XXVIII, p. 596.

<sup>209</sup>Ibid., pp. 719-726.

reducing the State government's expenses on higher education, and the regulations passed were intended to reduce the expense of the above institutions.

3. The State institutions of higher learning were granted the power to retain control of fees and other institutional incomes. This bill repealed the parts of the above bill which called for all school money to be placed in the State treasury.<sup>210</sup>
4. The power of eminent domain was conferred upon the Board of Regents of the University of Texas.<sup>211</sup>
5. The Board of Regents of the University of Texas was granted power to execute \$1,200,000 in bonds to complete the main building at the University.<sup>212</sup>
6. Additional powers were granted the Board of Directors of the Agricultural and Mechanical College in the financing of their building program.<sup>213</sup>
7. The governing boards of the educational institutions were authorized to borrow money from federal agencies.<sup>214</sup>

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<sup>210</sup> Ibid., p. 746.

<sup>211</sup> Ibid., First Called Session, p. 77.

<sup>212</sup> Ibid., p. 191.

<sup>213</sup> Ibid., p. 195.

<sup>214</sup> Ibid., Second Called Session, Vol. XXIX, p. 14.

8. The Governor was authorized to refund the principal on state school bonds which had not been paid by issuing new bonds in their place. The object of this act was to aid in the sale of Texas Relief Bonds, for as long as the State would not pay certain bonds the people would not purchase the Texas Relief Bonds.<sup>215</sup>
9. Cities containing a junior college were authorized to issue bonds for establishing community centers.<sup>216</sup>

The above legislation represented a movement toward economy in education on a state level, and increased support from the local units of education by means of bonds and federal aid. It would seem that the Ferguson administration removed a great deal of state support from such schools, but provided for a great part of the program which the institutions of higher learning have had to advance. Once again, this legislation provided a savings at a state level for higher education, but this reduction can not be taken in relation to an educational promise. The reduction is related to the Ferguson plank calling for economy in government.

The movement away from state aid to education during Miriam Ferguson's second term and the small increase in

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<sup>215</sup>Ibid., p. 145.

<sup>216</sup>Ibid., Third Called Session, p. 79.

rural aid appropriations were not reflected in the overall educational picture. The State Comptroller's Report shows that the following amounts were expended on education from all sources, including federal: in 1932, \$38,818,316; in 1933, \$40,529,256; in 1934, \$41,790,678; in 1935, \$40,571,543; and in 1936, \$43,271,052.<sup>217</sup> Even though there was a decrease in spending in 1935, the general picture of educational expenditures for education increased during the depression era.

#### Dan Moody

Moody was very specific in his recommendations on Texas education. In his speech at Taylor, Texas, May 8, 1926, he advocated the following program for education in the State:

- (1) Provision for maintenance, with state aid, of at least a six months school term in accordance with the Constitution and an increase in the term as rapidly as possible.
- (2) Provision at public expense for at least a high school education for every boy and girl in Texas, making possible, a high school education for boys and girls in rural communities.
- (3) Continuance of appropriations for rural aid, as an equalization fund to enable weak rural districts to maintain efficient schools.
- (4) A revision of the present consolidation laws in order that the establishment of rural high schools may be encouraged.
- (5) The adoption of an efficient practice plan for adult education, in order that adult illiteracy may be reduced.

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<sup>217</sup>Letter from Myrtle L. Tanner, op. cit.

(6) Revision of the present text book law for the purpose of serving the interest of the children of Texas, and not the interest of text book publishers.<sup>218</sup>

Other sections of Moody's speech requested the following adjustments in Texas education: fifteen dollars per capita for the public school children of the State, adequate pay for all school teachers, liberal support for higher education, and reorganization of the educational administrative machinery.<sup>219</sup>

Moody told the people of Taylor that he favored all types of education, and he offered the following plan to raise the needed revenue:

That money is needed will admit of no debate. However, upon the discussion of money, we are immediately confronted by the demand on the part of the tax-burdened people that taxes shall not be increased, and for economy in expenditure of public revenue.

I am opposed to an increase in taxes, which means to say that I favor the supplementing of the available fund by appropriations from the general revenue in amounts sufficient to raise the per capita apportionment to \$15 for each child.<sup>220</sup>

The State platform followed the Governor's campaign promises when it asked for fifteen dollars per capita, rural high schools, rural aid, higher learning support, and new textbook laws. The one big difference in Moody's promises and the State platform lay in a plank on aid to public schools which read as follows:<sup>221</sup>

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<sup>218</sup>The Galveston Daily News, May 9, 1926, p. 15.

<sup>219</sup>Ibid.

<sup>220</sup>Ibid.

<sup>221</sup>House Journal, Regular Session, 40th Legislature, p. 32.

The revenue now available for the support of the next ensuing scholastic year appears insufficient to provide for the maintenance and support of an efficient system of public free schools, for the period of time contemplated by the Constitution. We recommend that the legislature supplement the revenues of the public schools to such extent as may be found necessary and by such means as shall be by them found most practicable, to the end that the school children of this State may not suffer by reason of a short school term.<sup>222</sup>

This section of the State platform differed from Moody's platform, in that he had requested that any increase in funds should come from the General Revenue Fund, while the State platform implied that new income sources might be needed.

The State platform also requested that sources of revenue be found to support adequately the institutions of higher learning, and requested that duplication of work by such institutions should be eliminated.<sup>223</sup>

Moody asked the Fortieth Legislature to look toward the improvement of the education laws.<sup>224</sup> In this speech Moody stressed the need for both public school and higher education, and requested that the Legislature find a way to finance both.<sup>225</sup>

In the same message the Governor called for " a stabilized income based upon the taxable wealth of the State for the support of our institutions of learning, so that

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<sup>222</sup>Ibid.

<sup>223</sup>Ibid., p. 33.

<sup>224</sup>Ibid., p. 100.

<sup>225</sup>Ibid., p. 107.

every child shall have an equal opportunity to secure instruction for the same period of time."<sup>226</sup>

Moody waited until the first called session of the Legislature to issue a second message upon the subject of education. In this message the Governor told the lawmakers that an increase in the gasoline tax had yielded more money to the available school fund; therefore, he stated the lawmakers would not be called upon to appropriate large amounts from the General Revenue Fund.<sup>227</sup>

The Governor favored a liberal policy toward public schools, but did not place much stress on the needs of the colleges. He felt that public school education was the gate to the colleges and should be looked after first.<sup>228</sup>

No appropriations were made by the regular session of the Legislature for public schools, but the first called session of the Legislature appropriated a total of \$3,200,000 for support of the rural schools.<sup>229</sup> That body also appropriated \$1,500,000 to supplement the State Available School Fund.<sup>230</sup> Aside from these two appropriations the lawmakers appropriated about \$625,000 for the vocational education division of the State Department

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<sup>226</sup> Ibid., p. 107.    <sup>227</sup> Ibid., First Called Session, p. 14.

<sup>228</sup> Ibid.

<sup>229</sup> Gammel, Laws of Texas, First Called Session, 40th Legislature, Vol. XXV, p. 105.

<sup>230</sup> Ibid., p. 173.

of Education.<sup>231</sup> These three appropriations represented a decrease in legislative aid to the public schools of over one million dollars, but the increased gasoline tax enabled an increase of the per capita apportionment to fifteen dollars per child.<sup>232</sup> The Fifteen dollar per capita fulfilled the political promises of Moody in his first campaign for office in relation to such aid, but the gasoline tax had represented a new tax, which the Governor said he opposed.

The Legislature passed the following bills upon the subject of public school education in Texas:

1. A bill providing means of abolishing independent school districts.<sup>233</sup>
2. Teachers holding an "Elementary Permanent Certificate" were allowed to teach on any grade level.<sup>234</sup>
3. Common school districts of more than one hundred and twenty-five square miles were given the power to reduce their size.<sup>235</sup>
4. A constitutional amendment was passed by the people of Texas which gave the Legislature the power to

<sup>231</sup>Ibid., p. 279.

<sup>232</sup>Ibid., p. 142 and Texas State Department of Education, The Twenty-Fifth Biennial Report, 1926-1927 and 1927-1928, p. 337.

<sup>233</sup>Gammel, Laws of Texas, Regular Session, 40th Legislature, Vol. XXV, p. 444.

<sup>234</sup>Ibid., p. 386.

<sup>235</sup>Ibid., p. 239.



fix terms of office for the employees of public schools and institutions of higher learning.

The same amendment created the State Board of Education.<sup>236</sup>

5. A citizen was given the right to appeal from the County Board of School Trustees to a court having proper jurisdiction or to the State Superintendent of Public Instruction if certain regulations were met after a ruling of a county board.<sup>237</sup>
6. Free tuition was provided for those students who did not have a high school in their district. This legislation enabled them to attend a high school in another district.<sup>238</sup>
7. Teachers institutes were provided for a two day period before the opening of schools in each county. These institutes were placed under the supervision of the county superintendent.<sup>239</sup>
8. A bill was passed authorizing banks to accept warrants and charge interest on such warrants in event there was a shortage in school funds.<sup>240</sup>

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<sup>236</sup>The Texas Almanac, 1947-1948, p. 71.

<sup>237</sup>Gammel, Laws of Texas, Regular Session, 40th Legislature, Vol. XXV, p. 129.

<sup>238</sup>Ibid., p. 259.

<sup>239</sup>Ibid., p. 282.

<sup>240</sup>Ibid., p. 385.

9. An increase in salary was granted certain county superintendents.<sup>241</sup>
10. Elementary schools along the Mexican border were authorized to teach the Spanish language provided that English was used as the common language for the rest of the school.<sup>242</sup>
11. A permanent "Texas State Textbook Commission" was formed of seven members appointed by the Governor, and a general revision of the textbook law was made by the Legislature.<sup>243</sup>
12. A bill was passed which aided the formation of independent school districts, and provided for elections in such districts.<sup>244</sup>
13. Public health nurses could be employed by the commissioners court to inspect health conditions in the schools of a county.<sup>245</sup>
14. A bill was passed to allow rural high school districts to issue bonds. This amended the previous law in relation to such financing.<sup>246</sup>
15. Taxation of State prison property for school bond purposes was authorized.<sup>247</sup>

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<sup>241</sup>Ibid., pp. 393-394

<sup>242</sup>Ibid., p. 267.

<sup>243</sup>Ibid., p. 308.

<sup>244</sup>Ibid., p. 353.

<sup>245</sup>Ibid., p. 243.

<sup>246</sup>Ibid., First Called Session, p. 206.

<sup>247</sup>Ibid., p. 224.

16. Taxation of county-owned school land for school purposes was authorized.<sup>248</sup>
17. A law was passed providing changes in the formation and change of school districts in such a manner as to remove the "uncertainty as to the method of increasing or diminishing the area of school districts."<sup>249</sup>
18. A system of rural school supervision was provided in lieu of teachers' institutes in certain counties.<sup>250</sup>
19. Teachers' certificates could be kept in force by a teacher's taking four subjects at a summer school in any of the colleges of the State.<sup>251</sup>

None of this legislation had been opposed by Moody; therefore, his signature represented his endorsement of those acts passed. He did not use his veto power in relation to public school education during his first term.

Moody's first term of office was marked by an increase in appropriations for the institutions of higher learning. The Fortieth Legislature appropriated \$15,049,582.17 to higher education in comparison with \$13,825,342.15 appropriated by the Ferguson Administered Thirty-Ninth Legislature. The University, the John Tarleton Agricultural

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<sup>248</sup> Ibid., p. 20.

<sup>249</sup> Ibid., p. 233.

<sup>250</sup> Ibid., p. 249.

<sup>251</sup> Ibid., p. 115.

College, the North Texas Agricultural College, the Texas Technological College, and the Prairie View State Normal and Industrial College all received increases in appropriations over the previous year. The state teachers colleges, the College of Industrial Arts, and the Agricultural and Mechanical College all received reduced appropriations in comparison with those for the fiscal year 1925-1926.<sup>252</sup>

Very few changes were made by the Fortieth Legislature in the structure and administration of the institutions of higher learning. The most far-reaching bill passed was used to regulate and limit fees and charges at state educational institutions. This bill provided that a matriculation fee not to exceed thirty dollars for any term of nine months could be charged by a state supported institution. An additional charge of four dollars for each laboratory course for actual supplies used could also be levied. This bill did not restrict the colleges in collecting fees for expense of student activities, but a student was not to be required by the institution to pay such charges.<sup>253</sup>

Other bills passed by the Legislature made the following changes: increased the board of regents of

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<sup>252</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>253</sup>Gammel, Laws of Texas, Regular Session, 40th Legislature, Vol. XXV, pp. 350-352.

the College of Industrial Arts from six to nine members,<sup>254</sup> appropriated ten thousand dollars for a memorial tablet in Texas Memorial Stadium,<sup>255</sup> The above three changes in higher education was the total accomplishment of the Fortieth Legislature in relation to changes in higher education. Moody had not asked for specific changes; therefore only the appropriation section of his higher education program can be taken in relation to his promises.

In summarizing the results of Moody's first term in relation to his political promises the following should be taken into consideration: First, the gasoline tax represented an increase in income for the public schools even though the Governor had promised that new taxes would not be needed. Second, teachers' average salaries were increased from \$975 in Miriam Ferguson's first term to \$1,014 and \$1,110 during the first two years of Moody's administration.<sup>256</sup> Third, total spending on public schools by the State Government increased from \$25,484,536 during Miriam Ferguson's first term to \$25,949,185 and \$29,398,699 during the two fiscal years of Moody's first term.<sup>257</sup> Fourth, the per capita apportionment of fifteen dollars promised by the Governor was paid during both fiscal years

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<sup>254</sup>Ibid., p. 216.

<sup>255</sup>Ibid., p. 242.

<sup>256</sup>The Texas Almanac, 1947-1948, p. 372.

<sup>257</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

of Moody's first term. And fifth, total spending for all education from the State amounted to \$31,295,460 in the fiscal year before Moody's administration and increased to \$33,712,503 in the fiscal year 1927-1928 and to \$34,449,947 in the fiscal year 1928-1929.<sup>258</sup>

These figures represent a general trend toward the advancement of education in line with Moody's campaign promises. The Governor failed in providing for adult education as he had promised in his campaign, but this defeat represented the only major failure relating to education.

Moody ran for re-election upon his first term record. The Governor told the people of Paris, Texas, that the tax rate was the lowest in fourteen years and school pay was the highest. He increased the per capita apportionment for public schools from fourteen dollars per year to fifteen dollars, which was then the limit, and said if this limit were removed that sixteen dollars per capita could be paid in 1929.<sup>259</sup>

In Waco, Texas, the Governor told the people that all school debts had been paid. He also pointed out that the \$1,500,000 appropriated by the Fortieth Legislature would not be needed for aid to the public schools. Moody told

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<sup>258</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>259</sup>The Dallas Morning News, July 19, 1928, p. 2.

the people that the new textbook law passed by the last Legislature would save the State \$100,000 annually, and a contract to rebind and rebuild books saved Texas \$187,000 the first year.<sup>260</sup>

In these two speeches Moody told of the actions of the Legislature and his office, but did not give specific planks upon what he would do during his next term of office.

After Moody's re-election he told the Forty-First Legislature of the \$1,500,000 not expended by his first term of office.<sup>261</sup> The Governor then issued the following specific ideas on what should be done in the field of education:

At the last general election the people adopted an amendment to Section 8, of Article 7, of the Constitution, giving you the power by law for a State Board of Education, whose members are to be appointed or elected, as you may determine, and to serve for such a term of years as you may prescribe, not to exceed six years.<sup>262</sup>

The Governor then offered a program which would provide a State Board of Education of nine members, appointed by the Governor with terms of six years. This program called for no salary for the Board, and placed a number of restrictions upon board membership.<sup>263</sup> The Governor

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<sup>260</sup> Ibid., July 28, 1928, p. 2.

<sup>261</sup> House Journal, Regular Session, 41st Legislature, p. 21.

<sup>262</sup> Ibid., p. 26.

<sup>263</sup> Ibid.

then requested reorganization of the State Department of Education in the following words:

I believe that the Department of Education, as reorganized under the new Board of Education, should include a division of higher education, which, in addition to collecting information concerning our institutions of higher learning, should so familiarize itself with our general education scheme as it affects higher education that it would be able to direct legislative attention to any needless duplication of effort in our institutions of higher education and present a means of correcting the several activities and purposes of our colleges and universities. This would not involve the creation of new positions.<sup>264</sup>

In connection with aid to education the Governor had the following to say:

...The Legislature can submit, and I believe the people would adopt, an amendment providing for a county-wide tax to create a county equalization fund for county-wide school support. It would help make rural life more attractive and do simple justice by the people who live on the farms and are undertaking to educate their children, because it would afford better rural schools. I hope that you will give careful consideration to this suggestion....General efficiency and material improvement in rural education can be promoted by placing it under the same plane for administrative purposes as cities and towns....I think that it logically follows that rural education would profit by allowing the county school board to select the county superintendent.<sup>265</sup>

Moody convened five special sessions of the Legislature, and all sessions considered education in one form or another. The recommendations of the Governor to the Legislature had little relation to his race for re-election other than the fact that he advocated, in principle, those things which he had done during his first term of office. Moody left the

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<sup>264</sup> Ibid., p. 27.

<sup>265</sup> Ibid., pp. 27-29.



impression in all of his speeches before and after his election for a second term that he favored increases for all types of education, but was interested in rural education most of all.

Even though \$1,500,000 was not needed to aid the public schools, an appropriation of \$175,000 was needed for aid to rural schools, and was passed by the regular session of the Forty-First Legislature.<sup>266</sup> The lawmakers repealed the \$1,500,000 appropriation made by the Fortieth Legislature, because the law had provided a ceiling of fifteen dollars per capita, and that amount had been met without need from the above sum.<sup>267</sup>

A second emergency rural aid appropriation was passed by the Legislature for the fiscal year ending August 31, 1929, for a sum of \$450,000.<sup>268</sup> The two emergency rural aid appropriations totaled \$625,000, which lowered the savings claimed by the Governor to less than a million dollars.

The Forty-First Legislature passed a rural aid appropriation bill of \$5,500,000, which was vetoed by the Governor.<sup>269</sup> The Governor gave as a reason for his veto the fact that he would veto all bills until the Legislature

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<sup>266</sup>Gammel, Laws of Texas, Regular Session, 41st Legislature, Vol. XXVI, p. 339.

<sup>267</sup>Ibid., p. 38.

<sup>268</sup>Ibid., Second Called Session, p. 19.

<sup>269</sup>Ibid., p. 57.

placed state income and appropriations equal to one another.<sup>270</sup> The second called session of the Legislature later appropriated \$5,000,000 for rural aid, and the bill was signed by the Governor.<sup>271</sup> This appropriation represented over a million dollar increase in moneys given rural education.

Rural high schools also benefited from rural aid appropriations. The lawmakers appropriated an additional \$800,000 for the needs of rural high schools.<sup>272</sup>

There was no appropriation from the General Revenue Fund to support the public schools of the State as a group, but the gasoline tax was increased from three cents a gallon to four cents a gallon,<sup>273</sup> which provided added revenue in the Available School Fund.

The Forty-First Legislature was active in passing a large number of bills changing the system of public education in Texas. Some of the most important acts passed by the Legislature are as follows:

1. Salary increases were given to a number of county superintendents.<sup>274</sup>
2. Textbooks were to be provided to high schools for choice from a multiple list in certain cases.<sup>275</sup>

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<sup>270</sup>Ibid., p. 778.

<sup>271</sup>Ibid., p. 252.

<sup>272</sup>Ibid., Fifth Called Session, Vol. XXII, p. 197.

<sup>273</sup>Ibid., Regular Session, Vol. XXVI, p. 181.

<sup>274</sup>Ibid., Regular Session, pp. 90 and 323. <sup>275</sup>Ibid., p. 451.

3. General legislation was passed providing for special cases in division of school districts in certain counties.<sup>276</sup>
4. The power of eminent domain was conferred for school playground purposes.<sup>277</sup>
5. The minimum school age was reduced from seven to six years.<sup>278</sup>
6. A bill passed providing places in which the permanent school fund might be invested.<sup>279</sup>
7. Provision was made for the teaching of physical education in all the public schools of Texas.<sup>280</sup>
8. The number of courses required to keep a teacher's certificate in force in certain cases was decreased from four to three.<sup>281</sup>
9. All people who taught in the public schools of Texas were required to be American citizens.<sup>282</sup>
10. The teaching of the constitutions of the United States and Texas was required of public schools and institutions of higher learning in Texas. All students were required to enroll in such courses, and provisions were made for textbooks for the subject.<sup>283</sup>

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<sup>276</sup>Ibid., p. 290.

<sup>278</sup>Ibid., p. 232.

<sup>280</sup>Ibid., p. 466.

<sup>282</sup>Ibid., p. 72.

<sup>277</sup>Ibid., p. 370.

<sup>279</sup>Ibid., p. 573.

<sup>281</sup>Ibid., p. 53.

<sup>283</sup>Ibid., p. 494.

11. A State Board of Education was created in accord with the provisions of the constitutional amendment passed the previous year.<sup>284</sup> The Legislature followed all of Moody's recommendations in the creation of the Board, and the State Board of Education was granted the power to appoint the State Textbook Committee, which was to be composed of five members. The latter requirement had also been requested by the Governor.<sup>285</sup>
12. Federal aid was accepted by the Legislature for vocational education of disabled persons.<sup>286</sup>
13. The county board of trustees were authorized to detach territory from one school district and attach it to another.<sup>287</sup>
14. Classification of elementary and high schools was placed in the hands of the county boards of trustees, and free tuition for certain high school students was provided.<sup>288</sup>
15. The maximum rate of tax to be levied for the purpose of issuing bonds and maintaining public schools in certain school districts was set at

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<sup>284</sup>Ibid., First Called Session, p. 86.

<sup>285</sup>Ibid., Second Called Session, p. 12.

<sup>286</sup>Ibid., First Called Session, p. 57.

<sup>287</sup>Ibid., p. 106.

<sup>288</sup>Ibid., p. 2.

one dollar and fifty cents per hundred dollars valuation.<sup>289</sup>

16. Regulations were made which required more care in handling the transportation of pupils.<sup>290</sup>
17. Provisions were made to set the ceiling of the per capita apportionment at seventeen dollars and fifty cents per child.<sup>291</sup>
18. A bill was passed providing for filling vacancies in the office of school trustees.<sup>292</sup>
19. Rural school supervisors salaries were to be sent by the county board of school trustees, and were not to exceed eighteen hundred dollars per year.<sup>293</sup>
20. The salary and expenses of the county superintendent's office was changed in such a manner that both common and independent school districts were required to support them.<sup>294</sup>
21. A majority of the qualified voters of a district and a majority of the school trustees had to petition the county board of school trustees

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<sup>289</sup>Ibid., p. 187.

<sup>290</sup>Ibid., p. 96.

<sup>291</sup>Ibid., Third Called Session, p. 527.

<sup>292</sup>Ibid., Second Called Session, p. 3.

<sup>293</sup>Ibid., Fourth Called Session, Vol. XXVII, p. 75.

<sup>294</sup>Ibid., p. 90.

before a common school district would be changed into an independent school district.<sup>295</sup>

22. Provisions were made to extend rural school appropriations into the next fiscal year in order that such money, which was not used in the current year, might be used in the next. This applied in a specific case.<sup>296</sup>
23. The period of teachers' maximum contract was extended to three years in a district with more than five thousand scholastic population.<sup>297</sup>
24. State prison land was made subject to school district maintenance taxes.<sup>298</sup>
25. Terms of office for county superintendents were extended to four years.<sup>299</sup>

Moody's second term of office was marked by the creation of a new State Board of Education. The Board was created, for the greater part, in accordance with the Governor's message to the Legislature. The State Text-book Commission was also changed in accord with the wishes expressed by the Governor to the Legislature. No constitutional amendment was offered the people of Texas to

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<sup>295</sup>Ibid., p. 117.

<sup>296</sup>Ibid., Fifth Called Session, p. 194.

<sup>297</sup>Ibid., Fourth Called Session, p. 123.

<sup>298</sup>Ibid., Fifth Called Session, p. 190.

<sup>299</sup>Ibid., p. 207.

provide for a county-wide equalization fund as requested by the Governor, and no great changes were made in the administration of rural schools along the line of city and town schools, an improvement which had also been requested by Moody. All the above requests were made to the Legislature and did not represent political promises to the people of Texas. Moody was careful to steer clear of political promises in his second race, and merely told the people what he had done during his first term of office.

As a matter of record the per capita apportionment was increased from fifteen dollars to seventeen dollars and fifty cents. This increase occurred during Moody's second term of office and did not represent a political promise.<sup>300</sup>

An average increase of one hundred and four dollars per year in teachers' average salaries was registered during Moody's two terms.<sup>301</sup> The total public school apportionment increased from \$20,551,230 in the fiscal year 1927-1928, to \$27,342,473 in the fiscal year 1930-1931, while at the same time the school population increased from 1,370,082 in the school year 1927-1928, to 1,562,427 in the school year 1930-1931.<sup>302</sup>

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<sup>300</sup>The Texas Almanac, 1947-1948, p. 371.

<sup>301</sup>Ibid., p. 372.

<sup>302</sup>Letter from Myrtle L. Tanner, op. cit.

During Moody's second term of office the Legislature appropriated \$16,164,290 for the institutions of higher learning. This figure reflects an increase over the \$15,049,582.17 appropriated in the Governor's first term of office. Increased appropriations were made to the University, the Agricultural and Mechanical College, the John Tarleton Agricultural College, the College of Industrial Arts, and the teachers colleges. Decreases in appropriations were reflected in the Prairie View State Normal, and the Texas Technological College.<sup>303</sup> Since the Governor had been running on his record of aid to higher education, but had made no specific promises in relation to finance for his second term, these figures can be taken only as a trend in higher educational appropriations. The figures do not represent a personal effort on the part of the Chief Executive to pass educational appropriations for the colleges of Texas.<sup>304</sup>

A number of changes were made in the educational system of the colleges of the State. Some of these are as follows:

1. A board was created to handle the sale of oil and gas on University lands.<sup>305</sup>
2. The building of junior colleges was authorized in districts where taxable values amounted to more

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<sup>303</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>304</sup>Author's opinion.



than twelve million dollars. A maximum tax of twenty cents per hundred dollars valuation was authorized to finance such schools.<sup>306</sup>

3. A constitutional amendment was offered by the Legislature and passed by the voters, which provided that University lands could be taxed for school purposes as any other lands.<sup>307</sup>
4. The Board of Regents of the Texas State Teachers Colleges was authorized to enter into contracts for the erection of dormitories which were to be financed by bonds.<sup>308</sup>
5. South Texas State Teachers College was converted into Texas College of Arts and Industries.<sup>309</sup>
6. The teaching of the Constitution of the United States and of Texas was required in the institutions of higher learning as well as in the public schools.<sup>310</sup>
7. The Board of Regents of the College of Industrial Arts was authorized to provide for dormitories for that school through the sale of bonds.<sup>311</sup>

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<sup>306</sup> Ibid., p. 648.

<sup>307</sup> The Texas Almanac, 1947-1948, p. 71.

<sup>308</sup> Gammel, Laws of Texas, Regular Session, 41st Legislature, Vol. XXVI, p. 447.

<sup>309</sup> Ibid., p. 627.

<sup>310</sup> Ibid., p. 494.

<sup>311</sup> Ibid., First Called Session, p. 55.

8. The power of eminent domain was granted to North Texas Junior Agricultural Mechanical and Industrial College to acquire lands which were needed by the school.<sup>312</sup>
9. The Agricultural and Mechanical College was authorized to acquire permanent improvements, including dormitories, stadiums, and athletic fields. These improvements were to be paid for out of revenue from these improvements.<sup>313</sup>
10. Spanish-American war veterans were exempt from paying fees in state colleges.<sup>314</sup>
11. The State Historical Collection of the North Texas State Teachers College was created by an act of the Legislature.<sup>315</sup>

The most important part of the above legislation was the passage of a bill which allowed the institutions of higher learning to finance dormitories with bonds. This placed the burden of payment for such improvements upon the students living in the bond-financed dormitories, and relieved the State from paying for their construction. Moody had not advocated this plan, but it represented a new phase in college building financing which has allowed

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<sup>312</sup>Ibid., p. 105.

<sup>313</sup>Ibid., Second Called Session, p. 162.

<sup>314</sup>Ibid., p. 90.

<sup>315</sup>Ibid., Fifth Called Session, Vol. XXVII, p. 189.

many of the State institutions of higher learning to grow without any building aid from the State Government.

Moody's terms of office represented a gradual improvement in the Texas school system. It would seem that most of his major policies in school financing were enacted into law, but a great per cent of this increase came as a result of increased gasoline taxes being allocated to education. It would also seem that Moody was a great deal less specific on educational matters than on other matters of his platform.<sup>316</sup>

Moody's terms as governor saw large appropriations for rural education, and a decrease in appropriations from the general fund to support all schools. He summed up his idea of public school education by saying this to the Forty-Second Legislature, "Education is a state problem and not just a district problem."<sup>317</sup>

#### Ross S. Sterling

Ross S. Sterling opened his campaign for governor upon his record in the State Highway Department under Moody's administration. Sterling's eight plank platform devoted a very general statement to education in Texas when it favored,

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<sup>316</sup> Author's opinion.

<sup>317</sup> House Journal, Regular Session, 42nd Legislature, p. 20.

Improvement and enlargement of our public school system, affording more and better free education to the boys and girls of Texas.<sup>318</sup>

The above plank did not propose a means of achieving the stated objective, and did not mention higher education unless it was included in the "public school system."

Sterling expanded his position on education when he issued the following message to the Forty-Second Legislature:

Rural children are entitled to equal opportunities with urban children. Placing a premium upon city residence, through superior school facilities, tends to tear down the greatest stronghold of our civilization, country life. Our educational laws should be developed as rapidly as consistently possible to the point of affording every Texas boy and girl the chance to obtain a good education through high school. Also the State institutions of higher learning must be given adequate support--all to the end that Texas may take her proper leading place in educational rank among the States of the Nation.<sup>319</sup>

Sterling's administration was during the depths of a depression period in the United States; therefore, the Governor and the Legislature were attempting to economize on the cost of government. There were few speeches or messages upon the subject of education during Sterling's term of office.

In a message to the first called session of the Legislature, Sterling told the lawmakers that a ruling of the Supreme Court of Texas had deprived a number of

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<sup>318</sup>The Dallas Morning News, July 25, 1930, p. 9.

<sup>319</sup>House Journal, Regular Session, 42nd Legislature, p. 87.

pupils in common and independent school districts of free tuition. The Governor then requested that provisions should be made to assure those students such aid.<sup>320</sup>

A second request made by the Governor was that the Legislature should allow the State Department of Education to pay not more than fifty thousand dollars from the rural aid appropriation of 1932-1933 for back expenses of 1931-1932.<sup>321</sup>

The program advocated by the Governor did not develop into an expanding program of education, but into a policy of holding those gains which had been made. In Sterling's race for re-election, for example, he did not even have an education plank in his platform.<sup>322</sup>

The per capita apportionment remained at seventeen dollars and fifty cents during the first fiscal year of Sterling's administration, but decreased to sixteen dollars in the fiscal year 1932-1933. This decrease in school spending was also reflected in the total amount of money spent for public school education. The last year of Moody's administration saw \$34,251,986 spent on public school education, but the above amount fell to \$32,912,066 in 1931-1932 and to \$27,764,107 in 1932-1933. Total educational spending in Texas did not reflect such a decided

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<sup>320</sup>Ibid., First Called Session, p. 198.

<sup>321</sup>Ibid., Third Called Session, p. 9.

<sup>322</sup>Printed platform of R. S. Sterling, 1932.

reaction. In the fiscal year before Sterling's term, \$40,453,499 was spent on education in Texas from the State Government. This amount decreased to \$38,818,316 in 1931-1932 and increased to \$40,529,256 in 1932-1933.<sup>323</sup>

The above figures indicate a general reduction in spending on public school education. This condition was caused, at least in part, by the large number of delinquent taxpayers. The people of Texas did not have the money needed to meet their tax obligations; therefore education suffered.

The Forty-Second Legislature appropriated five million dollars for rural aid,<sup>324</sup> which was the same amount of the rural aid appropriation during Moody's second term of office. No emergency appropriations for the public school system was made by the Legislature, and no real effort was given toward aiding the public schools of the State from the General Revenue Fund.

Sterling was very general in relation to educational promises, but all three of his specific requests to the Legislature were enacted into law when the lawmakers passed the following legislation: The emergency transfer of the State apportionment, in certain districts, was authorized under the supervision of the State

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<sup>323</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>324</sup>Gammel, Laws of Texas, Regular Session, 42nd Legislature, Vol. XVII, p. 457.

Superintendent.<sup>325</sup> Free tuition was provided for persons over six and not over twenty-one years of age in certain school districts in which the student's grade was not being taught.<sup>326</sup> And the State Department of Education was authorized to pay fifty thousand dollars from the rural aid appropriation for the next two fiscal years to retire unpaid claims for the school year 1931-1932.<sup>327</sup>

Other public school legislation passed during the Sterling administration is as follows:

1. State aid not to exceed three hundred dollars per school was granted those districts which consolidated subsequent to January 1, 1917, for aid to transportation.<sup>328</sup>
2. Information as to the financial condition of all schools in a county were required of the county superintendent. This information was to be sent to the State Department of Education.<sup>329</sup>
3. Provisions were made for the creation of school districts from parts of other school districts.<sup>330</sup>
4. The county school trustees were granted the right of eminent domain in relation to school affairs of the county.<sup>331</sup>

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<sup>325</sup>Ibid., First Called Session, Vol. XXVIII, p. 81.

<sup>326</sup>Ibid., Third Called Session, p. 10.

<sup>327</sup>Ibid., p. 105

<sup>328</sup>Ibid., p. 223.

<sup>329</sup>Ibid., p. 298. <sup>330</sup>Ibid., p. 235. <sup>331</sup>Ibid., p. 243.

5. Extension of the appropriation made by the Forty-First Legislature for rural high school pupils. The original appropriation amounted to one hundred and forty-five thousand dollars.<sup>332</sup>
6. Provisions were made to issue interest bearing warrants for the fiscal year 1930-1931. The interest on such warrants was not to exceed six per cent per annum, and the amount of warrants was limited.<sup>333</sup>
7. Twenty qualified voters signing a petition requesting the county judge to call an election to consolidate school districts was the new method provided for calling such an election.<sup>334</sup>
8. Duties and qualifications of county educational board members were clarified by legislative act.<sup>335</sup>
9. Provisions were made for the creation of school districts at eleemosynary institutions in order that such institutions might enjoy district privileges.<sup>336</sup>
10. School districts in Texas were authorized to pay school districts in other states for school children living on the State borders, who could not

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<sup>332</sup>Ibid., p. 463.

<sup>333</sup>Ibid., p. 739.

<sup>334</sup>Ibid., p. 182.

<sup>335</sup>Ibid., p. 798.

<sup>336</sup>Ibid., p. 292.



attend a Texas school. The payment of such funds was to be made by agreement between the two districts involved.<sup>337</sup>

11. The Legislature instructed the county tax collectors to collect one-sixteenth of the value of oil and gas on public school lands.<sup>338</sup>
12. Regulations covering operation of school buses were changed.<sup>339</sup>
13. A change was made in the method of election of county school trustees. One of the five trustees was required to be elected by the qualified voters of the entire county.<sup>340</sup>

A number of special laws relating to education were passed under the heading of general laws. Such subjects as increases for certain county superintendents led the list of these laws, but the movement from educational changes by special law to general legislation was noticeable during the Sterling administration.

The financial conditions of the era were also reflected in the appropriations for the institutions of higher learning during the Forty-Second Legislature. The total appropriation for the colleges dropped from \$16,164,290 during

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<sup>337</sup>Ibid., p. 192

<sup>338</sup>Ibid., p. 176.

<sup>339</sup>Ibid., p. 368.

<sup>340</sup>Ibid., Third Called Session, Vol. XXVIII, p. 99.

Moody's second term to \$15,477,573 during Sterling's administration.<sup>341</sup> This reduction had not been requested by the Governor, but since the Governor had made no specific promises in relation to higher education this reduction cannot be taken in light of his platform.

The reduction in appropriations for the colleges did not end the financial troubles of the schools, for the State did not have the money to pay for the appropriations made. The Legislature had to issue interest paying warrants in certain cases, and transfer funds of the State to meet certain state obligations.<sup>342</sup>

The Moody administration had failed to appropriate enough money for support of the summer schools of 1931; therefore some \$254,000 was appropriated by the Legislature for their support.<sup>343</sup> There were also emergency appropriations for the colleges and deficiency appropriations were made for the year 1930,<sup>344</sup> but these amounts are included in the total appropriations listed above.

Legislation passed by the lawmakers in relation to the institutions of higher learning, other than appropriations, is as follows:

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<sup>341</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>342</sup>Gammel, Laws of Texas, Regular Session, 42nd Legislature, Vol. XXVII, pp. 23-25.

<sup>343</sup>Ibid., p. 44.

<sup>344</sup>Ibid., p. 6.

1. The board of regents of the University were given the power to invest the University Permanent Fund, to borrow money for "named purposes in specified amounts and to issue bonds." The power to sell designated securities belonging to the Fund, was also among the powers granted.<sup>345</sup>
2. A second bill allowed the University to spend sections of the income from the Available University Fund, in the amount of two hundred thousand dollars per year for two years.<sup>346</sup>
3. The Board of Control was given power to sell University land, oil, and gas with certain restrictions.<sup>347</sup>
4. University land was declared subject to taxation by counties in which such land was located.<sup>348</sup>

These four bills represented the major portion of change in the system of higher education in the State, and they all dealt with the University. Once again since Sterling had made no promises in regard to changes in higher education, these acts cannot be taken as reflecting political promises.

It would seem that Sterling promised very little for education in Texas except its advancement. His term of office was marked by few speeches upon the subject of

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<sup>345</sup>Ibid., p. 83.

<sup>347</sup>Ibid., p. 293.

<sup>346</sup>Ibid., p. 63.

<sup>348</sup>Ibid., p. 136.

education, but specific recommendations in three cases became law. He failed to increase appropriations for both public schools and higher education, and his term of office failed to pay even the appropriations made by its Legislature.

Average teachers' salaries fell from a high of \$1,079.07 in 1930-1931 to \$897.95 in 1932-1933. This reduction in teachers' salaries represented the lowest mark since the fiscal year 1922-1923.<sup>349</sup>

It would seem that Sterling's program for education failed in terms of his general objectives laid down in his platform, but economic conditions played a great part in his failure of these objectives. Since he had few specific promises listed, Sterling cannot be measured in terms of fulfilled promises.

Sterling ran for office upon a platform calling for improvement and enlargement of public school education. He expanded this platform in his messages to the Legislature to include the following: equal educational opportunities for rural and city children, better high schools, and improvement of Texas education in general.

Since the depression era was in full sway during Sterling's campaign for office, he could not lay the lack of money upon an unforeseen economic condition. He was very careful in his campaign not to set amounts to be spent

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<sup>349</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, p. 177.

upon any section of education, but implied that they were forthcoming.

It would seem that Sterling failed to advance education, but the relation of this failure to political promises is very vague because of the hazy platform promise upon that subject. No matter what a governor had promised during the Sterling era, he would have found it very hard to hold gains made, much less advance.

#### James V. Allred

James V. Allred followed Miriam Ferguson to office in 1935. The nation was still in a recession period, but a general improvement in living conditions of the people of Texas had begun under the "New Deal." Allred was the first governor since 1914, who did not have an education plank in his platform for election. He centered his campaign upon six points,<sup>350</sup> and did not expand this platform in relation to educational subjects.

The State platform included an education plank when a section of it was written as follows:

...We favor a continuation of the work of our agricultural colleges, experiment stations, county agents, home demonstration agents, and the further extension of agricultural education in the public schools....

We oppose any curtailment of the present scope of work or activities of any of our other State

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<sup>350</sup> Charles R. Graham, "An Inquiry Into the Policies of Former Governor James V. Allred," (Unpublished Tutorial Course, University of Texas, 1939) p. 11.

institutions of higher learning not inconsistent with a well co-ordinated educational program. We favor the continued support of our system of public schools, with such increases as a well rounded educational program demands and the financial condition of the State will permit.<sup>351</sup>

Allred had the following to say about the State platform in his message to the Legislature on January 15, 1935:

At this time I commend to you for careful study and action each plank in the State Democratic platform. For your convenience I am attaching hereto a copy of this platform, with the respectful suggestion that it be inserted in the Journal of each House.<sup>352</sup>

This reference to the State platform was the only mention the Governor made dealing with aid to education during his first term of office. In referring the Legislature to the State platform, the Governor did not recommend such legislation as the platform called for, but merely requested that the lawmakers study the document.

On January 31, 1935, the Governor requested that changes be made in the appointment of the State Board of Education. He wanted the incoming governor to have the power to appoint the board, rather than the procedure followed by Miriam Ferguson who appointed new board members just before leaving office.<sup>353</sup>

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<sup>351</sup> House Journal, Regular Session, 44th Legislature, pp. 234-235.

<sup>352</sup> Allred, Legislative Messages of James V. Allred, Governor of Texas, p. 11.

<sup>353</sup> Ibid., p. 21.

Allred's position in relation to educational promises or requests to the Forty-Fourth Legislature was about non-existent; therefore, the Governor's actions in regard to education could not be taken in relation to promises or requests.

The per capita apportionment was raised during Allred's first term of office from sixteen dollars and fifty cents in the fiscal year 1934-1935, to eighteen dollars and fifty cents in the fiscal year 1935-1936; it was again increased to nineteen dollars in the fiscal year 1936-1937. These increases in spending were marked by an increase in the money spent on public school education from all sources. In the last year of Miriam Ferguson's administration a sum of \$24,893,783 was spent on public school education. This amount increased to \$25,637,145 in the fiscal year 1935-1936, and to \$42,749,373 during the fiscal year 1936-1937.<sup>354</sup>

The rural aid appropriation was increased from \$6,000,000 during the last Ferguson administration to \$10,000,000 for the fiscal years 1935-1936 and 1936-1937.<sup>355</sup> The rural aid appropriation was the only general appropriation for public school education passed by the Forty-Fourth Legislature, but there were a number of special appropriation bills passed by the regular and special sessions of

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<sup>354</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>355</sup>Gammel, Laws of Texas, Regular Session, 44th Legislature, Vol. XXIX, p. 833.

the Legislature which granted specific help to school districts which were in need of finances.<sup>356</sup>

The Forty-Fourth Legislature passed a number of laws related to the administration of the public schools. Some of these laws are listed as follows:

1. Motor vehicles owned and operated by school districts for school purposes were exempt from registration fees.<sup>357</sup>
2. A taxpayer was given the right to pay one half of his school taxes before any other taxes were paid. This act was to make it easier to finance schools which were in economic distress.<sup>358</sup>
3. School districts in cities of less than thirty thousand population were authorized to separate from municipal control, if the boundaries of the district and the city were the same.<sup>359</sup>
4. The State Textbook Commission was given the power to add books in the German and the "Czech" languages to the multiple textbook list. Commercial arithmetic and bookkeeping in the English language were also added to the list of free textbooks.<sup>360</sup>

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<sup>356</sup> Ibid., pp. 1097, 134, 468, 120, 117, 464, 1098, 171, 471, 106, and 173.

<sup>357</sup> Ibid., p. 129.

<sup>358</sup> Ibid., p. 66.

<sup>359</sup> Ibid., p. 219.

<sup>360</sup> Ibid., p. 181.



5. The county boards of school trustees were authorized to abolish or subdivide school districts which had less than ten scholastics, and which had not conducted school for a period of five years.<sup>361</sup>
6. Teachers, college presidents, and trustees were prohibited from acting as agents or attorneys for textbook publishers.<sup>362</sup>
7. The State Board of Education was authorized to establish independent school districts upon military reservations.<sup>363</sup>
8. A compulsory attendance law was passed which required those children between the ages of seven and sixteen years to attend school for a period of time not less than one hundred and twenty days per year.<sup>364</sup>
9. Free tuition for pupils over six years and not over twenty-one years of age was provided for those students wanting to attend a high school in another district, provided the home district did not teach their grade. The tuition paid amounted to seven dollars and fifty cents per month.<sup>365</sup>

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<sup>361</sup>Ibid., p. 393.

<sup>362</sup>Ibid., p. 295.

<sup>363</sup>Ibid., p. 299.

<sup>364</sup>Ibid., p. 409.

<sup>365</sup>Ibid., p. 351.

10. The boards of trustees of the public free schools of Texas were authorized to make appropriations of funds or property for the purpose of creating a retirement fund for teachers.<sup>366</sup>
11. A method of paying the State per capita apportionment was provided in case a student had moved from one district to another.<sup>367</sup>
12. An amendment was offered to the State Constitution providing for the establishment of a teachers' retirement system. The teacher was required to pay half of the money placed in the fund and the State matched the amount paid by the teacher.<sup>368</sup> The amendment was adopted on November 3, 1936.<sup>369</sup>
13. New regulations were made governing certification of teachers.<sup>370</sup>
14. An appropriation of \$17,950 was granted the Vocational Rehabilitation Division,<sup>371</sup> and \$208,520 was granted the School Equalization Division of the State Department of Education.<sup>372</sup>

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<sup>366</sup>Ibid., p. 706.

<sup>367</sup>Ibid., p. 488.

<sup>368</sup>Ibid., p. 1219.

<sup>369</sup>The Texas Almanac, 1947-1948, p. 56.

<sup>370</sup>Gammel, Laws of Texas, Regular Session, 44th Legislature, Vol. XXIX, pp. 759-760.

<sup>371</sup>Ibid., p. 1100.

<sup>372</sup>Ibid., p. 1098.

15. One fourth of an increased liquor tax was given to the State Available School Fund.<sup>373</sup> This additional money represented an increase in state educational funds.
16. School authorities were requested to arrange for the teaching of historical events to children in the lower grades of school.<sup>374</sup>
17. The method of holding elections for the purpose of issuing bonds in school districts was liberalized. This action was taken to enable school districts to obtain federal funds.<sup>375</sup>
18. A county judge, acting as an ex-officio county superintendent, was required to make a one thousand dollar bond. He was to be paid not more than nine hundred dollars a year.<sup>376</sup>
19. The State Board of Education was authorized to adopt textbooks for the reading of music.<sup>377</sup>

There were a number of other bills passed by the Legislature relating to public school education, but they affected only local or specific subject matter. It would seem that since a constitutional amendment had attempted

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<sup>373</sup>Ibid., Second Called Session, Vol. XXX, p. 1831.

<sup>374</sup>Ibid., p. 1926.

<sup>375</sup>Ibid., p. 1929.

<sup>376</sup>Ibid., p. 1732.

<sup>377</sup>Ibid., Third Called Session, p. 2114.

to do away with special legislation for public school education, restrictive clauses in general legislation took the place of special legislation. This movement represented a defeat for the legislative idea of doing away with a huge number of specific laws during the sessions of the Legislature.<sup>378</sup>

The two most important laws passed by the Forty-Fourth Legislature connected with public school education, were the constitutional amendment for teachers retirement, and the increased revenue granted education from the omnibus tax bill.<sup>379</sup> Neither of the bills had been requested by the Governor to aid education. The omnibus tax bill had been sponsored by the Governor with the expressed purpose of financing the Texas Old-Age Assistance Fund.

It would seem that most of the advancements in education made on a public school level during Allred's first term of office were made without pressure from the Chief Executive. Allred did not oppose the legislation passed, but did not enter into that field as a positive force. The only request Allred made to the Legislature was one of an administrative nature, dealing with the appointment of the State Board of Education. This was not passed by the lawmakers.

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<sup>378</sup> Author's opinion.

<sup>379</sup> Gammel, Laws of Texas, Second Called Session, 44th Legislature, Vol. XXX, p. 1831.

The Allred administration saw appropriated \$10,779,709 for higher education in Texas. This appropriation represented an increase over the \$9,209,170.98 passed during the last Ferguson administration.<sup>380</sup> Miriam Ferguson's last administration had not provided enough money for summer schools; therefore, \$266,960.65 was appropriated for that purpose.<sup>381</sup> This amount could be added to the cost of the Ferguson administration. A second large appropriation of interest was \$112,000 for the building of a library at North Texas State Teachers College.<sup>382</sup>

There were other minor emergency appropriations made by the regular and the called sessions of the Legislature, but there was no marked increase in funds for higher education during Allred's first term of office. The conditions existing in relation to the financing of higher education cannot be taken in relation to political promises or messages to the lawmakers, for the Governor did not commit himself on either.

Some of the most important acts upon the subject of higher education passed by the Forty-Fourth Legislature are listed as follows:

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<sup>380</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>381</sup>Gammel, Laws of Texas, Regular Session, 44th Legislature, Vol. XXIX, p. 179.

<sup>382</sup>Ibid., Second Called Session, Vol. XXX, p. 1577.

1. The boards of regents of the institutions of higher learning were granted the power to pledge the income from dormitories and cottages, and to issue new bonds for making improvements or constructing new buildings.<sup>383</sup>
2. New qualifications were passed for nurses training schools.<sup>384</sup>
3. Provisions were made for union junior college districts.<sup>385</sup>
4. A bill was passed which permitted men connected with Texas public schools and institutions of higher learning to write books for state use.<sup>386</sup>
5. The Board of Directors of the Texas Agricultural and Mechanical College was also given the position of a state conservation board. The Board was to work on the problems of soil erosion and water conservation.<sup>387</sup>
6. The afore mentioned teacher retirement amendment included teachers in institutions of higher learning.<sup>388</sup>

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<sup>383</sup>Ibid., Regular Session, Vol. XXIX, p. 491.

<sup>384</sup>Ibid., p. 157.

<sup>385</sup>Ibid., p. 140.

<sup>386</sup>Ibid., p. 295.

<sup>387</sup>Ibid., p. 504.

<sup>388</sup>Ibid., p. 1219.

7. The governing boards of the institutions of higher learning were authorized to construct or acquire buildings from federal loans.<sup>389</sup> This act was an amendment to a bill passed by the Forty-Third Legislature, and it made the original act more specific.<sup>390</sup>
8. The Agricultural and Mechanical College was instructed to aid the rural electrification program in Texas.<sup>391</sup>
9. The Secretary of State was authorized to give colleges, universities, and public schools surplus copies of House and Senate Journals.<sup>392</sup>
10. Changes were made in the law governing the issuance of bonds by junior colleges for construction and equipment of school buildings.<sup>393</sup>

Allred's second race for governor was marked by the absence of an educational plank. Once again the Governor centered his campaign upon social security and administrative needs of the State, and did not make education an issue in his race.

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<sup>389</sup>Ibid., Second Called Session, Vol. XXX, p. 1752.

<sup>390</sup>Ibid., Second Called Session, 43rd Legislature, Vol. XXIX, p. 14.

<sup>391</sup>Ibid., Third Called Session, 44th Legislature, Vol. XXX, p. 2137.

<sup>392</sup>Ibid., p. 2123.

<sup>393</sup>Ibid., p. 1990.

The only section of Allred's opening speech to the Thirty-Fifth Legislature dealing with education was his remark upon the teacher retirement program. He said,

...At the last general election the people likewise authorized the establishment of a teacher retirement system under certain conditions, including contribution by the State to such retirement fund. This legislation should be carefully dealt with and should not be made effective until this Legislature provides sufficient revenues to pay the State's contribution to the fund.<sup>394</sup>

The Governor told the second called session of the Forty-Fifth Legislature that \$1,500,000 each year was needed to care for the teachers' retirement fund. The Governor urged the passage of such appropriations along with the tax sources to pay for the "PEOPLES SOCIAL SECURITY PROGRAM."<sup>395</sup>

A second recommendation made by the Governor was that the State Department of Agriculture should be placed under the direction of the Board of Directors of the Agricultural and Mechanical College. The Governor felt this change would enable the College and the Department to do much more constructive work.<sup>396</sup>

These three messages concluded the constructive messages delivered to the Forty-Fifth Legislature upon the subject of education. There was no mention of rural aid,

<sup>394</sup> Allred, op. cit. p. 124.

<sup>395</sup> Ibid., p. 229.

<sup>396</sup> Ibid., p. 151.



teacher salary aid, and advancement of the institutions of higher learning.

The per capita apportionment increased from nineteen dollars during the last fiscal year of Allred's first term to a sum of twenty-two dollars per year for the fiscal years 1937-1938 and 1938-1939. The total amount of money spent for public education in Texas increased from \$42,749,373 in the last year of Allred's first term to \$48,763,362 during the last year of the Governor's second term. These figures indicate a general financial improvement in Texas public school education during Allred's second term of office.<sup>397</sup>

The Legislature passed an emergency appropriation of \$1,080,000 for rural aid to schools.<sup>398</sup> This emergency appropriation brought the expenses of rural aid for Allred's first two fiscal years to a sum of \$11,080,000. The Forty-Fifth Legislature appropriated \$11,000,000 for rural aid and equalization during the regular session,<sup>399</sup> but the second called session of the Legislature passed legislation which enlarged the general scope of the bill and divided it into special appropriations as follows: \$2,200,000 was set aside for teacher salary aid; \$150,000 was set aside for the State program for rehabilitation of crippled

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<sup>397</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>398</sup>Gammel, Laws of Texas, Regular Session, 45th Legislature, Vol. XXX, p. 585.

<sup>399</sup>Ibid., p. 1259

children; \$75,000 was set aside for high school tuition, \$1,780,000 was set aside for transportation aid; and \$620,000 was set aside for industrial aid and to match federal funds for vocational agriculture, home economics, trades and industries and general rehabilitation. The division of the original appropriation was made in order that federal regulations might be met, thus enabling the State to receive federal aid.<sup>400</sup>

Some of the most important legislative acts passed by the Forty-Fifth Legislature are as follows:

1. The rights of the State Board of Education were defined in terms of powers over school districts.<sup>401</sup>
2. Common school district trustees were granted the power to make contracts with teachers for a period not to exceed two years, provided they had the approval of the county superintendent.<sup>402</sup>
3. The State Textbook Commission was ordered to adopt a multiple list of books for the high school level in "German, Czech, and French languages." The Commission was also to adopt textbooks in commercial arithmetic and bookkeeping, as well as a list for junior high schools.<sup>403</sup>

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<sup>400</sup> Ibid., pp. 1973-1978.

<sup>401</sup> Ibid., p. 619.

<sup>402</sup> Ibid., p. 541.

<sup>403</sup> Ibid., p. 320.

4. A resolution passed the Legislature asking that the State Board of Education consider furnishing free textbooks in music.<sup>404</sup>
5. The teacher retirement system was established, and machinery for its administration was created, but only twenty-five thousand dollars was appropriated by the Legislature.<sup>405</sup>
6. School districts were authorized to issue bonds to construct teachers' homes.<sup>406</sup>
7. The Legislature provided for compensation for the county board of school trustees, which was set at three dollars a meeting per trustee, but a trustee was not to receive more than thirty-six dollars per year. Compensation was to come from the State and the county available school funds.<sup>407</sup>
8. The Legislature passed a second act providing for an increase in the compensation of the county board to five dollars per day, and provided for the collection of salary from the county school administrative funds.<sup>408</sup>
9. The State Department of Education was granted the authority to appoint two surveyors, one auditor, and one bond expert to aid the Department in its work.<sup>409</sup>

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<sup>404</sup>Ibid., p. 1580

<sup>405</sup>Ibid., p. 1178.

<sup>406</sup>Ibid., p. 704.      <sup>407</sup>Ibid., p. 644.

<sup>408</sup>Ibid., p. 795.

<sup>409</sup>Ibid., First Called Session, Vol. XXXI, p. 788.

10. An amendment was passed to the rural aid and equalization law which broadened the scope of its operation to include a wider range of aids to education. This legislation enabled the State to receive federal funds.<sup>410</sup>
11. The Legislature issued a resolution which opposed federal ownership of submerged lands along the Texas coast, and asserted that said lands were the property of the State.<sup>411</sup>
12. Traveling expenses were set for the county superintendent in certain counties of Texas.<sup>412</sup>

The most far-reaching of the above acts was the establishment of the teachers' retirement system, but no funds were provided to match teacher donations to the retirement system. The organization of the rural aid and equalization fund also represented a movement on the part of the State to secure federal aid to education.

Allred had not requested the two aforementioned bills in his campaign, but he, after re-election, had requested the Legislature to pass laws and appropriations to care for the teacher retirement program.

There were a number of other laws passed by the Legislature relating to public school education, but, once again,

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<sup>410</sup>Ibid., Second Called Session, p. 1972.

<sup>411</sup>Ibid., p. 2016.

<sup>412</sup>Ibid., p. 1806.

these laws amounted to special acts of the Legislature listed under the general laws.

The Forty-Fifth Legislature increased the appropriations for institutions of higher learning when it appropriated \$16,827,003. This appropriation represented an increase over the \$10,784,655.25 in college appropriations made during Allred's first term of office.<sup>413</sup> The Governor had not requested this increase in his campaign or his legislative messages, but at the same time he had not opposed such increases.

Of the appropriations passed by the Forty-Fifth Legislature, \$389,347.50 was appropriated for summer schools. This amount should have been passed by the Forty-Fourth Legislature.<sup>414</sup> The Legislature also appropriated \$280,641.71 in emergency aid for the State institutions.<sup>415</sup>

Other legislation passed by the lawmakers dealing with higher education is listed as follows:

1. The University of Texas and the Agricultural and Mechanical College were given authority to create the office of vice-president for each institution.<sup>416</sup>

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<sup>413</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>414</sup>Gammel, Laws of Texas, Regular Session, 45th Legislature, Vol. XXX, p. 292.

<sup>415</sup>Ibid., pp. 221 and 784.

<sup>416</sup>Ibid., p. 1046.

2. Junior college boards of education were granted the same powers given independent school district trustees.<sup>417</sup>
3. Students enrolled in school as of August 1, 1934, were exempt from taking the State bar examination if they were studying law.<sup>418</sup>

There were a number of other bills of a minor nature passed by the lawmakers, but very little general legislation in respect to higher education was enacted into law.

It would seem that educational finances advanced during the Allred administration, and a number of beneficial acts were passed by the Forty-Fourth and Forty-Fifth Legislatures. An indication of the increase in school spending is found in the total amount of money spent for education in Texas during the Allred era. The following amounts were spent by the State for education: in 1935, \$40,571,543; in 1936, \$43,271,052; in 1937, \$44,804,272; and in 1938, \$52,829,722.<sup>419</sup> New taxes, federal aid, and increased appropriations caused the increase in educational spending.

Average teachers' salaries also reflected the advancement in the financing of state education. The average

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<sup>417</sup>Ibid., p. 248.

<sup>418</sup>Ibid., p. 903.

<sup>419</sup>Letter from Myrtle L. Tanner, op. cit.

teacher's salary increased from \$1,002 in the fiscal year 1935-1936 to \$1,161 in the fiscal year 1938-1939.<sup>420</sup>

None of the advancement in Texas education can be attributed to political promises of Allred, but consideration should be given to the fact that the Governor signed the above legislation into law. Allred vetoed only one bill dealing with education during his administrations, and that bill would have increased the number of textbooks on the free list; therefore, for the most part Allred was kind to educational legislation.<sup>421</sup>

Allred made no political promises in relation to education, and made very few speeches mentioning it. The advancements in education represent leadership brought to bear upon the Legislature from sources other than the Governor.

#### W. Lee O'Daniel

O'Daniel's first race for Governor of Texas was based upon the Ten Commandments and thirty dollars per month old age pensions for all persons over sixty-five years old. He also promised the people of Texas that he would put the social security program, passed by the people of Texas, into

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<sup>420</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, p. 177.

<sup>421</sup>Gammel, Laws of Texas, Regular Session, 45th Legislature, Vol. XXX, p. 207.

effect. This social security program required the State's matching funds furnished by the teachers of Texas to create a teachers' retirement fund. There were a number of other provisions in the social security law.<sup>422</sup>

O'Daniel did not pay a great deal of attention to the teachers' retirement program, but did mention a number of times that the State should meet its social security obligations. In O'Daniel's last speech of his first campaign, he told a Fort Worth, Texas, audience that the State should put into force as quickly as possible the teachers' retirement fund.<sup>423</sup>

After O'Daniel's nomination as governor on the Democratic ticket, he spoke to the State Democratic Convention in Beaumont, Texas. In this speech he told the convention that he favored the advancement of education, but did not elaborate upon the subject.<sup>424</sup>

It would seem that O'Daniel's educational program was very vague, but this characteristic might be attributed to the fact that education had not become a real issue in the campaign.

The Governor wasted little time in telling the Legislature of his tax program, which provided for a transaction

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<sup>422</sup>The Dallas Morning News, October 4, 1938, p. 4.

<sup>423</sup>The Fort Worth Star-Telegram, July 23, 1938, p. 1.

<sup>424</sup>Mc Kay, W. Lee O'Daniel and Texas Politics, p. 78.



tax to pay for the Governor's social security program. In the following words, he gave the Legislature his ideas of what the so-called transaction tax would do:

If the Legislature approves the plan which I am submitting, we will have cared for the aid to destitute children, pensions to Confederate Soldiers; we will have provided for teacher retirement and for old age pensions. While at the same time we will have released revenue now going to old age pensions to the Available School Fund and the General Revenue Fund in a ration which will make possible the abolition of the State ad valorem tax now levied on the homes, farms and business property of this State. All of this will be written into the Constitution and it will be done with the approval of the voters of the State.<sup>425</sup>

O'Daniel also requested that the Legislature should do away with the following funds which affected education: Available School, Permanent School, Teacher Retirement, Agricultural and Mechanical College, and University-Medical Branch Endowment. The Governor said that the State had entirely too many funds, and requested that some fifty-five of the hundred and fifty odd funds should be abolished.<sup>426</sup>

O'Daniel also requested that the sale of public lands be stopped until ninety days after the legislature had adjourned. He further requested that legislation be passed to control the sale of such land, because he said much of the land was being sold against the interests of the Permanent School Fund.<sup>427</sup>

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<sup>425</sup>House Journal, Regular Session, 46th Legislature, p. 115.

<sup>426</sup>Ibid., pp. 861-864.

<sup>427</sup>Ibid., p. 361.

O'Daniel had not run for office on an education plank, but had made the statement that he favored payment of the teachers' retirement obligations. His call for advancement of education came after his election to office; therefore it cannot be taken in relation to political promises.

The per capita apportionment for the public school children of the State remained at twenty-two dollars for O'Daniel's first term. The total amount spent on public school education dropped from \$48,763,362 spent in the last fiscal year of Allred's administration to \$47,698,882 spent during the last fiscal year of O'Daniel's first term.<sup>428</sup> Since the Governor had made no promises to increase public school educational appropriations, this decrease cannot be taken in relation to political promises.

The rural aid appropriation was increased to \$6,825,827 per year for the fiscal years 1939-1940 and 1940-1941.<sup>429</sup> This appropriation represented \$2,651,754 more than Allred's second administration had granted the rural schools. The decrease in public school spending and the increase in rural aid cannot be taken in relation to political promises. It would seem that pressure from sources other than the Governor caused the increase in rural aid, and that the

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<sup>428</sup> Letter from Myrtle L. Tanner, op. cit.

<sup>429</sup> Special Laws of Texas, Regular Session, 46th Legislature, p. 468.

lack of constructive legislation aided in the reduction in public school spending.

Some of the most important public school legislation passed during the single session of the Forty-Sixth Legislature is listed as follows:

1. An appropriation of \$977,332 per year was made for vocational education in the State for the fiscal years 1939-1940 and 1940-1941.<sup>430</sup>
2. A number of laws were passed to increase the compensation for county school trustees in certain counties. The amounts paid trustees varied from four dollars to seven dollars per meeting.<sup>431</sup>
3. Certain counties were granted the power to employ rural school music supervisors.<sup>432</sup>
4. Some ten bills were passed changing independent school districts tax programs.<sup>433</sup>
5. Seventeen separate bills were passed increasing the salaries of county superintendents.<sup>434</sup>
6. The per capita apportionment was set at twenty-two dollars and fifty cents per scholastic year, and the duties of the Automatic Tax Board of the

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<sup>430</sup>Special Laws of Texas, Regular Session, 46th Legislature, p. 485 and 491.

<sup>431</sup>Ibid., pp. 688-694.

<sup>432</sup>Ibid., pp. 716-719.

<sup>433</sup>Ibid., pp. vii-viii.

<sup>434</sup>Ibid., pp. vi-vii.

State of Texas were provided for in a bill passed by the lawmakers.<sup>435</sup>

7. A bill was passed clarifying questions on the multiple list of textbooks. This bill was not aimed at changing the procedure, but at making it clear.<sup>436</sup>
8. Supplementary readers were done away with in the first seven grades of school and the Textbook Commission was given the power to adopt a list of books for the first seven grades of school.<sup>437</sup>
9. Certain school districts were given the power to pledge delinquent taxes to meet financial obligations.<sup>438</sup>
10. Independent school districts which had a school tax rate of less than one dollar per hundred dollars valuation were authorized to vote a one dollar tax.<sup>439</sup>
11. Provisions were made for the abolition of subdivision of common school districts under certain conditions.<sup>440</sup>

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<sup>435</sup> General and Special Laws of Texas, Regular Session, 46th Legislature, p. 274.

<sup>436</sup> Ibid., p. 277.

<sup>437</sup> Ibid., p. 279.

<sup>438</sup> Ibid., p. 287.

<sup>439</sup> Ibid., p. 292.

<sup>440</sup> Ibid., p. 293.

12. A supplemental appropriation of \$718,255 was made for salary aid.<sup>441</sup>

The above acts became law in several cases without the signature of the Governor, and none of the legislation had been promised by the Governor in his campaign for election.

The first O'Daniel administration appropriated \$16,563,578 for higher education. The above appropriation amounted to some \$1,500,000 more than the last Allred appropriation,<sup>442</sup> but, once again, the Governor had not requested in his campaign an increase in the appropriations for higher education. The Governor vetoed \$571,326 of the original higher educational appropriation.<sup>443</sup> It would seem that these vetoes indicated that the Governor was trying to cut the cost of government at the expense of higher education.

A number of bills were passed by the Forty-Sixth Legislature upon the subject of higher education. Some of these laws are listed as follows:

1. Three laws were passed providing for the creation of junior colleges in certain counties.<sup>444</sup>

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<sup>441</sup>Special Laws of Texas, Regular Session, 46th Legislature, p. 491.

<sup>442</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>443</sup>Special Laws of Texas, Regular Session, 46th Legislature, p. 452.

<sup>444</sup>Ibid., pp. 680-687.

2. A bill was passed authorizing the boards of the several institutions of higher learning to construct dormitories and stadiums. Provisions were made for the liquidation of such construction by a per cent of local funds and income from the buildings.<sup>445</sup>
3. The institutions of higher learning were given the right to receive gifts for the construction of dormitories.<sup>446</sup>
4. Texas Technological College and Texas College of Arts and Industries were granted the power to lease mineral rights of land under their control.<sup>447</sup>
5. Special tuition was authorized in special arts courses in the institutions of higher learning.<sup>448</sup>
6. Provisions were made for the holding of college entrance examinations for certain students.<sup>449</sup>
7. Students were required to take six hours in college government before they could be certified for graduation from a state supported institution.<sup>450</sup>

The Governor's administration failed to pass the promised funds needed to pay for the teacher retirement system, which was his only real education plank in his 1938 platform.

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<sup>445</sup>General and Special Laws of Texas, Regular Session, 46th Legislature, p. 259.

<sup>446</sup>Ibid., p. 262.

<sup>447</sup>Ibid., p. 265.

<sup>448</sup>Ibid., p. 273.

<sup>449</sup>Ibid., p. 280.

<sup>450</sup>Ibid., p. 284.

The Governor had promised to pay for the social security obligations without new taxes, but he requested a transaction tax upon coming to office. This tax program was defeated by the Legislature, and the Governor refused to call the lawmakers into special session to pay the obligations which he had promised to pay in his campaign.

The Governor had made two requests to the Legislature for specific legislation. His first request that a number of special educational funds should be abolished did not pass the Legislature, but his second request that the sale of public land should be stopped until a period of ninety days after the Legislature had adjourned passed both Houses.

O'Daniel opened his campaign for re-election on April 3, 1940, with an hour-long radio speech. The San Antonio Express of April 4, 1940, quoted the Governor's summary of his platform as follows:

You know where I stand with reference to paying our debts, improving our public schools, improving our higher educational facilities and improving our eleemosynary institutions, all of which total \$20,000,000 annually. My opinion is that these obligations should be met by an increased production tax on natural resources and by increased taxes on public utilities and by diverting to the general fund the taxes on liquor, wine and beer. But if your legislature selects and approves some better plan I gladly will co-operate with it in putting its plan in effect.

You also know where I stand with reference to paying old age pensions, caring for the indigent blind, caring for helpless children and fulfilling the state's obligation with reference to the teachers' retirement service. You know **what** my recommendation was with reference to the kind of a tax that would raise enough money to do this job and you know that I have told you and the legislature that if you don't

like my recommendation I will accept any plan that your senators and your representatives will pass and send to my desk whether it be a transactions tax, a general consumer tax, a tax of 5 cents, eight cents or ten cents a barrel on oil or any kind of tax or combination of taxes, just so enough money will be raised to pay off these honest and solemn obligations.<sup>451</sup>

The question arises as to just where O'Daniel stood on public schools and higher education. The Governor had not fought for the advancement of either during his first term of office, and had vetoed a number of educational appropriations for the several colleges in the State.

The Governor's second term platform promised three things in relation to education: First, the teacher retirement system should be put into operation with sufficient funds. Second, higher education would receive \$2,500,000 more money than it received the preceding two fiscal years. Third, public school education was to receive an advance of \$5,000,000 in appropriations.<sup>452</sup>

The Governor called for the exact program, as listed above, in his second message to the Legislature, and presented tax bills which he felt would raise the revenue.<sup>453</sup> He also requested that the Legislature pass a bill which would require that textbooks should be printed in the prison system.<sup>454</sup>

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<sup>451</sup>McKay, W. Lee O'Daniel and Texas Politics, pp. 271-272.

<sup>452</sup>House Journal, Regular Session, 47th Legislature, p. 98.

<sup>453</sup>Ibid.

<sup>454</sup>Ibid., p. 778.



The per capita apportionment remained at its constitutional limit of twenty-two dollars and fifty cents during O'Daniel's second term of office,<sup>455</sup> and the total amount of money spent on public school education increased from \$47,698,882 in the fiscal year 1940-1941, to \$52,052,327 in the fiscal year 1941-1942, and further increased to \$54,309,377 in the next fiscal year.<sup>456</sup>

The rural aid appropriation of the Forty-Seventh Legislature amounted to \$16,888,380 for the fiscal years 1940-1941 and 1941-1942.<sup>457</sup> This appropriation represented an increase of \$3,236,726 over the appropriation for rural aid made by the Forty-Sixth Legislature. Adding teacher aid and vocational training to the appropriations of the Forty-Sixth Legislature one finds that the sum appropriated by that body for public school education amounted to \$16,324,573.<sup>458</sup> With like additions the appropriations of the Forty-Seventh Legislature amounted to \$19,261,411.<sup>459</sup> These appropriations represented an increase of \$2,936,868 in aid to public schools, but this increase was short of the \$5,000,000 promised by the Governor in his campaign.

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<sup>455</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>456</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

<sup>457</sup>General and Special Laws of Texas, Regular Session, 47th Legislature, p. 880.

<sup>458</sup>Ibid.

<sup>459</sup>Ibid., p. 786.

The Governor had indicated in his platform that he favored education, but little of the legislation passed could be attributed to efforts on the part of the Governor. There were a number of laws enacted which changed the structure of the public school system during O'Daniel's second term. Some of the laws are listed as follows:

1. Teachers and administrators in common school districts were given contract privileges of two years upon the approval of the local board and county superintendent.<sup>460</sup>
2. An increased pay scale was written into law providing for the salaries of county superintendents which could be paid from state funds.<sup>461</sup>
3. Independent school districts were granted the power to execute an oil and/or gas lease upon school property with the approval of the State Superintendent of Public Instruction.<sup>462</sup>
4. Independent school districts were authorized to issue up to twenty-five thousand dollars in bonds at three and one half per cent per annum to build football parks and for other athletic equipment.<sup>463</sup>
5. Provisions were made for the assignment of salaries and wages of teachers and school employees, which

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<sup>460</sup>Ibid., p. 259.

<sup>462</sup>Ibid., p. 600.

<sup>461</sup>Ibid., p. 407.

<sup>463</sup>Ibid., p. 84.

provided the method by which such assignments could be collected.<sup>464</sup>

6. The teacher retirement system was financed by an omnibus tax law which provided a new section of the treasury to be known as the Clearance Fund. An amount equal the sum paid by the teachers each year was to be paid from the aforesaid fund.<sup>465</sup>

The allocation of funds for the teachers retirement system provided a fulfillment of O'Daniel's promises even though the tax program passed was not the one specifically advocated by him. The financing of the teacher retirement system represented a victory in the fields of public school and higher educational promises from both campaigns. The rest of the legislation passed was not in relation to specific campaign promises for public schools, but it might have represented a friendship for public schools in certain cases.

The O'Daniel administration increased educational appropriations for institutions of higher learning to \$22,642,069 for the fiscal years 1941-1942 and 1942-1943.<sup>466</sup> These appropriations represented an increase of \$6,078,491 in higher education appropriations or over twice the

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<sup>464</sup>Ibid., p. 598.

<sup>465</sup>Ibid., p. 338.

<sup>466</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

\$2,500,000 increased appropriations promised by the Governor in his campaign.

Increases in buildings were approved and authorized by the Forty-Seventh Legislature. Another indication of a much more liberal attitude toward education was seen when \$650,000 was appropriated to aid the junior colleges in the State.<sup>467</sup> This appropriation had not been requested by the Governor.

Several other bills were passed by the Legislature in relation to higher education. Some of the most important of these are listed as follows:

1. The Agricultural and Mechanical College was given the right to acquire airports and equipment for flight training.<sup>468</sup>
2. The Agricultural and Mechanical College was granted the right of eminent domain.<sup>469</sup>
3. The Agricultural and Mechanical College was given the right to acquire four new dormitories, which were to be financed with rentals and fees on said buildings.<sup>470</sup>

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<sup>467</sup>General and Special Laws of Texas, Regular Session, 47th Legislature, p. 778.

<sup>468</sup>Ibid., p. 100.

<sup>469</sup>Ibid., p. 470.

<sup>470</sup>Ibid., p. 165.

4. A constitutional amendment was proposed by the Legislature providing \$75,000 to pay for a building at John Tarleton Agricultural College.<sup>471</sup>
5. John Tarleton Agricultural College was given the authority to construct two dormitories, which were to be financed with rentals and fees on said buildings.<sup>472</sup>
6. The teachers colleges were granted the power of eminent domain, which was vested in the board of regents of those institutions.<sup>473</sup>
7. A compulsory group hospitalization fee was required of all University of Texas students. The fee was not to exceed four dollars for any one semester.<sup>474</sup>
8. Teachers in the State supported institutions of higher learning were required to take the same oath of office required of members of the Legislature.<sup>475</sup>

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<sup>471</sup>Governor Allred authorized a deficiency appropriation for the construction of a building at John Tarleton Junior College on August 31, 1937. The above constitutional amendment was passed by Texas voters in November, 1942, which authorized the payment of the contractors who had constructed the building.

<sup>472</sup>General and Special Laws of Texas, Regular Session, 47th Legislature, p. 639.

<sup>473</sup>Ibid., p. 667.

<sup>474</sup>Ibid., p. 767.

<sup>475</sup>Ibid., p. 1355.

The Legislature indicated that it was liberal with appropriations for the institutions of higher learning, and that body expanded the powers of the institutions to finance their own building programs. The depression period was brought to an end by the coming of World War II, and a period of more prosperous times could have influenced the liberal increases in higher education on both a state and local institution level.

O'Daniel's second administration fulfilled its promises relative to teacher retirement and aid to higher education. Appropriations for public schools showed an increase which was near to the five million dollar increase promised by the Governor; therefore O'Daniel's second administration came very near to fulfilling all three of the Governor's campaign promises. Legislative messages on all three subjects were issued by the Governor, but the effect of these messages cannot be used as a criterion for legislation in aid to public schools and higher education.

The four years effected by O'Daniel's administration indicated the following general trend in money spent on all education in Texas from the State: in 1938, \$52,829,722; in 1939, \$45,640,985; in 1940, \$58,579,343; in 1941, \$58,722,990; in 1942, \$63,446,791; and in 1943, \$61,637,171.<sup>476</sup>

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<sup>476</sup> Letter from Myrtle L. Tanner, op. cit.

The above figures indicate a lag in the upward trend in educational spending in the year 1939, and a huge increase in 1942. These figures might be taken in relation to the fact that there was a mild recession period in 1939 and a huge increase in war spending in 1942, but the total trend has been toward more money for education each year.

### Conclusions

Governors of Texas have favored both public school and higher education in their campaigns for office. There are two examples of governors departing from this philosophy. First, Miriam Ferguson proposed to reduce the spending on higher education, and second, Allred failed to make any statement in relation to education in his campaigns for office.

In summarizing actions of governors in this study the following conclusions have been true respecting their campaigns: First, no governor has opposed public school education. Second, no chief executive has opposed rural aid to education. Third, no elected candidate has opposed increased salaries for teachers. These statements do not mean that they were for these causes, but merely says that they did not oppose them.

Educational spending for public school education has followed more of a trend than increases based upon political promises of the governors. For example, in 1915, when

James Ferguson became governor, the State spent \$6,990,407 for public school education. This amount increased each year with the exception of the depression era until in 1943 the State was spending \$54,309,377 for public school education.<sup>477</sup> The reduction during the depression era was caused by the fact that, because of the lack of money, the ad valorem tax was not paid in many cases. The reduction was not legislative in nature.

A second example of the educational trend can be found in the State per capita apportionment. The State paid six dollars per capita in the fiscal year 1915-1916, and this amount increased to twenty-two dollars and fifty cents in 1942-1943.<sup>478</sup> This spending on the part of the State followed closely the trend on total spending for public schools. There were a few examples, mostly in the depression era, in which the per capita decreased from one year to the next, but on an average, it has increased during the years.

Average teachers' salaries have climbed from \$475 per year in 1915-1916 to \$1,224 per year in 1942-1943. This increase has also followed the same trend in relation to the depression.<sup>479</sup>

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<sup>477</sup>Letter from Myrtle L. Tanner, op. cit.

<sup>478</sup>Ibid.

<sup>479</sup>The Texas Almanac, 1947-1948, p. 372.



These figures indicate that Texas education has advanced on an average throughout the years. These increases have not come from legislation directed at the improvement of education alone. Such bills as the omnibus tax bills passed by the Allred and O'Daniel administrations were aimed at the social security needs of the State, but aided education because one fourth of the occupation tax goes into school funds. There was another example of increases of this nature in Moody's administration when the gasoline occupation tax was increased to aid road construction, but Texas education got one fourth of this revenue.

Another trend in public school education is to be found in the rural aid program. James Ferguson's first administration spent a total of one million dollars to aid rural schools. The rural aid appropriation for the last O'Daniel administration amounted to \$16,888,380. This trend also closely followed a general increase by administrations until the depression era, but rural aid did not decrease during the depression era as much as total public school spending.

Total spending on the institutions of higher learning has followed closely the trend reflected in public school education. Spending on higher education by legislature is given as follows: Thirty-Fourth, \$5,122,625.99; Thirty-Fifth, \$6,690,310.75; Thirty-Sixth, \$9,027,850.33;

Thirty-Seventh, \$10,758,485.24; Thirty-Eighth, \$12,660,091.75; Thirty-Ninth, \$13,825,342.15; Fortieth, \$15,049,582.17; Forty-First, \$16,164,290.00; Forty-Second, \$15,477,573.00; Forty-Third, \$9,209,197.98; Forty-Fourth, \$10,784,655.25; Forty-Fifth, \$16,827,003.00; Forty-Sixth, \$16,564,078.00; and Forty-Seventh, \$22,642,690.00.<sup>480</sup>

The only period in which higher educational appropriations fell below the upward trend was during the 1933 to 1937 period. Part of the reduction by the Forty-Third Legislature, during Miriam Ferguson's second term, might be accounted for by the economy plank in her platform, but the economic conditions of the State were very poor at the time.

Allred's first administration raised higher educational spending slightly, but this increase cannot be taken in the light of political promises since he had not called for an increase for the colleges.

The total amount spent on Texas education increased in proportion to the increase in total state expenditures. Educational spending has increased from \$11,419,768 in the fiscal year ending 1916 to \$61,637,171 in the fiscal year ending 1943.<sup>481</sup> The total amount spent on education from the State contained some federal funds; therefore, the

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<sup>480</sup>

Letter from Myrtle L. Tanner, op. cit.

<sup>481</sup>Texas State Department of Education, The Thirty-Second Biennial Report, 1940-1941 and 1941-1942, pp. 181-183.

depression period did not affect the trend toward higher spending as much as financing which came primarily from the ad valorem tax.

It would seem that spending on Texas education has followed a general trend toward more money. Since all governors, with the exceptions listed, have favored the advancement of education, it would seem that their platforms have closely followed the trend toward more spending on education. Miriam Ferguson was the only governor who promised to reduce the spending on any section of higher education, and her first administration increased that spending by over a million dollars.

It would seem that the trend in educational spending aided by public opinion has helped Texas governors keep their promises toward aid to education as related to financing.

Political promises made by candidates for governor, aside from those of a purely financial nature, have met with a fair degree of success. James Ferguson, Neff, and Moody had very extensive platforms related to general improvements in the field of education. Of the three, James Ferguson came nearest to fulfilling his political promises when a great per cent of the legislation he advocated became law. Neff probably met with the least success of the three when he failed to secure a nine month school for all and a fifty-dollar per capita

apportionment to eliminate duplication in education, and to tax natural resources.

Changes in the administrative machinery of education have met with a great deal of resistance as has doing away with duplication in education. Political promises of this nature have not succeeded in most cases.

Political promises relating to vocational education have had a very good record. It would seem that federal aid has been the driving force in this field rather than executive pressure.

Promises related to increased school terms have met with little success in the years past. Moody, Hobby, James Ferguson, and Neff all made political promises on increased terms, yet all failed to fulfill their pledges.

Ferguson, Hobby, and Neff all featured textbook laws in their campaigns. Ferguson and Hobby met with success in their requested legislation, while Neff failed to realize the exact type of legislation he had presented.

Political promises of all types on public school education have had a good chance of becoming a reality. Promises of a general nature which call for "increased educational appropriations and advancement in education" have passed in most cases merely because of the trend in educational thinking of the people and the lawmakers. Popular support of education, the educational lobby, and federal aid all have played their part in aiding governors

to keep their promises; therefore, a candidate for governor who has the support of these three has a good chance of passing his education plank into law.

## CHAPTER IV

### HIGHWAYS

The Seventh Biennial Report of the Texas Highway Department gives a good description of the evolution of early state roads. The following section of the above report brings the highway system of Texas to the second James Ferguson administration:

The evolution of Texas Highways is a history of the State itself. In 1540 the sharp hoofs of Coronado's Spanish ponies beat the first trail into western Texas; the Camino de Rey, between San Antonio and the Hondo, was laid by other explorers; and about 1715 Saint-Denis let the first earnest colonists from a Spanish fort on the Rio Grande, near Eagle Pass, to Nacogdoches, over a route which became the first principal highway of Texas--the Old San Antonio Road.

Between these old Spanish trails and the network of modern Texas highways there lies the story of a State's gradual development. The beginning of commerce is seen in the picture of Mexican freighters taking corn to the Spaniards at San Antonio by ox-cart. Then came the increase in population, Stephen F. Austin's colonists on horseback and in covered wagons entering over roads which were liquid mud when it rained and iron furrows in dry weather. The needs of this pioneer civilization evolved the ox-wagon freighters, which often required months on the trip from San Antonio to Galveston and return; the cart and pony express mail line to Southern California; and the overland stage coach, guarded from Indians and extricated from the mud by "Big Foot" Wallace, the ranger and Indian fighter, with his party of eighteen armed men. With the development of these transportation facilities came the real need for good roads in Texas.

But from the era of the "prairie schooner" to the day of the horse and buggy, little progress was made in the improvement of roads. In the sparsely

settled Texas of pioneer times the settlers were grateful for a trail which led to home; there were first the dangers and discomforts of colonization to be endured, independence to be won and admission into the Union gained. Then, occupying a secure position actually and politically, Texas was free to begin real development and expansion, economically and culturally.

For both economic and cultural expansion the need of good roads at once became evident. Passable highways from the farm to the market and from the home to the church and the school were necessities in a growing country like Texas. To meet the expenses of their growth, counties collected a fee of Twenty-five Cents on the One-hundred-dollar valuation until 1883; but in that year there was started a more definite movement for good roads; by constitutional amendment the county tax rate for general purposes was lowered and provision made for a road tax of Fifteen Cents on One-hundred-dollar valuation.

This revenue proving insufficient, another constitutional amendment was passed in 1890 to provide for an ad valorem road tax not in excess of Fifteen Cents on the One-hundred-dollar valuation. But continued growth of the State called for still more revenue for roads; and in 1903 the Legislature passed an Act authorizing counties to issue bonds for public roads improvement. Later, provision was made for any county political subdivision, or a defined road district of the State to vote bonds for public roads, and levy an ad valorem tax for the payment of the principal and interest.

With economic conditions fairly stabilized, Texas now entered a period of cultural growth that brought the horse and buggy, the rubber-tired family surrey, and finally the automobile. As the use of these conveyances increased, the need for more and better roads became acute, and by 1911 clubs and other organizations had been formed to promote the construction of a system of public roads.

Acting as a parent organization to county and local road clubs, a State-wide association began an educational campaign in the interests of good roads, and by 1913 passed a resolution asking the Legislature to create a State Department which would furnish the counties information, advice, and aid on the construction of highways. A Bureau of Public Highways had been considered by the Legislature as early as 1903; the creation of the office of "State Expert Engineer" in 1905; the appointment of a State Highway Engineer in 1907; the office of a Commissioner of Highways in 1909; and in 1911 and 1913, the establishment of a

State Highway Department, with State aid for the construction and maintenance of public highways, and the levying of a license fee on automobiles.

However, each successive legislative measure failed, and sufficient impetus was not gained in the good roads movement until approval of the Federal Aid Road Act on July 11, 1916. Providing for appropriation of Federal funds to aid the States in construction of rural post roads, this Act stipulated that such funds would not be expended until the State Legislature had given assent to certain provisions. The cooperation of the State must be through its State Highway Department; the Federal funds advanced must be matched with funds raised by the counties; and the Federal funds apportioned to a State which had not previously established a Highway Department would not be available until the end of the third fiscal year following approval of the Act.<sup>1</sup>

The above brief history of the Texas road system indicates that road construction was slow in the State. In fact, there was no concerted effort to expand such roads until the Federal Aid Road Act of 1916. This law was passed in a period when people were beginning to think about the construction of a state system of highways.

Federal pressure has been the key to a greater part of highway legislation during the period since 1916. Governors have never opposed good roads, but their promises have been in terms of federal aid. This represents the true force in highway legislation, for behind nearly every speech related to highways there has been a need to meet federal aid.

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<sup>1</sup>Texas State Highway Department, The Seventh Biennial Report, 1929-1930, pp. 13-14.



As the former governors of Texas are presented in this chapter, it should be remembered that state highways have grown from nothing to over thirty thousand miles in the period from 1915 to 1948. This increase has been motivated in several ways, but usually by federal aid, which has been an ever driving force for better roads. Each of the governors is presented with his planks related to better roads as follows:

James E. Ferguson

Texas highways did not become an issue during Ferguson's first race for governor. His platform did not include a plank related to good roads for Texas, and his speeches for office did not call for the construction of a comprehensive system of good roads. The Federal Road Act of July 11, 1916, did not come into effect until Ferguson's second term; therefore, federal legislation, which caused rapid advancement in highway construction was not in existence during Ferguson's first campaign.

The State platform, which Ferguson is given credit for having helped to write, included the following plank related to highways:

We recommend legislation looking to the creation of State highways to be built and maintained by the State with the use and by the means of labor of State convicts.<sup>2</sup>

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<sup>2</sup>House Journal, Regular Session, 34th Legislature, p. 142.

The Governor carried the above party plank to the Legislature when he said,

I therefore suggest that the Legislature look carefully into the question of constructing a system of public highways, and if it can be found that convict labor can be successfully used to build permanent roads, that you pass such legislation as would give us piked roads from one end of the State to the other, maintained by the State.<sup>3</sup>

This last statement by the Governor represented an expansion of his political promises, and he further broadened his platform when he called for the creation of a state highway department.<sup>4</sup> These messages relating to highways represented a movement in the evolution of his thinking.

A bill was passed by the Thirty-Fourth Legislature which provided for the administration of all types of improvement districts. Road districts were placed under the control and supervision of the county auditor and were regulated by additional legislation.<sup>5</sup> This bill had not been requested by the Governor.

A second bill passed by the lawmakers made it unlawful for a railway company wilfully to obstruct a highway for more than five minutes at any one time.<sup>6</sup>

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<sup>3</sup>Ibid., p. 133.

<sup>4</sup>Ibid., p. 210.

<sup>5</sup>Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XXVII, p. 17.

<sup>6</sup>Ibid., p. 109.

Some fifty special road laws were also passed by the regular session of the Legislature creating and changing road districts. Road building in the above districts was done with local funds, and was not aided by state or federal grants.<sup>7</sup>

A constitutional amendment was offered by the regular session of the Legislature calling for an increased road tax which was not to exceed fifty cents per one hundred dollars valuation.<sup>8</sup> This amendment was defeated in the summer election of 1915 and did not become a part of the Constitution.

In summarizing Ferguson's first term of office in relation to political promises and legislative requests the following happened: First, Ferguson was not elected upon a road improvement platform. Second, he expanded his ideas relating to the use of convict labor in building a system of public highways, but no bill was passed by the Legislature providing for the use of such labor. Third, the Governor requested the creation of a highway department, but the Legislature failed to so act. And fourth, the Governor called for "a system of piked roads from one end of the State to the other, maintained by the State," and again the Legislature failed to pass the requested legislation.

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<sup>7</sup>Ibid., pp. 305-306.

<sup>8</sup>Ibid., p. 282.

All the above requests by the Governor were made to the Legislature, and do not represent a failure to fulfill political promises to the people of Texas.

Ferguson favored the creation of a state highway commission in his race for re-election in 1916. Again the question of highways did not play an important part in the governor's race, but Ferguson had a much more pronounced highway program in his second campaign.

The State platform had the following plank on public highways:

We urge upon the incoming Legislature to give serious and careful consideration to the matter of building and maintaining State and county highways by the levy of a tax on automobiles and other motor vehicles, said fund to be equitably divided between the State and counties. We recommend the creation of a highway commission, to be paid a reasonable salary and traveling expense, with powers to fix and establish standards and specifications for building public roads and to locate same, when built by the State, and with powers to employ State convicts in building State highways, all to be paid out of the tax on automobiles herein maintained.<sup>9</sup>

The above plank represented a move toward thinking in terms of state highways rather than district roads. Ferguson indicated that he favored a highway commission for two reasons: first, the Governor wanted the State to meet federal qualifications for receiving national highway aid; and second, Ferguson favored equalization of road construction costs.<sup>10</sup>

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<sup>9</sup>House Journal, Regular Session, 35th Legislature, p. 43.

<sup>10</sup>Ibid., p. 21.

Ferguson called for highway safety in the above legislative message in the following words:

In order that the general public may enjoy the use of the public highways with reasonable safety, I am in favor of a law making it a jail penalty to run an automobile in any incorporated town more than ten miles an hour or more than twenty-four miles an hour on a country road. There is an imperative demand that the speed maniac be dealt with in some drastic way.<sup>11</sup>

The Federal Road Act of July 11, 1916, provided the incentive for the creation of a highway department. The State had to meet federal regulations to receive aid from the national government; therefore the Governor's success in meeting his political promises in this case should be considered in relation to public as well as to federal pressure.

The Legislature created the State Highway Department, which was to be administered by the State Highway Commission. The Commission was to consist of three members appointed by the Governor for two year terms, but all appointments were subject to approval by the Senate. One function of the State Highway Commission was to formulate policies and plans for the location and construction of a state highway system. The Commission was also to cooperate with the counties.<sup>12</sup>

The above act created the office of State Highway Engineer, which was to be filled by the appointment of the

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<sup>11</sup> Ibid.

<sup>12</sup> Gammel, Laws of Texas, Regular Session, 35th Legislature, Vol. XXVII, pp. 416-427.

State Highway Commission. The law also provided for the Commission to grant state aid to counties, but this aid was not to exceed twenty-five per cent of the total cost of the work and not to exceed ten miles of road per year in any one county.<sup>13</sup>

The Agricultural and Mechanical College and University of Texas were placed at the disposal of the State Highway Department for the purpose of testing and analyzing road materials.<sup>14</sup>

Automobile registration fees were levied in the above act. The income from these fees was divided equally between the State and the county government for road construction. The creation of the State Highway Fund was another part of the same act. This fund was to receive federal and state moneys for the construction of highways.<sup>15</sup>

The creation of the State Highway Department followed the Governor's recommendations very closely, and the creation of the above department represented a victory for Ferguson's campaign promises. It should be remembered, however, that federal money brought a great deal of pressure to bear upon the Legislature.

Other legislation passed by the lawmakers related to roads is as follows:

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<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

<sup>15</sup>Ibid.

1. Provisions were made for the county to assume local road district debts after construction had been completed upon district roads. The voters of the county had to accept such debts in an election for that purpose.<sup>16</sup>
2. The Legislature accepted the Federal Aid Road Act.<sup>17</sup>
3. The Legislature created a code of laws to regulate motor vehicles. This code represented the first effort by the Legislature to regulate all phases of road laws and general traffic movements of automobiles.<sup>18</sup>
4. Exclusive control of streets in towns of five thousand or more population was granted to the town, and provisions for changing such streets were embodied in the act.<sup>19</sup>
5. An amendment was passed by the first called session of the Thirty-Fifth Legislature which provided additional penalties for violation of certain parts of the highway regulation section of the act creating the State Highway Commission.<sup>20</sup>

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<sup>16</sup> Ibid., p. 461.

<sup>17</sup> Ibid., p. 93.

<sup>18</sup> Ibid., p. 474-485.

<sup>19</sup> Ibid., p. 352.

<sup>20</sup> Ibid., First Called Session, Vol. XXVIII, p. 48.

6. Some sixty-two separate regulations were passed creating and changing local road districts during Ferguson's second term of office.

Other regulations were passed by the second, third, and fourth called sessions of the Legislature, but Ferguson had been impeached by the second and third called sessions of the Thirty-Fifth Legislature and the new regulations can not be considered in relation to his political promises.

The outstanding sections of Ferguson's administration relating to the highways lies in the fact that a State Highway Department was created by the Legislature in accordance with the promises of the Governor, and a system to finance the above department was provided. A code to regulate traffic and road conditions was also passed. This also followed the ideas expressed by the Governor.

The State Comptroller's Report shows \$21,080 spent on the State Highway Department in the fiscal year ending 1917, and this amount was increased to \$1,246,260 in the fiscal year ending 1918. The fiscal year ending 1919 was not presided over by Ferguson, but represented the acts of the Thirty-Fifth Legislature. Total spending from all sources for the latter fiscal year represented \$1,493,832.<sup>21</sup>

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<sup>21</sup>Special chart furnished by the Texas Highway Department, Austin, Texas, May 11, 1948.



The second Ferguson administration kept faith with political promises relating to Texas highways for the most part, and it represented the beginning of a new era in road building in Texas. It should be remembered, however, that federal pressure aided the Governor's program.

#### William P. Hobby

William P. Hobby served his first elective term of office during the First World War; therefore, the principal issues of the period were related to the conduct of the war and opposition to James Ferguson, who had entered the race against the Governor. Hobby cited his record as governor during his first term of office as a basis for re-election, and he did not have a major plank relating to highway changes.

Since Hobby was running on his record, it should be mentioned that the newly-appointed State Highway Commission, which was in office when Hobby followed Ferguson to the Governor's chair, had not been supported by adequate legislation. The Commission's work had broken down completely, but changes were made in the initial law which aided in placing the Commission on a workable basis.<sup>22</sup> Hobby did not initiate these changes by legislative message, but once they were passed he signed the bills into law.

The amount of money appropriated by the Legislature fell

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<sup>22</sup>Letter from William P. Hobby, Houston, Texas, March 24, 1948.

far short of that needed to match federal funds; therefore the counties were forced to vote huge bond issues. During the year 1919 counties voted a total of \$80,708,000 in road bonds. State aid to road construction lagged far behind those moneys coming from the national and the county governments.<sup>23</sup>

The State platform for 1918 included a plank which requested funds for the improvement of highways,<sup>24</sup> but the Governor did not mention the subject of highway improvement or increased funds for such construction. The only section of Hobby's speeches which might be considered a request for highway legislation was given in a blanket indorsement of the State platform when the Governor said,

I wish to direct your attention and urge favorable action upon all demands and recommendations incorporated in the State platform adopted in convention in the city of Waco, to be accepted by you and me alike as the voice of the organized Democracy of Texas which confided to our hands the trust we now hold.<sup>25</sup>

It would seem that this section of the Governor's message meant to sanction the actions of the party in placing a highway improvement plank into its platform, but the Governor failed to give emphasis to the State platform demands.

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<sup>23</sup>Texas State Highway Department, The Second Biennial Report, 1918-1922, p. 7.

<sup>24</sup>The Galveston Daily News, September 5, 1918, p. 1.

<sup>25</sup>House Journal, Regular Session, 36th Legislature, p. 153.

The Legislature did not make any major changes in the administration of state highways, but a number of regulations were passed dealing with both basic changes in construction and maintenance laws and traffic laws. Some of the most important of both types are listed as follows:

1. The counties were granted power to employ special deputy sheriffs to enforce the traffic laws.<sup>26</sup>
2. A resolution was passed by the Legislature which called for an investigation of the State Highway Commission.<sup>27</sup>
3. Regulations were passed to provide for the protection from theft of motor vehicles. The bill dealt with engine numbers, bills of sale, and penalties for violation of the act.<sup>28</sup>
4. New traffic regulations were passed relating to driving past public carriers when the carrier is not in motion.<sup>29</sup>
5. The State Highway Department's original bill was amended by the lawmakers to increase the income from registration of motor vehicles. Changes were made in the licensing of heavy freight-carrying motor vehicles and those carrying passengers for hire.<sup>30</sup>

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<sup>26</sup> Gammel, Laws of Texas, Regular Session, 36th Legislature, Vol. XIX, p. 228.

<sup>27</sup> Ibid., p. 368.

<sup>28</sup> Ibid., p. 253.

<sup>29</sup> Ibid., p. 309.

<sup>30</sup> Ibid., p. 178.

6. All money which came into the hands of the State Highway Department from registration fees and other sources was given to the Department for maintenance and operation.<sup>31</sup>
7. Changes were made in the issuance of county bonds for construction of highways and public roads. These changes were aimed at stabilizing the issuance of road bonds.<sup>32</sup>
8. A resolution was passed providing for an investigation of the cement industry in Texas. This action was brought about by a scarcity of cement for road construction.<sup>33</sup>
9. The counties were granted the power to acquire timber, earth and gravel by the power of condemnation.<sup>34</sup>
10. During Hobby's second administration, the lawmakers passed ninety-one road laws regulating local road districts in the State. The increased need for such legislation almost doubled during Hobby's administration.

A total of \$2,411,285.26 was spent for the construction of highways during the first fiscal year of Hobby's second

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<sup>31</sup>Ibid., Second Called Session, pp. 129-130.

<sup>32</sup>Ibid., p. 89.

<sup>33</sup>Ibid., Third Called Session, Vol. XX, p. 143.

<sup>34</sup>Ibid., p. 44.

term, and the second fiscal year ending August 31, 1921, saw total spending increased to \$6,904,973.27. Both increases represented the expansion of aid to state highways. Although these increases would also represent increased appropriations as promised in the State platform and endorsed by the Governor, it should be taken into consideration that the Governor brought no great pressure to bear upon the Legislature to increase appropriations for highways.

In summarizing Hobby's highway program the following should be taken into consideration: First, he had no positive road construction plan to offer the people during his race for governor. Second, he endorsed a state plank related to highways after he assumed office. Third, he brought little or no pressure to bear upon the lawmakers related to highway construction. Fourth, increased spending on highways did not come so much from the State as it did from the local road districts and national government. In fact, the State fell far behind the above two in road financing. And sixth, federal aid rather than executive pressure caused the increases in road construction.<sup>35</sup>

#### Pat M. Neff

Neff opened his campaign for governor with a very general plank favoring a good road system in Texas. The

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<sup>35</sup> Author's opinion.

Governor entitled the section of his opening speech related to highways "And a Highway Shall Be There." He continued his speech by saying,

A question that should be of great concern to all the people of this forward-looking day, is the building of good roads. Texas has enough miles of highway to encircle the globe six times, but we have only a few miles of good roads. The world has moved slowly, but the era of good road building is now here. The war taught us no bigger or better lesson than the absolute necessity of constructing, as a means of transportation, enduring highways. Battles have been fought for the freedom of the seas, which is not more important than the freedom of rural transportation. There is no one thing that will so thoroughly develop our state along all lines as a system of perfected roadways, checking our country so that every farm house will have easy access to a good road.<sup>36</sup>

Neff continued his speech by saying that he favored the planting of trees along the roads of Texas. He added, "He who plants a tree by the lonely roadside, in order that others may enjoy its shade, eat its fruit, or use its timber, is a benefactor to the human race."<sup>37</sup>

It should be noticed that Neff called for improvements in general terms, and did not commit himself to a specific method of improving the highways of Texas or its rural roads.

Neff did not aid in the writing of the State platform, but requested that the Legislature follow the planks of the State platform in the following words:

Our first business at hand is to redeem the pledges made by us to the people. All party platforms should be carefully considered and faithfully followed. (...) For

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<sup>36</sup>Neff, The Battles of Peace, p. 285.      <sup>37</sup>Ibid., p. 286.

the first time, perhaps, in more than a quarter of a century, the platform was not dictated by the nominee for Governor.<sup>38</sup>

The section of the State platform which he was endorsing called for federal aid to highways, the building of good roads, and the maintenance of such roads.<sup>39</sup> Even though Neff did not write the State platform, it called for essentially the same program which he advocated in his campaign.

Neff did not offer his road program to the Legislature during his first term of office by specific message; therefore he did not furnish the lawmakers with information as to how he would have that body carry out his political promises. It would seem that Neff was satisfied to allow the lawmakers to decide their course of action for providing the improvements he had advocated in his campaign.

The regular session of the Thirty-Seventh Legislature passed several laws related to the State Highway Department. The lawmakers granted the State Highway Commission the power to fix the compensation for the State Highway Engineer and other members of the Highway Department. The Commission was also granted power over the State Highway Fund in such a manner that the Commission could contract for all supplies required.<sup>40</sup> This act of the Legislature represented a broad

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<sup>38</sup>Senate Journal, Regular Session, 37th Legislature, p. 128.

<sup>39</sup>Ibid., p. 124.

<sup>40</sup>Gammel, Laws of Texas, Regular Session, 37th Legislature, Vol. XX, p. 102.

expansion of the powers of the State Highway Commission.

The lawmakers provided for the creation of road districts and other territory in addition thereto. This act also provided for larger road districts under certain conditions, and for improvements on a larger scale. The Governor did not sign this bill and it became law without his signature.<sup>41</sup>

The first called session of the Thirty-Seventh Legislature called for a number of changes in road maintenance. The counties were divided into road districts which were placed under the central control of road superintendents. A person, known as a patrolman, was employed in each district to see that the roads were maintained. The cost of maintenance was to be derived from a maintenance fund, which would come from moneys paid for the privilege of being exempt from road duty. The provisions for raising the needed money for maintenance were listed, but the five dollar charge for every able-bodied male between the ages of twenty-one and fifty years of age for exemption from road duty was a new move in state taxation. If a man did not want to work five days during a calendar year he had to pay five dollars for such an exemption. This law provided for better maintenance of state and county roads but became law without Neff's signature.<sup>42</sup>

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<sup>41</sup>Ibid., p. 93.

<sup>42</sup>Ibid., First Called Session, Vol. XXI, pp. 129-140.



A second move made by the first called session of the Legislature provided for classification of the roads of the State into first class roads, second class roads, and third class roads. The first class roads were comprised of the State highways for a greater part; the second class roads were comprised of those roads connecting state highways; and the third class roads were the remaining roads in the State. In the classification system provisions were made for maintenance cost to be prorated according to the above classification.<sup>43</sup>

The lawmakers reduced the annual license fee passed by the prior legislature on certain types of heavy vehicles. The tax levied had become prohibitive in the terms of the law.<sup>44</sup> This move of the Legislature represented an improved system of transportation of heavy freight in certain sections of the State.<sup>45</sup>

The Legislature also provided for administration, registration, engineering facilities, federal equipment, and nine new field division engineers to supervise constructions of state highways. The Governor signed this appropriation, which was a very liberal movement in the direction of improved roads.

The rate of increase in money spent for state highways did not increase in a ratio corresponding to the increase of

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<sup>43</sup>Ibid., pp. 130-132.

<sup>44</sup>Ibid., p. 172.

<sup>45</sup>Ibid., p. 231.

Hobby's administration, but the total expenditures for all purposes for the fiscal year 1921-1922 amounted to \$8,876,381.<sup>46</sup>

The fiscal year 1922-1923 represented an actual reduction in the amount spent for highways when only \$8,593,947.54 was spent for all purposes.<sup>47</sup>

It would seem that Neff's first administration represented a movement toward a more efficient system of maintenance, but did not give additional moneys in the ratio of increased spending given by other administrations to the promotion of highways. Although increased highway mileage and the road classification act aided in keeping Neff's political promises, no legislation was passed requiring that trees should be planted along the road sides.

The Governor did not run for re-election on a specific plank related to highways. The Chief Executive called for improvements in transportation, and asked the people to suggest means of improving Texas highways.<sup>48</sup> In another speech Neff told the people of Texas about Hogg's administration in relation to roads, but did not offer a plan of his own.<sup>49</sup> Neff did not present a tax program for expansion of state highways, but left the question of such

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<sup>46</sup>Special chart furnished by the Texas Highway Department, Austin, Texas, May 11, 1948.

<sup>47</sup>The Texas Almanac, 1947-1948, p. 308.

<sup>48</sup>The Dallas Morning News, July 20, 1922, p. 9.

<sup>49</sup>Ibid., July 18, 1922, p. 3.

financing up to the people and the Legislature. This approach to the highway problem gave the impression that Neff favored highway construction, but he left the method of construction and financing very vague in his race for a second term.

Neff issued a message to the Legislature upon the subject of highway construction and financing. He said that the State had to meet new federal regulations passed in November, 1921, if they were to continue to receive federal funds for highway construction. He also told the Legislature that the State had to provide for the upkeep of the public roads constructed under the new law, and that he felt the transportation problem was one of the largest before the people of Texas at that time.<sup>50</sup>

The Governor continued his speech telling the lawmakers that there were some twenty-eight hundred miles of improved roads in the State, but that under the local road district system these roads were not connected into a state system of good roads.<sup>51</sup>

Neff also said, "Our State Highway Department, lacking State funds to match Federal Appropriations, has had to depend upon the counties to do so." By this statement the Governor admitted that state financing had failed in the preceding terms, and that the State had to assume a greater

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<sup>50</sup> House Journal, Regular Session, 38th Legislature, p. 57.

<sup>51</sup> Ibid., p. 323.

roll in financing state highways. Neff also called for the building of state highways to be "centralized and standardized."<sup>52</sup>

The Governor told the lawmakers that people should get away from the idea that all public roads are county roads, and that they should think of them in terms of state roads. He added, "They (state highways) must be built under the supervision and direction of our State Highway Department and the expense of building must be borne by our State with whatever financial aid the national government may see fit to give."<sup>53</sup>

Neff told the Legislature that all roads which had been built under federal aid had to be kept in a good state of repair, and that if these roads were allowed to deteriorate, the Federal Government would withdraw all aid to the highways of Texas.<sup>54</sup>

The Governor mentioned that new money would have to be raised for the requested expansions of the duties of the State government, but he did not tell the lawmakers where he felt they should get the money. He told the Legislature that they could consider state bonds, increased taxes on motor vehicles, and a gasoline tax; but he failed to tell the lawmakers which one tax or combination of such taxes he favored.<sup>55</sup>

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<sup>52</sup>Ibid.

<sup>53</sup>Ibid., p. 324.

<sup>54</sup>Ibid.

<sup>55</sup>Ibid., pp. 324-325.

Neff requested that the Legislature allow the prison system to make automobile number plates, which were costing the State sixty seven thousand dollars for the year, 1923.<sup>56</sup> The Governor also called for an act to regulate the use of trucks and jitneys used for hire and general traffic on the public highways by taxation and other means.<sup>57</sup>

Neff carried his highway program further when he listed the following reason for convening the second called session of the Legislature:

Highway legislation: giving county commissioners' courts authority to condemn land for the purpose of laying out and building public highways; providing for the use of gravel, shell, and similar material belonging to the State, used in public road building; and the condemnation generally, of land, including right-of-way thereto, containing road building material; providing for safe crossing at the intersections of public highways and railroad tracks; regulating headlights on motor vehicles used on public roads; regulating motor trucks and jitney lines operating for hire on public roads; defining the weight and size of vehicles used on the public roads and the amount of tonnage to be carried at any one time on any said vehicles; providing for an emergency upkeep and maintenance of the improved highways of Texas.<sup>58</sup>

Governor Neff called for the enactment of legislation which would designate all the state parks as a part of the highway system of Texas. By enacting such a law the State

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<sup>56</sup>Senate Journal, Regular Session, 38th Legislature, p. 176.

<sup>57</sup>Ibid., Third Called Session, p. 113.

<sup>58</sup>Ibid., Second Called Session, p. 77.

Highway Department would have the power to build roads in such parks.<sup>59</sup>

The regular session of the Thirty-Eighth Legislature set the terms of office for the State Highway Commissioners at six years so that one term of office would expire each two years. The salary of each commissioner was set at two thousand five hundred dollars per year.<sup>60</sup> This legislation had not been requested by the Governor.

An occupation tax of one cent per gallon of gasoline was placed upon each gallon sold by wholesale dealers. Three fourths of the above tax was allocated to the State Highway Fund and one fourth of the one cent tax was given to the Available School Fund.<sup>61</sup> This tax had been indirectly requested by the Governor.

An act of the Legislature authorized the State to take over and maintain the State highways under the supervision of the State Highway Commission on or after January 1, 1924.<sup>62</sup> This law had been required by the national government. The Legislature also proposed a constitutional amendment which provided for state control and maintenance of the highways, but the failure to comply with a technicality caused the voting on the proposed amendment to be cancelled by the Attorney General.<sup>63</sup>

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<sup>59</sup>Gammel, Laws of Texas, Regular Session, 38th Legislature, Vol. XXI, p. 325.

<sup>60</sup>Ibid.

<sup>61</sup>Ibid., p. 776.

<sup>62</sup>Ibid., p. 161.

<sup>63</sup>The Texas Almanac, 1947-1948, p. 309.

A ruling by the State Supreme Court in the case of Limestone County determined that title and control of roads were inherent in county or state government; therefore the bill passed by the regular session of the Thirty-Eighth Legislature placing maintenance of public roads under the State Highway Commission was valid. This ruling of the Supreme Court removed the necessity of a constitutional amendment and placed the State in a position to maintain the highways of Texas.<sup>64</sup>

The State was also authorized to increase the maximum amount of aid to a county to one half of the cost of construction. This money was to be paid from the State Highway Fund.<sup>65</sup>

The Maintenance Division of the Highway Department was created by the act giving the maintenance of highways to the Department. The Division was put into operation, and the number of division engineers was increased to eighteen. General maintenance of all state highways was assumed on January 1, 1924, but the Department funds, personnel, and equipment for maintenance proved limited. The counties owned a great deal of such equipment and did the work of

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<sup>64</sup>Robbins v. Limestone County, 268 SW, Southwestern Reporter 915, 1925.

<sup>65</sup>Gammel, Laws of Texas, Regular Session, 38th Legislature, Vol. XXI, p. 161.

maintaining the highways under state supervision. This arrangement continued until the first part of 1927.<sup>66</sup>

Another bill passed by the Legislature provided for cities to purchase and condemn real estate property for the purpose of constructing highways through such cities. This bill became law without Neff's signature.<sup>67</sup>

The second called session of the Thirty-Eighth Legislature passed a second bill which was aimed at removing any doubt of the state law complying with federal regulations in so far as state control of construction and maintenance of highways was concerned.<sup>68</sup>

The total amount spent from all sources upon state highways increased from \$8,593,947.50 in the fiscal year ending 1923 to \$12,144,393.36 in the fiscal year ending 1924. In the last fiscal year of Neff's administration \$20,602,264.66 was spent on state highways.<sup>69</sup> In the span of two years after the State had assumed legal responsibility for the highways under Neff's administration the amount spent on highways was more than doubled.

<sup>66</sup>The Texas State Highway Department, Seventh Biennial Report, 1929-1930, p. 16.

<sup>67</sup>Gammel, Laws of Texas, Regular Session, 38th Legislature, Vol. XXI, p. 4.

<sup>68</sup>Ibid., Second Called Session, Vol. XXII, p. 456.

<sup>69</sup>The Texas Almanac, 1947-1948, p. 308.



Even though Neff had called for improvements in public highways and roads, the fact should be taken into consideration that the Federal government placed a great deal of pressure upon the State by regulations which had to be met for federal aid.

It would seem that Governor Neff fulfilled most of his promises relating to the highway system, and most of his recommendations to the Legislature were passed. Increased revenue was provided, the Federal law was satisfied, and the State assumed control of the highway system in part during Neff's administration. Since the Governor had been very general in his promises to the people of Texas, it is hard to say just what he had promised, but pressure from the national government was the key to the success of the highway system.<sup>70</sup>

#### Miriam A. Ferguson

Miriam Ferguson's first race for governor came during a raging fight over the Ku Klux Klan and demands for economy in government; therefore it is not strange that neither Miriam nor James Ferguson included a highway plank in their platform. The Neff administration had just begun the new state control of highway maintenance, and the fight for changes in the road system of the State seemed to be over for a while.

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<sup>70</sup>Author's opinion.

The first real indication of Miriam Ferguson's stand on highways came in a message to the Legislature in which she said that she favored "farm-to-market-roads." She also told the lawmakers that the State Highway Department had supervised the spending of forty million dollars during the year 1924, and that the State Highway Department had grown in magnitude until it was the biggest business institution in Texas.<sup>71</sup>

The Governor told of her meeting in Dallas, Texas, with a group to discuss the maintenance and construction of good roads in Texas. She said that the meeting had decided that there should be an average tax of six dollars on each motor vehicle in the State, with all such money going to the counties for road construction. Second, they had agreed that a three cent tax should be placed on each gallon of gasoline. Three fourths of the revenue thus obtained would be used by the State Highway Department.<sup>72</sup>

The Governor ended her speech relating to highways in the following words:

In the building of public roads it appears that we have not paid enough attention to the necessity of building permanent roads and too much money has been spent on temporary construction. The building of four-year roads with forty-year bonds is unfair to our posterity and should cause us to adopt a better policy.<sup>73</sup>

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<sup>71</sup>House Journal, Regular Session, 39th Legislature, p. 109.

<sup>72</sup>Ibid.

<sup>73</sup>Senate Journal, Regular Session, 39th Legislature, p. 111.

A second request made by Miriam A. Ferguson to the Legislature centered around the Archer County Case, in which the United States Supreme Court questioned the validity of road bonds issued in Texas. The Governor requested that the Legislature meet the objections of the Supreme Court.<sup>74</sup>

The regular session of the Thirty-Ninth Legislature passed an act validating all districts which had been created before, and provided a clearer set of laws in relation to the formation of road districts and voting of bonds for such districts.<sup>75</sup> This act was aimed at satisfying federal regulations, and had been requested by the Governor.

Another act was passed providing for the construction and maintenance of a state highway system under the direct control of the State Highway Department and with appropriations from the State Highway Fund. The act provided for cooperation with local county systems and authorized condemnation of materials to be used in the improvement of the highways. In effect this act of the Legislature placed the highway system of the State under the State Highway Department for nearly all functions. This move was necessary because of the Federal Aid Act which required such an

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<sup>74</sup>Ibid., First Called Session, p. 5.

<sup>75</sup>Gammel, Laws of Texas, Regular Session, 39th Legislature, Vol. XXII, p. 335.

arrangement to receive federal money for state highways.<sup>76</sup> Miriam Ferguson had advocated this move in her message to the lawmakers, but had not run for office with the above act included in her platform.

Any county or political subdivision or road district in the State was authorized to issue bonds and provisions were made for their payment, provided that certain regulations were met by the division and voters thereof.<sup>77</sup> This act was an effort on the part of the lawmakers to provide for meeting federal regulations in relation to road bonds. The Governor had requested this legislation in her message calling the first called session of the Legislature.

About ninety per cent of the first called session of the Thirty-Ninth Legislature was spent in making adjustments in road laws. Over six hundred bills were passed creating and validating road districts by the above session.

The amount of money appropriated for the operation of the State Highway Department was decreased during Miriam Ferguson's term of office by nearly one hundred thousand dollars.<sup>78</sup> The State lost some federal aid while the Legislature was attempting to meet national regulations. The above reduction might also be considered in light of the Governor's economy plank.

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<sup>76</sup>Ibid., p. 456.    <sup>77</sup>Ibid., First Called Session, p. 23.

<sup>78</sup>Ibid., Regular Session, p. 538.

Total highway spending fell from \$20,602,264.66 for the fiscal year 1924-1925 to \$19,988,350.79 for the first fiscal year of Ferguson's administration. This represented an almost static period in spending on state highways. The second fiscal year, 1926-1927, however, saw a slight increase in total spending when the amount climbed to \$19,992,960.96.<sup>79</sup>

Miriam Ferguson had had no specific highway promise in her race for office, and her messages to the lawmakers were in terms of meeting federal legislation in order that the State might have additional revenue. She did not increase the revenue for the Highway Department, and it would seem that she kept her promise for savings in state government, but she did it at the expense of the State Highway Department.<sup>80</sup>

Miriam Ferguson began her second term campaign with a very definite promise related to the State Highway Commission. She told the people of Arlington, Texas, that the Commission was "arrogant and dictatorial," and she felt that members of the above body should be removed from office. She also said, "If I'm elected Governor I will promise to use all the powers of the Governor's office to remove them."<sup>81</sup>

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<sup>79</sup>The Texas Almanac, 1947, p. 380.

<sup>80</sup>Author's opinion.

<sup>81</sup>The Dallas Morning News, July 21, 1932, p. 2.

James Ferguson told the people of Arlington that the Highway Department was building roads at a cost of thirty thousand dollars a mile. He said that roads could be built for one third of the amount by using asphalt preparations. He also said that two thousand new employees had been employed by the State Highway Department since his wife's campaign had begun, and he proposed to turn them all off their jobs just as soon as his wife was elected. He missed few words in attacking the Sterling road program, and left the people with the impression that major reductions were going to be made in the cost of Highway construction and administration.<sup>82</sup>

In Denton, Texas, on August 25, 1932, James Ferguson spent a great part of his speech talking about the one hundred million dollar highway fund. He told the people that the Comptroller had officially certified to him that the Highway Department had collected two hundred and seventeen million dollars, and he said that no more than one hundred and seventeen million dollars had been paid out. Ferguson wanted to know where the excess money was.<sup>83</sup>

The Ferguson plank related to the State Highway Department was quite negative. Not only did it fail to call for a specific program for advancement, but actually

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<sup>82</sup>Ibid.

<sup>83</sup>The Denton Record Chronicle, August 26, 1932, p. 5.

demanded restrictions on the Department. Moreover, it asked for a complete change in the membership of the Commission. This program was not pressed at the Texas Democratic convention, and the Governor did not mention highways in her first message to the Legislature.

The only request made to the lawmakers related to her campaign promises came on February 13, 1933, when she requested that there be an investigation of the State Highway Department in regard to some funds which she and the Attorney General felt had been misused in the amount of \$1,097,991.<sup>84</sup> There was no action on the part of the Governor to remove the Commission, or call for reduced costs in construction of highways. These powers were vested in the legislative branch and in turn delegated to the State Highway Commission; therefore, any action on the part of the Ferguson administration to change the personnel or structure of the Commission had to come through the legislative branch.

The Ferguson administration did not make any major changes in the State Highway Department. A great deal of time was used in making the program initiated by Sterling's administration work. A number of laws were needed to finance the handling of the local funds granted from the gasoline

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<sup>84</sup>House Journal, Regular Session, 43rd Legislature, p. 415.

tax,<sup>85</sup> and administrative agencies had to be changed to aid in the distribution of the county's share of the money.<sup>86</sup>

The Legislature provided for the office of Landscape Architect in 1933 for the purpose of improving and beautifying the roadsides. This legislation led to the placing of millions of yards of grass sod along the highways of Texas,<sup>87</sup> but the above legislation had not been requested by the Governor. In fact none of the requested legislation was passed by the lawmakers.

The power of the Highway Commission was not lessened by the Legislature; the Commission was not removed from office; no legislation was passed related to type of road construction; and no major change took place in the construction of the Department.

Road construction climbed during the Ferguson administration from 19,349.24 miles of highways in Texas at the end of the fiscal year, 1933, to 19,913.52 at the end of the fiscal year 1934. The last fiscal year of Miriam Ferguson's administration saw the amount increase to 20,359.03 miles of highways. The total expenditures of the Department dropped during the second Ferguson administration from \$42,795,910.64 in 1933 to \$40,650,348.20

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<sup>85</sup>Gammel, Laws of Texas, Regular Session, 43rd Legislature, Vol. XXVIII, pp. 508, 347 and 34.

<sup>86</sup>Ibid., First Called Session, p. 322.

<sup>87</sup>History of Texas Roads and the Texas Highway Department, 1948, p. 16.



at the end of the fiscal year ending 1934. The fiscal year ending 1935 saw the amount further decreased to \$36,035,108.59.<sup>88</sup> Federal and local spending marked the reduction in the moneys used by the State for road construction. The Federal Government was spending \$11,881,978.97 on highway construction in 1933, and the amount increased to \$16,173,473.11 during the fiscal year ending 1934. But the amount was reduced to \$12,913,885.56 during the next fiscal year. Local spending by the counties and local road districts had been cut by legislation passed during Sterling's administration when the State assumed the cost of highway construction. In the fiscal year ending 1932, for example the local districts were spending \$7,790,955.07 for highway construction, but this amount dropped to \$10,053.46 in the fiscal year ending 1935. This decrease in local spending was not met by the Federal or the State governments.<sup>89</sup>

There was no marked reduction in the spending of the Highway Department for administration, and since the Department had a great deal of power in relation to hiring men there were few changes to be noted during the Ferguson administration.

Miriam Ferguson's platform promises, as related to highways, were not pushed by the Governor. No major changes were

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<sup>88</sup> Special chart furnished by the Texas Highway Department, Austin, Texas, May 11, 1948.

<sup>89</sup> Ibid.

made during her second administration in financing or administering the State Highway Department. The decreased spending for roads might be attributed to economic conditions during the Ferguson administration, but no matter what happened during the above term there was no positive program for highway improvement during Miriam Ferguson's second term.<sup>90</sup>

#### Dan Moody

Dan Moody opened his campaign for governor with a well-defined highway system plank. He called for reforms in the handling of "the millions of dollars in the highway fund." Moody told the people how contracts had been let without bids in many cases. He also stated that contractors were spending from twenty-five to thirty-five per cent of the money received on the construction of the roads. Moody indicated that of some four million dollars spent during the past year only about one half of it went for roads. He also said that rock was being sent from Oklahoma at a cost of one hundred and fifty dollars per car.

The Governor cited the case of a stockholder who had stated upon the witness stand that road company profits were so excessive, that he, the stockholder, became ashamed even to look at the books.<sup>91</sup>

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<sup>90</sup> Author's opinion.

<sup>91</sup> The Galveston Daily News, May 9, 1926, p. 1 and 15.

Moody summed up his stand on highways as follows:

I favor a complete, comprehensive system of state highways with all federal aid available.(...) I favor a system whereby the contracts are let upon competitive bidding, and upon the unit system.

Authority should be given the highway commission to receive back funds and take over the maintenance of the roads in the event it is not properly done by the county authorities.(...)

I favor a law which will give the county judge of the county or counties and commissioners the right to sit with the highway commission in the awarding of the contract, and an equal vote with the highway commission in all awards.<sup>92</sup>

Governor Moody indicated his highway program in his first message to the Legislature when he called for

The efficient and economical development of a system of correlated State highways, taking care to safeguard against the evils shown to exist in the administration of highway affairs in this State, and providing an equitable means of securing adequate revenues for the Highway Department.<sup>93</sup>

The Governor told the lawmakers that he felt they should look to the gasoline tax as a means of revenue for the State Highway Department. Moody then listed his four point plan to the Legislature.<sup>94</sup>

First, he requested that a survey be made of the highway system, and that roads should be classed as first, second, and third class roads. This classification was to be made in relation to character of construction, traffic demands, and relative importance in a connected and correlated system.<sup>95</sup>

<sup>92</sup>Ibid.

<sup>93</sup>House Journal, Regular Session, 40th Legislature, p. 100.

<sup>94</sup>Ibid., p. 106.

<sup>95</sup>Ibid.

Second, he requested that good roads, which would have a low maintenance cost to the State, be constructed. The system of roads would be laid out so as to help the most people and the heaviest traffic.<sup>96</sup>

Third, Moody requested that the advice of engineers and technical experts be employed by the State Highway Commission.<sup>97</sup>

Fourth, the Governor favored "giving the counties a larger voice in the administration of highway affairs." He wanted all maintenance to be under the supervision of the State Highway Department, but the Governor favored giving the counties money to work under state supervision.<sup>98</sup>

The Governor requested that the lawmakers increase the gasoline tax to two cents per gallon to aid the financing of the State highways. He also requested that such a bill should be operative for a period of two years, unless sooner repealed.<sup>99</sup>

The most important legislation related to the State Highway Department was the raising of the occupation tax on gasoline from one to three cents per gallon from March 16, 1927, to September 1, 1928. At the end of that time the tax was to be reduced to two cents per gallon.<sup>100</sup> This

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<sup>96</sup>Ibid.

<sup>97</sup>Ibid.

<sup>98</sup>Ibid.

<sup>99</sup>Ibid., p. 250.

<sup>100</sup>Gammel, Laws of Texas, Regular Session, 40th Legislature, Vol. XXV, pp. 142-145.

appropriation bill offered an immediate increase to care for outstanding needs; it also provided what the lawmakers thought to be a stable income for the Department.

Aid was given the construction of lateral roads by a legislative act which provided specific uses for motor vehicle registration fees.<sup>101</sup> This legislation had been requested by the Governor.

Moody's first term of office was marked by federal pressure brought to bear upon the State Highway Department. The national government was going to withdraw aid from state highways if certain stipulations were not met. The gasoline tax was increased to meet the need of finances, and the Highway Department was increased in personnel to care for its increased duties. This expansion can be seen in an increased appropriation of four hundred thousand dollars to run the State Highway Department alone,<sup>102</sup> but Moody did not see a great number of his promises come into effect during his first term of office.

Moody ran for re-election to a second term of office on his record as governor. He included his ideas relating to highway construction and financing in a message to the Forty-First Legislature when he said,

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<sup>101</sup> Ibid., p. 235.

<sup>102</sup> Ibid., First Called Session, p. 292.

According to the thought prevailing in this country and the practices in other States, there are three ways of financing highway building. They are:

- (1) A pay-as-you-go plan. This plan contemplates the construction of highways from current revenues derived from various means of taxation, and by local bond issues retired by an ad valorem tax.
- (2) A State-wide bond issue which the revenues received by the Highway Department from an occupation tax on gasoline and license of motor vehicles are pledged to redeem.
- (3) A combination of the bond and pay-as-you-go plan contemplating a small issue of bonds and the use of a larger part of the current revenues for construction than is contemplated by the second plan.<sup>103</sup>

The Governor continued his speech by telling the Legislature that there were not sufficient funds to make plans to build long stretches of road. He said the State still had to depend upon local initiative to supply funds to supplement the moneys available to the State Highway Department. The Governor then summed up the highway needs with the following statement:

To my mind, your two principal problems in highway matters are: First, the immediate needs of the Department for this biennium; and, second, the adoption of a program that will last over a period of years and give the Department the opportunity to initiate and the power to exclude a program and policy.<sup>104</sup>

The Governor requested that the fifth called session of the Forty-First Legislature pass legislation to place those working on hazardous jobs for the State Highway Department

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<sup>103</sup>House Journal, Regular Session, 41st Legislature, p. 24.

<sup>104</sup>Ibid., p. 25.

under workman's compensation insurance.<sup>105</sup> This move on the part of Moody had not been a part of his platform.

The Chief Executive sent a number of messages to the regular and five called sessions of the Forty-First Legislature, but he did not expand his original plank on highway construction and financing.

The Governor had called for an investigation of the State Highway Department during his first term of office, but he had not pressed the need for such an investigation in his second campaign. The Legislature passed a resolution calling for an investigation of the Highway Department on some twenty-two counts. Part of the causes for investigation had occurred during the Moody administration, but were not in connection with the Chief Executive.<sup>106</sup>

The gasoline tax was increased from two cents to four cents per gallon, and the registration fees for motor vehicles were reduced by an act of the second called session of the Forty-First Legislature.<sup>107</sup> This legislation was in line with raising additional finances for highway construction.

The five dollar charge for exemption from road duty in the counties which had been passed by the Thirty-Seventh

<sup>105</sup> House Journal, Regular Session, 41st Legislature, p. 250.

<sup>106</sup> Gammel, Laws of Texas, Regular Session, 41st Legislature, Vol. XVI, p. 739.

<sup>107</sup> Ibid., Second Called Session, p. 172.

Legislature, was reduced by the third called session of the Forty-First Legislature to three dollars. This money was to be used by the counties for local district maintenance needs.<sup>108</sup> This act went into effect without the Governor's signature.

The Legislature passed a law providing for the procedure which had to be followed to acquire land for road purposes. This act provided for the acquisition of land, timber, earth, stone, gravel, or other material necessary to the building of good roads.<sup>109</sup> This legislation had been favored in Moody's first race for office.

Provisions were made for the creation of neighborhood roads if certain conditions were met by those interested in such construction. No adequate provision had been made for such roads until the above legislation was passed.<sup>110</sup> The Governor had called for an expanded road system, and these road provisions might be considered a partial fulfillment of this promise.

Moody's administration was marked by the revision of certain sections of the Highway Department and a general improved condition in highway financing. State compliance with federal regulation was forced during both terms of

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<sup>108</sup>Ibid., Third Called Session, p. 234.

<sup>109</sup>Ibid., Fifth Called Session, Vol. XXVII, p. 243.

<sup>110</sup>Ibid., p. 207.



this administration; therefore, it would seem that federal pressure rather than Moody's ability might have caused the general increase in road building and in improved administration.<sup>111</sup>

The State Highway Department did not have complete records upon road mileage of the State highway until the year 1929. An approximate estimate of state highways in 1926 was 19,800 miles. Two years later there was only 18,550 miles. The number of miles of state highways in 1929 was 18,160.75, which represented a further decrease in miles of state highways under the above estimates. Moody's second term saw this figure increase to 19,168.99 miles of state highways in 1930, and his last fiscal year saw that amount further increase to 19,398.34.<sup>112</sup>

Federal and state aid to highways had reached a peak in 1926 when the Federal government spent \$10,315,583.82 and the State government spent \$8,676,467.14 upon Texas highways. The second fiscal year of Miriam Ferguson's first term had seen the amount of state aid reduced. Moody's administration saw a decided increase in road spending even though his terms of office entered a depression era.

During Moody's administration the Federal government spent the following amounts for Texas highway construction

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<sup>111</sup>Author's opinion.

<sup>112</sup>Special chart furnished by the Texas Highway Department, Austin, Texas, May 11, 1948.

for the fiscal years ending: 1928, \$4,699,659.33; 1929, \$6,129,924.66; 1930, \$6,006,577.56; and 1931, \$7,875,325.88. The amount spent by the State government on highways for the above years amounted to the following figures: 1928, \$4,566,673.49; 1929, \$8,067,531.26; 1930, \$16,428,204.31; and 1931, \$12,819,367.60. Total expenditures for the State highway system for the above years are listed as follows: 1928, \$28,710,176.32; 1929, \$34,529,884.27; 1930, \$47,331,977.54; and 1931, \$42,163,806.93.<sup>113</sup>

State spending increased at a much more rapid rate during Moody's administration than did federal spending. This increase on the State's part was caused by the movement into the field of control and maintenance of state highways on the part of the State Highway Department. Increased taxes passed during Moody's second term of office helped raise the above revenue, but the last fiscal year of Moody's second term saw a decided reduction in highway spending. It would seem that decreasing values and failure to collect ad valorem taxes on a county level affected the State's share of highway construction. The number of motor vehicles registered in Texas decreased during the last fiscal year of Moody's term from 1,401,748 in 1930 to 1,345,436 in 1931.<sup>114</sup> The reduction in license fees during Moody's administration contributed to a decrease

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<sup>113</sup>Ibid.

<sup>114</sup>The Texas Almanac, 1947, p. 312.

in income from the above fees also, but gasoline consumption increased in the above period, and increased taxes upon that product aided in raising more money for the Highway Department.<sup>115</sup>

The fact that gasoline taxes were paid with the purchase of the product aided in keeping the State Highway Department in a much better financial condition than other departments in the State government. This fact can not be credited to Governor Moody's administration, but to the general structure of the Highway Department and its sources of income.<sup>116</sup>

The Governor had favored giving the counties more voice in highway affairs, yet federal pressure had caused the State to take over a great deal of the power the counties had. The Governor had also requested that hazardous jobs with the State Highway Department be covered by the workman's compensation insurance, yet no legislation was passed to that effect. In other respects those political promises of the Governor which can be measured were fairly well followed; but federal pressure, rather than executive pressure, was the "key" to highway legislation during Moody's administration.<sup>117</sup>

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<sup>115</sup>Ibid., p. 310.

<sup>116</sup>Author's opinion.

<sup>117</sup>Ibid.

## Ross Sterling

Ross Sterling, like Moody, based his campaign upon the needs of the Highway Department. Sterling had served as chairman of the State Highway Commission during Moody's administration and had won a good name for himself in that office. He was given credit for getting Texas "out of the mud."<sup>118</sup>

The Dallas Morning News of July 25, 1930, printed Sterling's eight-plank platform. The first three planks, related to Texas highways, were written as follows:

1. The adoption of a plan, either as advocated by him, or such modification of it as the people may approve, by which an adequate system of good roads will be built throughout Texas, for the use of the present as well as future generations. As this work goes on the unemployment in this State will be greatly relieved.
2. The construction of more and better lateral roads in the counties which will be made possible by lifting from the counties the burden of contributing to the construction of State highways.
3. Relief of the farms, homes and other property of the burden of State highway taxation, and placing that burden on the traffic, where it belongs. This is effective farm relief.<sup>119</sup>

The Dallas Morning News of July 24, 1930, listed Sterling's road bond plan as the number one issue of the governor's race. Sterling wanted the State to issue road bonds in place of those bonds issued by local road districts, and in this manner relieve the local units of government

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<sup>118</sup>The Texas Almanac, 1947-1948, p. 112.

<sup>119</sup>The Dallas Morning News, July 25, 1930, p. 9.

from the expense of supporting the state highways. Sterling also made the point clear that the expense of road building should be collected from the gasoline tax.<sup>120</sup>

The State Democratic Convention did not put Sterling's state highway bond issue into its platform. The State platform favored the financing of roads from the gasoline tax and called for reimbursement of the counties for moneys spent on state highways. The State platform also said that no money should be paid for state highways from ad valorem taxes.<sup>121</sup>

Sterling "sidetracked" his promise to the people in his message to the Forty-Second Legislature when he quoted the State platform and called for the financing of roads from federal and state aid, but did not mention his bond issue called for in his race for office. The Governor also told the lawmakers that he opposed the use of ad valorem taxes for the financing of state highways.<sup>122</sup>

The Governor requested that the second called session of the Legislature invest three million dollars in state warrants from the State Highway Fund. This action was taken to meet the urgent need for money in the State Government.<sup>123</sup>

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<sup>120</sup>Ibid., July 24, 1930, p. 16.

<sup>121</sup>The Galveston Daily News, September 20, 1930, p. 1.

<sup>122</sup>House Journal, Regular Session, 42nd Legislature, pp. 87-88.

<sup>123</sup>Ibid., Second Called Session, p. 202.

The Governor presented a system for financing state highways in a message to the third called session of the Legislature which was about the same program he had promised in his campaign for election. Sterling listed his highway program as follows in his proclamation of August 16, 1932:

To pass legislation providing that outstanding issues of road bonds, heretofore issued by counties and road districts, for the purpose of aiding in constructing roads which are now State highways, shall be assumed by the State; and that all taxes required to be levied upon property within such counties or road districts to support such bonds, shall not be collected by such counties or road districts from the taxpayers herein for this year, 1932, or succeeding years, but that the principal and interest on such bonds, as the same may accrue, shall be paid out of the State Highway Fund....<sup>124</sup>

It is interesting to note that Sterling waited until he was in a campaign for re-election before he mentioned the above legislation to the lawmakers. Sterling had followed the State platform after his nomination until 1932, when he found himself in a race with Miriam Ferguson for governor. He then went back to his original promises to the people.

The regular session of the Forty-Second Legislature required that a minimum wage of thirty cents per hour be paid on all work for the State Highway Department.<sup>125</sup>

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<sup>124</sup>House Journal, Third Called Session, 42nd Legislature, p. 2.

<sup>125</sup>Gammel, Laws of Texas, Regular Session, 42nd Legislature, Vol. XXVII, p. 69.

The Governor had not called for this legislation, but it represented an improved condition in employment.

Two constitutional amendments were offered to provide for refunds of county road bonds, but both failed to receive the number of votes required to pass the Legislature. A bill was passed by the lawmakers which tried to give counties part of the gasoline tax to retire the above bonds, but Sterling told the Forty-Third Legislature that he vetoed this act upon legal advice that the bill was unconstitutional.

In September, 1932, the Governor convened a third special session calling for his original bond assumption plan, but the lawmakers passed a bill providing that one cent of the four cent gasoline tax should be given to the counties for the retirement of road bonds.<sup>126</sup>

The above act of the Legislature aided local districts in retiring bond issues, but did not assume all of the expense of the county and local districts in relation to state highway construction. In Denton County, for example, certain road districts still collect a greatly reduced amount toward the retirement of road bonds passed before the Sterling administration.<sup>127</sup>

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<sup>126</sup> House Journal, Regular Session, 43rd Legislature, pp. 23-24, and Gammel, Laws of Texas, Third Called Session, Vol. XXVIII, pp. 15-18.

<sup>127</sup> Denton County Tax Office Records.

Although Sterling's program failed to materialize as he had requested, the one cent gasoline tax diverted to the counties formed the basis for a purely state financed highway system. By the reduction of revenue from the gasoline tax, state income was cut.

State highway mileage increased from 19,398.34 in Moody's last term to 19,757.05 in the fiscal year ending August 31, 1932.<sup>128</sup> The mileage of state highways decreased during the second fiscal year of Sterling's administration to 19,349.24. This reduction should be taken in light of reduced local spending. Federal spending was reduced from \$7,875,325.88 in 1931 to \$7,095,531.87 in 1932, but Sterling's last fiscal year saw these funds increased to \$11,881,978.97. State spending for construction did not show the recession for the amount increased from \$12,819,367.60 in 1931 to \$12,967,856.50 in 1932, and reached \$14,583,817.60 in 1933.<sup>129</sup>

Total expenditures for state highways showed a general downward trend with \$42,163,806.93 being spent in 1931. This amount was dropped during Sterling's administration to \$40,650,348.20 in 1933.<sup>130</sup> The reason for this reduction might lie in the fact that certain expenditures came from ad valorem taxes which could not be collected on account of the depression.

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<sup>128</sup>Special chart furnished by the Texas Highway Department, Austin, Texas, May 11, 1948.

<sup>129</sup>Ibid.

<sup>130</sup>Ibid.



Again, the saving feature of the State Highway Department, during the depression era, lay in the fact that federal financing along with occupation taxes on gasoline provided a stable source of income.

The State Highway Commission invested three million dollars in state general funds to relieve the financial condition of the State. The fact that the Highway Department had money to lend proves that the registration tax on motor vehicles and the occupation tax on gasoline formed one of the most stable incomes in state government.<sup>131</sup>

It would seem that Sterling's administration might be called a success in several respects. First, his administration provided a plan to relieve local districts, at least in part, from state highway construction. Second, a resolution was passed calling for the use of Texas labor and contractors in state road construction.<sup>132</sup> Third, state assumption of county and district road bonds aided in clearing local financing for the construction of lateral roads. Fourth, relief was given the property of the State from most of the ad valorem taxes used for highway construction.

The above achievements were made in relation to political promises. There was much less federal pressure

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<sup>131</sup>Gammel, Laws of Texas, Second Called Session, 32nd Legislature, Vol. XXVIII, p. 10.

<sup>132</sup>Ibid., p. 74.

in Sterling's administration for specific legislation than in the three preceding terms. An economic pressure from the people, however, had a great effect on legislation passed. High road bond taxes, which in many cases amounted to more money than all other ad valorem taxes combined, were being levied upon the homes and farms of Texas. The pressure from the people to remove such high property taxes most likely had much to do with the legislation passed.<sup>133</sup>

Sterling fulfilled most of his political promises in reality, even though his bond issue failed. The use of the gasoline tax for local financing formed a stable income for retirement of road bonds just as it had formed a stable income for the State Highway Department; therefore, the Governor realized most of his promises even though his chief plank was defeated.<sup>134</sup>

#### James V. Allred

Allred did not have a plank in either his 1934 or 1936 platforms relating to highway construction or changes in highway administration. His legislative messages failed to mention changes in the highway system in both of his terms.<sup>135</sup> In fact, highways had dropped from the scene as a political issue during Allred's terms of office.

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<sup>133</sup>Author's opinion.

<sup>134</sup>Ibid.

<sup>135</sup>Allred, Legislative Messages of James V. Allred, Governor of Texas, pp. 1-253.

The reason for the dropping of highways as a political issue might be found in the fact that the State Highway Department was in the best financial condition of any department of government in the State. Texas was still in the depression era, and Allred directed his attentions toward removing economic ills of the State. He did not have time to spend on a relatively fat highway department, nor was it good politics to talk of expanding state expenditures in any field except for relief of the needy.

The State Democratic platform pictured the thinking of the times when the 1936 edition included the following plank:

In order to meet modern transportation demands and furnish needed employment, we favor a continuation of the highway construction program. That this program may not be interrupted, we oppose any further diversion of highway revenues.<sup>136</sup>

The above plank showed satisfaction with the existing highway system and did not indicate that changes were needed in the system. It would seem that even the Democratic party of Texas was satisfied with conditions as they existed at the time, a fact which might be considered as speaking well for the Sterling and Moody administrations.<sup>137</sup>

Although the Forty-Third Legislature passed very few laws changing the State Highway Department, there were a

<sup>136</sup>House Journal, Third Called Session, 43rd Legislature, p. 325.

<sup>137</sup> Author's opinion.

number of administrative changes within that Department. The office of Administrative Assistant was created in 1935.

The office of Claims Adjuster was originated in 1935 to care for all claims brought for or against the State Highway Department in conjunction with the office of the Attorney General. This section is now identified as the Director of Claims Division.<sup>138</sup>

The Highway Planning Survey was created in 1936 along with the Traffic Section, Road Inventory Section, Road Used Section, and Financial Section. In the same year the State Highway Department established information bureaus to aid in directing the anticipated visitors to Texas during the Centennial Exposition.<sup>139</sup> These changes were a part of a reorganization program during Allred's first term, even though he had not requested that such be done.

The first called session of the Forty-Fourth Legislature passed a bill which allowed highway department funds to be used by the Bureau of Public Roads to aid in the financing of public roads in conjunction with federal aid coming from the Emergency Relief Appropriation Act of the national government.<sup>140</sup>

<sup>138</sup>History of Texas Roads and the Texas Highway Department, 1948, pp. 18-19.

<sup>139</sup>Ibid.

<sup>140</sup>Gammel, Laws of Texas, First Called Session, 43rd Legislature, Vol. XXX, p. 1550.

The Highway Commission was granted the authority to acquire, construct and maintain interstate bridges without aid from the highway commissions of adjoining states.<sup>141</sup> This bill was for the purpose of building bridges across the Red River into Oklahoma. It had not been requested by the Governor.

The Forty-Fifth Legislature authorized the State Highway Department to match federal funds for the construction of secondary or "feeder" roads. This legislation was in reply to money appropriated by the national government in 1936.<sup>142</sup> This legislation had not been requested by the Governor.

The lawmakers also provided for signal units to be placed on highways outside of the city limits of incorporated cities and towns. This act of the Legislature was aimed at traffic regulation on the highway near cities or towns.<sup>143</sup>

The Forty-Fifth Legislature also provided a revision of the local road bond assumption law. The lawmakers strengthened the old law in such a way that the counties were able to receive the money due them.<sup>144</sup>

<sup>141</sup>Ibid., Regular Session, Vol. XXIX, p. 642.

<sup>142</sup>Gammel, Laws of Texas, Regular Session, 45th Legislature, Vol. XXX, p. 432.

<sup>143</sup>Ibid., p. 57.

<sup>144</sup>Ibid., p. 761.

There was no other important legislation passed by the Forty-Fifth Legislature related to highways. This was in line with the State platform, for the said platform had opposed any major changes in the Highway Department. Since Allred had no highway planks in his platform, the changes which occurred during his administration were not passed with his aid or hindered by legislative message.

The spending on state roads during Allred's administration fluctuated a great deal. The total expenditures of the State on roads during the fiscal years ending August 31 were: 1935, \$35,796,704.45; 1936, \$45,424,987.83; 1937, \$44,923,105.64; 1938, \$39,912,418.54; and 1939, \$47,276,207.58. State spending on highway construction progressed evenly from \$11,739,645.22 the last fiscal year of Miriam Ferguson's administration to \$22,057,003.86 in the fiscal year ending in 1939. This increase came about through increased car registration and greatly increased sales of gasoline. Federal funds toward construction fluctuated all the way from \$10,573,805.09 in the fiscal year ending 1938 to \$20,085,648.31 in the fiscal year ending in 1939.<sup>145</sup>

The total miles of highway increased from 20,359.03 miles in 1935 to 22,274.58 miles in the fiscal year ending

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<sup>145</sup>Special chart furnished by the Texas Highway Department, Austin, Texas, May 11, 1948.

in 1939. This increase was about average in terms of building during the years before.<sup>146</sup>

Since Governor Allred made no political promises, the improvements made in the road system of Texas seem to have come from a growth within the frame constructed to maintain the system. Greater use of motor vehicles, and increased sales of gasoline contributed to more spending for highways and roads. Neither federal pressure nor public pressure for change in the highway system was exerted during Allred's administration; therefore changes should be marked in terms of an expanding economy.<sup>147</sup>

#### W. Lee O'Daniel

O'Daniel spent the greater part of his first campaign for governor telling the people about the thirty dollars per month which he was going to pay all persons over sixty-five years of age. He devoted the rest of his time, with the exception of the poll tax issue, to very general promises which did not include a highway plank. The social security program had replaced all other issues in importance, and the people of Texas were not thinking about a highway program in a political way.

Both of O'Daniel's campaigns for governor failed to incorporate a well-defined highway plank. It would seem that Allred and O'Daniel both found the subject of highways

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<sup>146</sup>Ibid.

<sup>147</sup>Author's opinion.

a deal issue in terms of political thinking at the time. Neither man called for improvement in the existing system of financing or methods of administration in their respective campaigns.

O'Daniel mentioned the fact that there should be a better system of farm-to-market roads in his general message to the Forty-Seventh Legislature,<sup>148</sup> but did not tell the lawmakers what the better system should be. In his first term of office the Governor did not mention the subject of road construction, and failed to recommend any highway legislation.

Since O'Daniel did not have a highway plank, and since he had not requested specific legislation, with the exception noted above, those actions of the Legislature can not be considered in terms of political promises of the Governor.

There were no important legislative changes in the two terms which O'Daniel served as governor. There were a number of special laws related to specific cases which were passed by the lawmakers, but no farm-to-market system was created by the Legislature.

Highway construction continued its advancement even though the Legislature and the Chief Executive did nothing to improve conditions. The fiscal year before O'Daniel assumed office found some 21,466.34 miles of state highways,

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<sup>148</sup>House Journal, Regular Session, 47th Legislature, p. 60.



and the number of miles increased until there were 24,664.96 miles of state highways in Texas as of August 31, 1943.<sup>149</sup>

The rate of increase in highway mileage was reduced by the coming of World War II.

Expenditures for highways in Texas totaled \$47,276,207.58 the fiscal year before Governor O'Daniel assumed office. The O'Daniel administration showed the following changes in total expenditures for highway construction: 1940, \$40,210,347.86; 1941, \$36,170,214.93; 1942, \$49,957,251.56; and 1943, \$46,662,850.65.<sup>150</sup> These figures do not indicate any important changes in highway spending, except in the fiscal year ending in 1942, but once again these changes can not be taken in relation to political promises. Some of the increased spending in the highway department could be attributed to federal aid to farm-to-market roads, for which the Legislature had given highway funds to aid in their construction.

It would seem that highway financing became a much easier problem as the nation began to prosper before the war years. The increases in construction came from combined federal and state aid to road construction, and political pressure upon the Texas Legislature was not needed.

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<sup>149</sup> Special chart from the Texas Highway Department, Austin, Texas, May 11, 1948.

<sup>150</sup> Ibid.

### Conclusions

Political promises related to road construction have followed several very definite patterns. The most important contributing factor to highway promises can be found in federal aid to highway construction. Candidates for governor, as a class, have not pioneered in highway legislation. In most cases the governor has waited until the Federal Government offered the State more money or required the State to meet federal regulations to receive such money before the chief executive called for appropriate legislation.

Examples of governors who did not have highway planks in at least one of their campaigns are: James Ferguson, Hobby, Miriam Ferguson, Allred, and O'Daniel. All of these chief executives in their legislative messages were forced to mention highways before they left office. James Ferguson, for example, called for the creation of the State Highway Department even though he had not mentioned it in his campaign. There has been a very close relationship between federal and state highway legislation. Several such examples were given in this chapter.

The only major pioneering done in relation to highway construction was done by Sterling when he called for the State to assume the local road bonds of Texas. This action of Sterling could not be attributed to federal pressure, but this plank failed in relation to political promises.

A third interesting feature of campaign promises

relating to highways can be found in the fact that the State has never failed to meet federal regulations for aid to road construction; therefore, a governor who ran on a plank relating to federal legislation was assured of its fulfillment.

It would seem that executive pressure upon the lawmakers was small in comparison to federal moneys and regulations. As federal pressure decreased, campaign promises relating to highway decreased. This was exhibited by the fact that neither Allred nor O'Daniel included highway planks in their platforms.

It would seem that a politician should find out what move the national government is going to make in relation to highways or roads and base his campaign in relation to such legislation.

## CHAPTER V

### MISCELLANEOUS PLANKS

Taxation, education and highways have not been the only planks of political platforms. The above subjects have been basic to the majority of campaigns, but only in a few instances have they formed the true color of the summer primary elections.

The new catchy ideas of candidates to differ from their opponents often form the gloss and basis for true campaign debate. Taxation, education and highways have been ever prevalent subjects, but issues often arise with changing times which call for quick concerted action by the State Government. In an effort to meet these changing forces on the political scene, the candidates for governor have often made hasty promises which they have been unable to fulfill when the lawmakers met the following year.

Seven campaign issues upon such subjects are reviewed in this chapter under the heading of the governors who proposed them. Governors Hobby and Sterling are not included in relation to such planks. Hobby ran on his record for re-election after filling the remainder of James Ferguson's term, and Sterling had one major campaign plank related to highways which has already been covered under that topic.

The seven campaign issues presented by six governors represented major campaign promises. The way in which they were handled and their results in terms of legislation are as follows:

James E. Ferguson

Governor Ferguson issued a very popular farm plank in his race for election in 1913. The movement away from the farm and the tenant farmer problem were of great concern to the public during the above era. Ferguson had spent many of his early years on the farm and owned a great deal of land in connection with his banking business. From the thinking of the era and Ferguson's knowledge of the needs of the farming industry came the Ferguson farm program which formed the basis for the Governor's "vest pocket "vote in the years to follow.

Ferguson devoted an entire plank of his six-plank platform to farm needs. This plank was written as follows:

Perhaps of greater moment than all other questions is the question of land tenure and land rents. History reveals that the fall of all nations was closely connected with, if not directly caused by, the failure to properly meet and equitably adjust the division of land production between landlord and tenant.

Let us not be deceived into thinking that Texas is not confronted with this question right now.

Until a short time ago, a fourth of the cotton and a third of the grain crops was considered for fifty years in Texas as the equitable rent which the tenant should pay for the use of the land rented. Under this rule, Texas has prospered and grown from one financial triumph to another.

But lately with the appearance of high-priced

lands, the argument has become quite popular that rents should go higher to keep pace with the earning power of money.

As a result it is becoming almost a custom to demand and collect of the tenant a bonus in addition to the usual rents or to demand a cash rent exceeding the customary rent. It is true that for a few years we have had an era of high prices and so far the tenant has been able to pay the increased rent and live without any great inconvenience.

But it must be borne in mind that an acre of land that now sells for \$100 per acre does not produce any more cotton or corn than it did when it sold for \$30 per acre.

As perhaps a majority of our rural citizenship are tenants, it is folly to argue that the good of society is not involved in the matter of material increase in rents. As increase in rents necessarily impairs the ability of the tenant to raise and educate his family, therefore, it must follow that in such proportions as rents go up, comfort and education, so far as the tenant is concerned, go down.

Therefore, as a solution to this vexing problem and to settle the strife which seems brewing, I, if elected governor, will urge upon the legislature to bring about by statute or constitutional amendment as may be proper the passage of a law that will make the collection of rent in excess of one fourth of the value of cotton or one third of the value of grain crops, usury, the penalty for which shall be a forfeiture of double the amount of rent collected to be recovered in any court of competent jurisdiction; provided, that the landlord may collect rent in any amount equal to one half the value of all crops where the landlord furnishes all the tools, implements, feed and teams with which the tenant makes the crop.

Such a law is not only essentially progressive, but necessary. It involved not only the good of society, but the life of the government.

I shall be glad to debate and defend this legislation with any reputable candidate for governor.

In the meantime, I suggest that the people inquire of the candidates for the legislature how they stand on this question. This question has to be met sooner or later. The very foundation of the nation is involved in this law.

Land owners need not be alarmed at this announcement, as I will be able to show you where such a law is to your interest as well as your tenant. I will be able

to show that the present high values of land can be maintained only by maintaining the standard of tenant citizenship.<sup>1</sup>

Ferguson pressed his farm plan in all rural areas of the State and used some of his best speaking ability in telling the people of his beliefs. In Blum, Texas, Ferguson exhibited his ability to speak upon the subject of tenant protection in a way which gained him many votes from the tenant farmers. He told these citizens that his tenant law was legal on the same grounds as the usury laws of Texas. He quoted Adam Smith's Wealth of Nations as saying that rent was the price paid for the use of land, and that rent amounted to the same thing as a loan. From this statement Ferguson said that he felt rent and a loan amounted to the same thing and could be regulated under law.<sup>2</sup>

Ferguson continued his speech by saying,

Now you landlords who have been going wild about prohibition. Let me give you some of your own medicine. We antis claim the right to drink. We claim that if taking a drink is wrong it is a personal wrong which harms no one but the one taking the drink--it is simply a matter of individual preference.

Now you good prohibitionists deny this right, and have preached to us from the house tops that man has no right to do wrong, and that the government has a right to step in and prevent a man from doing wrong to himself, because in doing wrong to himself he injures society. Now I do not agree to your argument, but if you are correct, and the government has a right to step in and prevent my doing wrong to myself, then in the name of high heaven, how much more, oh,

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<sup>1</sup>Nalle, op. cit., pp. 68-69.

<sup>2</sup>The Dallas Morning News, March 22, 1914, p. 9.

how much more, has it the right to step in and prevent you, a bonus-wanting landlord, from doing wrong to somebody else?

If the law has the right to stop the sale by the saloonkeeper to the individual because it might take the bread from the mouth of his family, then the law has the right to prevent the landlord from taking such an amount of rent from the tenant as might take bread from the mouths of his children.

If you have the right to stop my private wrongs, then I certainly have a right to stop your public wrongs.....

My landlord, my landlord, let us rise above the greed of gold and love of self. Let us raise the motto to live and let live, and let us not slay the hen that lays the golden egg.

Let us remember that when we destroy the means of popular education that we destroy the means of popular government. Let us not forget that if we would have wealth that we must give honest labor its fair share of production. Yea, ye owners of the soil, I pray you remember the Golden Rule, and collect no more rent than you would like to pay.

As long as we have a good system of the third and fourth we never heard of the Socialist. As long as the tenant was treated fairly and equitably in the division of land production the claims of the Socialist were a matter of fine spun theory. There was no reason for his contention, or cause for his complaints.<sup>3</sup>

The State platform included the Ferguson plank related to the tenant question in much the same words the Governor had used in requesting the legislation.<sup>4</sup> Although the Governor endorsed the state plank as written, in his general message to the Thirty-Fourth Legislature, he failed to refer to the matter again.

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<sup>3</sup>  
Ibid.

<sup>4</sup>  
House Journal, Regular Session, 34th Legislature, p. 140.



The lawmakers passed a bill with the provisions requested by the Governor in his platform demands,<sup>5</sup> and Ferguson took credit for the legislation. On January 11, 1917, he said,

The Thirty-Fourth Legislature of Texas was the first lawmaking body in the history of legislation to take notice of the rights of the tenant farmers, who produce over half the wealth of the country, and a law was passed to prevent their sturdy class of our citizenship from being oppressed by extortionate rents.<sup>6</sup>

The Ferguson farm tenant bill was later found to be unconstitutional by the courts;<sup>7</sup> therefore, even though the promised legislation was enacted into law it did not aid the tenant farmer in the long run. Ferguson might be given credit for having led the fight for enactment of the tenant bill, thus keeping his political promise to the people.

It would seem that Ferguson's farm tenant bill was one of the very few examples of a governor's leading the thinking of the people in relation to legislation. Ferguson added to the political scene with his tenant bill, and had it enacted in the very form he had requested.

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<sup>5</sup> Gammel, Laws of Texas, Regular Session, 34th Legislature, Vol. XVII, pp. 75-76.

<sup>6</sup> The Dallas Morning News, January 11, 1917, p. 1.

<sup>7</sup> Nalle, op. cit., p. 90.

His failure to obtain a workable tenant law for the people lay in his disregard of the terms of the Constitution.<sup>8</sup>

Pat M. Neff

Neff's platform contained a unique plank related to home ownership which was expanded several times during his campaign. In his opening speech for governor Neff had the following to say in relation to owning homes:

The home is the measure of civilization. It is the heart of humanity. From it flow all the virtues and spring all the forces that make a country either good or great. Empires may decay, dynasties may die, and the map of the world may be changed by the shifting fortunes of war, but the home, man's castle, remains the pride and the power of the people. Land ownership is conducive to home-building. A person is not expected to do much in regard to either building or beautifying a home unless he owns the land. I am not only in favor of opening up our agricultural land for sale to small land owners, but I am also in favor of the state extending her credit under proper regulations to her worthy and industrious citizens, enabling them to buy land with a small payment down and on long time, at a low rate of interest. With all our boundless unused lands and our ever-increasing wealth, are we going to shove the landless man off the earth? I think not. As governor, I will encourage the passage of such constitutional and statutory laws as will make it possible for every industrious citizen to own the land he cultivates, where he can enjoy in his own, enslaved by no Shylock debt, the fruits of labor's reward, wet not with human tears and cankered not with human cares.<sup>9</sup>

John Sneed of the Dallas Morning News summarized

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<sup>8</sup>  
Author's opinion.

<sup>9</sup>  
Neff, The Battles of Peace, pp. 287-288.

Neff's Dallas speech on the home ownership plank as follows:

Full discussion was given his land plank, which, he reiterated, referred only to nonresident owners of large tracts of unimproved agricultural land. It is his purpose if elected Governor to tax such land sufficiently to compel the nonresident owners to sell it or improve it. He did not think it fair to the people of Texas to permit this land to be held indefinitely for speculative purposes until its value greatly increase. The nonresident owners of the land did not add anything to the value of the land, but reaped the profit. The people owning adjoining farms spent their money and improved their own land and thereby added to the value of the nonresident's land. His theory was that the land should be sold at a reasonable price to homeseekers. The State should lend its credit to permit bona fide homeseekers to buy this land. He did not think the State should give any of its citizens anything except opportunities, but it could lend money at a low rate of interest to them on long time to buy homes.<sup>10</sup>

It would seem from the above statements that Neff was very interested in home ownership, and he had a well-defined program to promote his ideas. He favored the taxing of nonresident land owners in order to force them to sell their land or improve it. He would also have fostered a state loan to people wanting to buy lands and homes. These two basic promises of Neff's campaign formed a major issue during the summer debates.

Neff failed to influence the writing of the State

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The Dallas Morning News, July 21, 1920, p. 5.

platform;<sup>11</sup> therefore it is not strange that his land plank was changed by the State Democratic Convention. The land plank was written as follows:

With our abundant area of undeveloped and uncultivated agricultural lands, the manless land and the landless man should be speedily brought together.<sup>12</sup>

No mention was made of taxation of nonresident land owners or loans for would-be home owners. This act represented a major defeat for the Neff land plank. He was disappointed that the above provisions had not been included in the State platform. He said, "I did not write that plank. If I had, I would have elaborated on it."<sup>13</sup>

The Governor failed to carry the land plank fight to the Legislature when it convened the next year. In his opening speech to the lawmakers Neff asked the Legislature to follow the State platform.<sup>14</sup> This act in itself spelled defeat for his political promises related to the land problem.

<sup>11</sup> Senate Journal, Regular Session, 37th Legislature, p. 120.

<sup>12</sup> Ibid.

<sup>13</sup> Shirley, op. cit., p. 37.

<sup>14</sup> Senate Journal, Regular Session, 37th Legislature, p. 120.

The Legislature failed to pass any legislation related to home ownership or land taxation. In fact it did nothing to bring "the manless land and the landless man together." A constitutional amendment was proposed by the lawmakers which would have authorized loans for buying homes, but the resolution died on the calendar.<sup>15</sup>

It would seem that Neff's land plank failed for at least three reasons. First, he did not press its writing into the State platform. Second, he did not request the Legislature to pass it. Third, the lawmakers did not see fit to enact such legislation. A fourth reason might have come from a very strong farm lobby, but no matter how the land question was viewed, it lacked support from the very source which introduced it.<sup>16</sup>

#### Miriam A. Ferguson

The election year 1924 found the Fergusons, James and Miriam, campaigning over the greater part of the State upon two major planks. First, the Fergusons were asking for vindication of their family name from the impeachment of James Ferguson in 1917. Second, they were opposing the Ku Klux Klan which was attempting to assume a major role in Texas politics.

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<sup>15</sup> Ibid., p. 1227.

<sup>16</sup> Author's opinion.

These two planks were embodied in a speech of James Ferguson at Weatherford, Texas, on August 16, 1924.

He had the following to say upon the two subjects:

Don't fail to vote. That's what the Ku Klux wants you to do. Go and vote so that never again will this hydra-headed monster dare to raise up to menace this people and this government.

I tried to get out before the good people of Texas to help in destroying this serpent. But they would not let me. They deprived you of your right to cast your ballot for me and of my right to come to you in my cause.

And when I went home I was downcast and sad. But my good wife said, 'Well, Jim, don't you cry. They have destroyed manhood suffrage in this State. I will go before the people of Texas to vindicate our name. I will do my part to help in handing down our good name to our good children!' And so she applied for a place on the ticket and she is before you today.

We do not come to the people of Texas in the spirit of revenge. Thank God, we have subdued these baser passions. We come to you seeking only justice and vindication at your hands. We come to you asking only that you give us a fair trial to show you that all these slanders about us are not true.

I know the people will hear our prayer. You are good people. You are kind-hearted and just. You are a Christian people in whom the spirit of fair play is not dead.

We love our children just like you do your children. We want to hand down our name to them after we have departed from this world, untarnished and unstained. I know you will help us do it.

They took away your liberties and they took away our liberties. Therefore, I appeal to the best that is in you to go to the ballot box on August 23 and vindicate our fair name.

And if you do this, I promise you that my wife and I will reconsecrate ourselves to your service. I will help my wife without purchase or price. We will open the schools, we will make the penitentiary pay, we will put the State back on a cash basis, and, if it is necessary, we will fight this Ku

Klux Klan from hell to Haw River.<sup>17</sup>

This speech of James Ferguson left little room for doubt in regard to the Ku Klux Klan and their request for vindication. These two issues formed the bulk of the Ferguson campaign, and the Ferguson promise to "tear the mask from the Ku Klux Klan" became the major issue.<sup>18</sup>

The party platform had been very specific in regard to the Ku Klux Klan. It was written as follows:

We demand passage of a law requiring the public registration of membership of all secret organizations and likewise a law against the wearing of masks and disguises in public or private places.<sup>19</sup>

Governor Miriam Ferguson did not make a specific request to the Thirty-Ninth Legislature related to the Klan problem, but she submitted the State platform and said the issues were clear and unmistakable. This in effect endorsed her campaign promises related to the Klan, even though they were not enumerated.<sup>20</sup>

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The Dallas Morning News, August 17, 1924, p. 1.

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Ibid., July 27, 1924, p. 8.

19

The Galveston Daily News, September 3, 1924, p. 1.

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House Journal, Regular Session, 39th Legislature, p. 112.

The regular session of the Legislature acted upon the Ferguson campaign demands in relation to the Ku Klux Klan. A bill was passed prohibiting the wearing of a mask or disguise in a public place. The sections of the law also covered the activities of the Klan in every respect, and in effect outlawed the organization from operation in Texas.<sup>21</sup> Although this bill did not include registration of Klan members as had been requested in the State platform, it met the requirements of the Ferguson platform to "tear the mask from the Ku Klux Klan."<sup>22</sup>

The State platform did not include a plank related to the vindication of the Ferguson name. The very fact that James Ferguson's wife had been elected Governor of Texas was taken by many as total vindication of the former governor. However, other Ferguson forces wanted to see the privilege of holding office returned to him.

There was also no mention of vindication in Miriam Ferguson's speeches to the lawmakers during her first administration, but the Legislature considered action along this line without public executive request.

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Gammel, Laws of Texas, Regular Session, 39th Legislature, Vol. XXII, p. 213.

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The Dallas Morning News, July 27, 1924, p. 8.



The regular session of the Legislature passed what was known as the amnesty bill which granted James Ferguson a full pardon for all acts which he had committed and attempted to restore his right to hold office.<sup>23</sup>

The above bill was questioned by certain people in the State, and Attorney General Dan Moody was requested to render a decision upon its constitutionality. Moody said that the act was unconstitutional, but court action was never taken upon the matter.<sup>24</sup>

Attorney General Moody was elected Governor of Texas in the next election, and the amnesty bill was promptly repealed by the Legislature. The Governor, upon signing the repeal reiterated his doubt of the constitutionality of the bill.<sup>25</sup> This action of the Legislature annulled all of Miriam Ferguson's actions related to restoring James Ferguson's right to hold office.

Governor Ferguson kept her promise related to the Ku Klux Klan, and there is some reason to doubt the outcome of the vindication plank. The very fact that the Ferguson family was returned to office might be taken as vindication of their name. However, if the amnesty bill is

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<sup>23</sup> Gammel, Laws of Texas, Regular Session, 39th Legislature, Vol. XXII, p. 464.

<sup>24</sup> Ibid., 40th Legislature, Vol. XXV, p. 360.

<sup>25</sup> Ibid.

taken as the measure of success in relation to vindication, then the passage of a bill of questionable constitutionality, which was later repealed, represents a conflicting picture. Even though the constitutional status of the amnesty bill was not decided by the courts, it would seem that actions taken by the Thirty-Ninth Legislature were in complete accord with returning to Ferguson his office-holding rights. It would seem that this action of the Legislature fulfilled the Governor's platform.

Dan Moody

Moody included a plank in his platform calling for a system of civil service for the State,<sup>26</sup> and the party platform endorsed a like system. The latter platform said that the heads of departments should be subject to change by the different administrations but that the subordinate employees, particularly in those places requiring technical knowledge and skill, should be handled through a classified civil service act. The party platform continued as follows:

The use of political appointees and State employees by public officials as a political machine is a wicked and pernicious practice, which the Democratic Party condemns, and we believe that a classified civil service act would protect the public from such attempts to construct political machines.<sup>27</sup>

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<sup>26</sup> The Galveston Daily News, May 9, 1926, p. 15.

<sup>27</sup> House Journal, Regular Session, 40th Legislature, pp. 29-30.

Moody followed the party platform in his first message to the Legislature. The Governor first said that he did not believe that the higher heads of departments should be placed under civil service, but continued:

I believe that greater efficiency in the administration of government would be insured through the enactment of a classified civil service act which shall protect technical experts and subordinate employees in the service of the State by securing their tenure of office through changing administrations.<sup>28</sup>

The regular session of the Fortieth Legislature did not pass any civil service legislation, and Moody issued a second message related to the installation of a civil service system as follows:

I believe that the system can be adopted without increased cost to the taxpayers of Texas by employing some of the existing agencies of government as a civil service commission, and that such employees as may be necessary to carry the system into effect can be paid from the fees incident to the examination of applicants.<sup>29</sup>

A bill, which called for a civil service system, passed the House of Representatives, but was defeated in the Senate. The Governor ran for re-election upon a civil service plank, and requested that the Forty-First Legislature consider a classified civil service system.<sup>30</sup>

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<sup>28</sup> Ibid., p. 104.

<sup>29</sup> House Journal, First Called Session, 40th Legislature, p. 16.

<sup>30</sup> Ibid., Regular Session, 41st Legislature, p. 31.

The Governor continued his fight for a merit system for state employees when he convened the first called session of the Forty-First Legislature to pass laws which would, among other things, "place the selection of subordinate employees of the State government under a merit basis,"<sup>31</sup> but neither the regular nor the five called sessions of the Legislature passed the requested reforms. In fact the Governor did not broach the subject to the last four called sessions of the Forty-First Legislature, but concentrated on financial subjects.

The Governor's failure to pass a civil service system cannot be attributed to a lack of effort on his part, but rather to the actions of the Legislature which refused to pass the promised legislation.

#### James V. Allred

Neff had recognized the power of the special interests lobby in Austin during his terms as governor and had blamed it for the failure of much of the legislation he had proposed.<sup>32</sup> Allred was the only governor, however, in the period of years between 1914 and 1942 who placed a definite lobby plank in his platform.

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<sup>31</sup> Ibid., Second Called Session, p. 2.

<sup>32</sup> Neff, The Battles of Peace, p. 82.

Allred favored a strict lobby law which would have affected the Legislature and lobbyist in Texas. His plan was to have all candidates for state office file a list of all employments or retainers during the year immediately preceding the candidate's announcement. He would also have required that members of the Legislature file a list of clients by whom they were retained and the amount of the retainers they were paid just before they assumed office. The plan also included a further safeguard which would have required all lobbyists to file sworn statements telling the names of their employers, the amount of money they received, and the manner in which it was spent.<sup>33</sup>

This plank, in effect, called for a system of supervision of the lobby and the Legislature, which would enable the people to see where legislative pressure was coming from.

"The Platform of the Texas Democracy" included the following planks related to Allred's campaign promises:

We condemn paid lobbies maintained to improperly influence Members of the Legislature and other State officers and favor strengthening the Anti-Lobby Law.

We favor full disclosure of employment or retainers of Members of the Legislature by private interests.<sup>34</sup>

<sup>33</sup>  
Graham, op. cit., p. 48.

<sup>34</sup>  
House Journal, Regular Session, 43rd Legislature, p. 235.

The Governor called the attention of the Legislature to planks related to lobby legislation in the State platform and said,

These subjects have been freely discussed before the people and are well implanted in the public mind. I am firmly convinced that a majority of our citizens desire early passage of a real lobby regulation law and a law requiring periodical disclosures, under oath, by members of the Legislature and other State officials as to their employment and retainers. I understand that bills and resolutions pertaining to these subjects have already been introduced. As yet, I have had no opportunity to study them, but I do strongly recommend passage of complete and effective legislation to deal with these problems.<sup>35</sup>

This was the only mention made to the Forty-Fourth Legislature of his campaign promises as related to lobby laws. The lawmakers debated the laws presented in their respective houses, but no lobby bill passed either house. Therefore, the Allred administration failed to meet its campaign pledge to the people.

Allred said that the powerful lobby which he was trying to destroy with legislation defeated that legislation by the means he was trying to curb. The Governor was quick to admit failure at the hands of the above body, and indicated that the special interests lobby is still one of the most powerful bodies in the State.<sup>36</sup>

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<sup>35</sup>  
Allred, op. cit., p. 18.

<sup>36</sup>  
Statement of James V. Allred, personal interview.

## W. Lee O'Daniel

In 1938, O'Daniel made his race for election to the office of governor mainly upon one plank. He spent the greater part of his first race telling the people how he, O'Daniel, would get thirty dollar old age pensions for all persons over sixty-five years of age regardless of need.<sup>37</sup>

The old age pension program had begun before the O'Daniel campaign, for in 1935 when the Federal Social Security Act was adopted by the United States Congress, O'Daniel was selling flour over the radio station in Fort Worth, Texas.

On August 24, 1935, the people of Texas adopted an amendment to the State Constitution which provided, among other things, for aid to those persons over sixty-five years of age. The Legislature was given the power to provide limitations and restrictions upon the above system. Under the Texas constitutional amendment the State could pay a sum not to exceed fifteen dollars per month for persons meeting the requirements of the law for old age assistance.<sup>38</sup>

The State constitutional amendment had not stressed need for such aid,<sup>39</sup> but the federal law had used the phrase

<sup>37</sup> The Austin American, June 30, 1938, p. 1.

<sup>38</sup> The Texas Almanac, 1947-48, p. 58.

<sup>39</sup> Ibid.

"for the relief of needy aged." Allred's administration had worked to meet the needs of the assistance amendment, but the legislation passed by his administration did not provide needed revenue to pay a maximum fifteen dollar payment on the part of the State.

O'Daniel opened his campaign in his Sunday broadcast of May 1, 1938. He called for pensions of thirty dollars per month for all persons over sixty-five years of age,<sup>40</sup> and on June 29, 1938, he made the following statement upon the subject of pensions:

The people of Texas voted to pay those over 65 years of age \$30.00 a month. That is a debt. I'd pay it. They say I'd pay some millionaires. But there are only about five wealthy persons out of a hundred that age. I'd rather pay pensions to five millionaires than to see 95 poor old widows starve.

It'd be cheaper than to pay the enormous expense of the old-age assistance set-up, and the horde of gum-shoe inspectors they send around in squads all over the state.<sup>41</sup>

This statement of O'Daniel left little doubt that his platform stood for full payment of a thirty dollar pension to all persons over sixty-five years of age. If O'Daniel was consistent in any one political promise during his campaign, it was his promise to pay all persons over sixty-five years of age thirty dollar pensions, irrespective of need.

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<sup>40</sup>The Dallas Morning News, October 4, 1938, p. 4.

<sup>41</sup>The Austin American, June 30, 1938, p. 7.



The State Democratic Convention, meeting in Beaumont, Texas, failed to adopt a plank promising all persons over sixty-five years of age thirty dollar pensions. The State platform called for paying maximum pensions "within the limitations of the Constitution and laws of the United States."<sup>42</sup> This move, in effect, entered the word "need" into the political picture, and removed the blanket promise for paying all persons over sixty-five years of age a thirty dollar pension regardless of need.

O'Daniel took credit for the pension plank of the State platform in a radio speech on September 14, 1938, when he said:

... finally we won out by almost two to one, and our plank on old-age pensions was adopted. Let me emphasize that the situation was tense. If that pension plank had lost, it would have been difficult to have got through the Legislature the necessary legislation to pay the old folks the pensions as advocated.<sup>43</sup>

Joe Skiles, a member of the Texas Legislature during O'Daniel's administration, felt the endorsement of the State platform represented a modification of O'Daniel's campaign promises to pay all persons over sixty-five years of age thirty dollars per month.<sup>44</sup>

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<sup>42</sup>  
Ibid., September 15, 1938, p.3.

<sup>43</sup>  
Ibid.

<sup>44</sup>  
Joe Skiles, "Some Economic and Political Factors Involved in the Legislative Controversy over the Submission of Senate Joint Resolution Number 12 of the Forty-Sixth Legislature," (Unpublished M.S. Thesis, Department of Economics, North Texas State Teacher's College, 1941, p. 106.)

The Governor lost no time in following the lead given him in the State platform. In his opening speech to the Legislature the Governor gave his new stand on old age pensions as follows:

It is possible, under the plan I am offering you now, with the cooperation of the Federal Government to guarantee to every person 65 years of age in this State, who is otherwise qualified, an income of at least \$30 per month. <sup>45</sup>

The words "qualified" and "income" represented a great departure from O'Daniel's political promises. The Governor had not mentioned any qualifications, other than age, in his campaign during the summer before assuming office, and he had promised thirty dollar pensions -- not income.

The Governor continued his speech requesting that an amendment be made to the State Constitution which would provide the revenue needed for his social security program, and then gave his idea of how the pensions should be paid.

I do not believe that the ownership of property should prevent an old person, otherwise qualified, from receiving an old age pension. To use an extreme illustration: a millionaire without an income would certainly not be a profitable customer. I am persuaded that there are many cases in Texas where old people have property of a potential value of several thousand dollars but who are possibly in actual want. I do not believe that such persons should be forced to sacrifice their property at a forced sale; and for that reason the bill which I am submitting to you does not prevent a man from receiving a pension simply because he owns property.

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<sup>45</sup>  
House Journal, Regular Session, 46th Legislature,  
 p. 105.

In the bill which I am submitting, you will note that a needy person is defined as one who does not have an income of \$30 per month, and it definitely provides that it should be the joint responsibility of the State and the Federal Government to supplement the income of the aged so as to bring that income up to the \$30 level. For instance, under this bill a person 65 years of age, otherwise qualified, who has no income, would receive \$15 from the State and \$15 from the Federal Government; if he had an income of \$10, he would receive \$10 from the State and \$10 from the Federal Government, leaving the income at \$30.<sup>46</sup>

Not only did the Governor fail to request pensions for every person over sixty-five years of age, but he failed to keep his promise on raising the income for financing his pension plan. He had opposed a sales tax in his campaign, but presented a transaction tax, of one and six tenths of one per cent to the Legislature.<sup>47</sup>

The Governor changed his tax plan several times during his first term. He indicated that he would accept any "better plan" for raising the revenue needed to pay the social security needs of the State.<sup>48</sup>

A long battle was fought between the Legislature and the Governor over the proposed tax plan. Governor O'Daniel favored writing the transactions tax into the Constitution, and was opposed by some fifty-six members of the House and a few leaders in the Senate. Senator Joe Hill, for example,

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<sup>46</sup>  
107. House Journal, Regular Session, 46th Legislature, p.

<sup>47</sup>  
Ibid., p. 109.

<sup>48</sup>  
Ibid., p. 105.

was one of O'Daniel's chief opponents to the transactions tax. Hill stated that the transactions tax was merely a sales tax in a worse form.<sup>49</sup>

The Governor used the radio to fight for his tax plan. Each Sunday morning he broadcast from the Governor's Mansion in Austin telling the people of his ideas related to state affairs. He requested that the people write their representatives in Austin and tell them how to act. The Governor did not use his message power to the Legislature as some governors before him had done, but depended upon public pressure on the lawmakers.<sup>50</sup>

The regular session of the Legislature failed to pass any tax program to pay old-age pensions as advocated by the Governor, and the constitutional amendment he had requested was not submitted to the people.

The Senate passed the requested amendment but some fifty-six members of the House defeated the transactions tax plan presented by the Governor.

Pension checks were reduced on an average from five to six dollars during O'Daniel's first term of office, and no old person received thirty dollars per month as the

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<sup>49</sup> Skiles, op. cit., p. 40.

<sup>50</sup> Personal observation.

Governor had promised.<sup>51</sup> The Governor also refused to call a special session of the Legislature to enact legislation to keep the pension checks from being reduced.<sup>52</sup>

Governor O'Daniel opened his campaign for re-election with a speech on April 3, 1940, when he told the people of Texas that they knew where he stood "With reference to paying old age pensions."<sup>53</sup> Since the Governor had changed his stand on that subject so many times, it would seem that one had reason to doubt just where he stood on the subject.<sup>54</sup>

The Governor pledged himself to sign any bill which would raise the amount of money required to pay the social security benefits placed upon the State by constitutional amendment. He said he would accept a transactions tax, an oil tax, or a combination of taxes, just so enough money was raised to pay the State's obligations.<sup>55</sup>

O'Daniel was very careful not to commit himself to a specific tax program for financing old-age pensions during his second campaign for office. He defended his first term tax plan, but made his financial promises very general as to the source of the money.

<sup>51</sup> McKay, W. Lee O'Daniel and Texas Politics, p. 234.

<sup>52</sup> The Houston Post, November 20, 1939, p. 1.

<sup>53</sup> McKay, op. cit., p. 272. <sup>54</sup> Author's opinion.

<sup>55</sup> Ibid.

O'Daniel told the people, in his opening speech for a second term, that the average person thought pensions should be thirty-five to forty dollars a month. He estimated that it would take thirty-one million dollars to pay the State's half of a thirty dollar pension. He then added that he would like to see from thirty-five to forty million dollars raised for pensions.<sup>56</sup> By this type of speech the Governor, without definitely committing himself, left the impression that he would even favor an increase of the thirty dollars pension promised during his first campaign. This method served to gloss over the fact that the first promise had not been fulfilled.

O'Daniel was fairly consistent with his campaign promises when the Forty-Seventh Legislature met in 1941. The Governor requested that a sum between thirty-five and forty million dollars be raised as the State's share of social security needs. The Governor said,

So far as I am concerned, it is my very definite opinion that if an old person has no income, thirty dollars (\$30) per month out of the State and Federal funds, which is only One Dollar per day, is not an excessive amount.

So, I would say that from my viewpoint, where a person has no income, he should receive at least thirty dollars (\$30) per month from State and Federal funds, because I think that amount in such a case can be definitely justified, to enable the old person to live in decency and comfort. Inasmuch as Federal

regulations make it imperative that income be taken into consideration, such income should be supplemented sufficiently to bring their normal income up to Thirty Dollars (\$30) per month.<sup>57</sup>

The Governor told the lawmakers that he favored a transactions tax as he had called for in his first term as governor and in his campaign for re-election. He felt that a one and six tenths of one per cent transactions tax would produce fifty million dollars per year. From part of this amount he hoped to finance old-age assistance<sup>58</sup> and other social security needs of the State.<sup>59</sup> The Governor listed the same taxes which he had opposed during his first term of office and said he would accept any tax which he felt would secure the money needed, but he felt that the transactions tax was the best means of raising the needed revenue. He added, "but I have no desire to even attempt to dictate to the Legislature how this task shall be accomplished. That is a matter for the Members to decide."<sup>60</sup>

The lawmakers passed and the Governor signed an omnibus tax bill which provided for new and increased taxes on oil production, gas production, sulphur production,

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<sup>57</sup> House Journal, Regular Session, 47th Legislature, p.98.

<sup>58</sup> Ibid., p. 99.

<sup>59</sup> Ibid., p. 90.

<sup>60</sup> Ibid., pp. 100-101.

telephone companies, light and power companies, motor vehicle sales, liquor sales, franchise tax on foreign corporations, liquor prescriptions, carbon black production, pipe line companies, motor bus companies, stock sales, gasoline, insurance companies, and chain stores. The act provided for a new division in the General Revenue Fund to be known as the Clearance Fund. One fourth of all money collected under the above bill was allocated to the Available School Fund, while most of the rest collected went to the Clearance Fund.

The Legislature did not pass a transactions tax as requested by the Chief Executive, and the above bill was felt inadequate at the time to raise the needed revenue into the fund, and pension obligations were met in terms of "need", but there was no blanket payment of thirty dollars per month to all persons over sixty-five years of age.

#### Conclusions

The planks in this chapter were of a related nature in that they filled the place of special planks or main campaign issues. Such planks have represented the efforts of candidates to meet changing conditions in the world and in the thinking of men.



The nature of the above special planks has tended to be very specific in terms of promises. For example, Allred had a very definite written plank in relation to control of the legislative lobby. This type of campaign promise can be measured in terms of specific performance in most cases; therefore, it reflects achievement or failure much more readily than a general plank.

Four of the seven planks presented represented direct defeats of campaign promises. Neff's home ownership plank, Moody's civil service plank, Allred's lobby control plank, and O'Daniel's pension plank all failed to be enacted in accordance with political promises.

Although two of the seven promises were enacted into law, there is room for considerable doubt as to their success in fulfilling campaign promises. James Ferguson's tenant plank was passed by the Legislature, but declared unconstitutional. The second plank dealt with vindication of the Ferguson name. The very election of Miriam Ferguson was taken by many as fulfilling this plank, while to others the failure of the amnesty law represented failure in vindication. In any case the fulfillment of the two above planks is doubtful.

Miriam Ferguson's plank related to the Ku Klux Klan represented the only plank that the Legislature passed appropriate legislation to meet.

Therefore out of seven plans only one was passed in every respect, two were of a doubtful nature, and four were direct defeats in terms of political promises.

Three factors are indicated in the promises studied here. The first is local interest in the issues involved. It would seem that it takes more than a governor's promise to direct legislation. A good example of this can be found in Miriam Ferguson's Ku Klux Klan plank. The Klan was a major issue, not only on a state level, but on a local level as well. Most members of the Legislature were elected on platforms related to the Klan; therefore, when a group opposed to the Klan entered office it is not strange that regulatory legislation was passed to outlaw the Ku Klux Klan.

James Ferguson's farm plank, Neff's home ownership plank, Miriam Ferguson's vindication plank, Moody's civil service plank, Allred's lobby plank, and O'Daniel's pension plank did not form major campaign issues on a local level. All the above planks were a definite part of the State race, and local candidates did not feel obligated to take a stand on such issues in all cases.

A second reason for the failure of campaign promises is found in the hands of the governors. For example, Neff and O'Daniel did not broach the subject of their original campaign promises to the Legislature. By their failure

to do so, they aided in the defeat of promised legislation.

A third reason for defeat of proposed changes in government was given by Allred when he accused the lobby which he was fighting of killing the very legislation which would have controlled them. Neff also named the special interest lobby as a stumbling block to constructive legislation.

In testing the changes for success of the above types of planks the following should be noted: First, the plank should be a local as well as a state-wide issue. Second, strong lobby forces should not be opposed to the legislation. Third, the Governor should be a strong man with the people as well as the Legislature. If all three of the above factors are not present to a certain degree, the chances for such legislation to pass is slight.<sup>62</sup>

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Based upon the seven planks listed above.

## CHAPTER VI

### CONCLUSIONS

The preceding chapters have presented political platforms of eight governors of Texas in relation to taxation, education, highways, and miscellaneous planks. Each of the above chapters has included an evaluation of political promises which were made by the individual governors and a study of these promises as related to the specified fields.

Some very definite trends in political platforms were exposed in this study. In order to understand these trends better, a brief summary of the findings related to each chapter will be given; then a general evaluation, based upon the four subjects, will be presented.

Chapter II dealt with political promises as related to taxation. This chapter indicated that few governors had favored a tax increase of any type, and that those who did called for taxes which "would not fall upon the common people." No governor during his race for office, favored an increased ad valorem tax, yet ad valorem taxes more than doubled during the period discussed.

Allred and Neff called for equalization of taxes in order that all might pay their just share of the cost of

government, yet both later admitted defeat of their programs. They listed as a cause for their failure the powerful special interests lobby in Austin.

It would seem that political promises related to taxation have opposed the increase of most taxes; yet state taxes have multiplied many times. Political promises have meant little in this field, and the true guide for legislative action has been the need for revenue as seen by the Legislature.

Since the governors have opposed the ad valorem tax as a means of raising state revenue, there has been a general shift from that tax to other forms of taxes. The forms which seem most popular are those which keep the tax hidden from the public in the purchase price of the article. This type of tax has helped to hide tax increases from the majority of taxpayers, and aided the governors in camouflaging tax increases which they had promised to prevent.

Chapter III discussed political promises as related to education. Education was discussed in relation to public school and higher education. There has been a logical division in the two fields, for public school education has been the compulsory system of education, while higher education has been open to those who could afford it and master the work presented by the institutions of higher learning.

This chapter presented the following interesting facts in relation to political promises and their fulfillment: First, no governor has opposed public school education in his race for office. Second, only Miriam Ferguson opposed higher education. In her first campaign for office she called for the reduction in spending for the institutions of higher learning of some two million five hundred thousand dollars. Third, educational spending has increased throughout the period of this study, irrespective of political promises. An exception to this statement was the general decrease in educational spending during the depression era. Fourth, the advancement of rural education has been a favorite subject of most candidates for governor. No candidate has opposed a rural aid appropriation in his race for office. This field of educational advancement has also shown a marked increase. Fifth, while no governor has opposed education, Allred and O'Daniel failed to present a well-defined educational program in their respective campaigns. O'Daniel favored the payment of the teachers retirement obligations, but he gave no program for the systematic advancement of education. Sixth, most of the governors have favored education in very general terms. When they have become specific, they have failed in many cases to obtain the promised legislation, but public pressure has nearly always aided school legislation. Eighth, promises related to vocational

education and like subjects, where the Federal Government has furnished part of the money, have passed without exception. Ninth, higher education planks have not been so popular as public school planks, but there has been a general advancement in higher education. Tenth, there has been a general shift in financing construction of physical plants of the institutions of higher learning. The revenue bearing bond has financed the building of most of the dormitories and athletic plants in the State supported institutions of higher learning.

Therefore, there has been a general advancement in school aid, administrative changes, vocational education, and higher education. Political promises have been made which may have led to these changes, but it would seem that it has taken more than campaign promises to enact the requested legislation.

Public pressure upon the Legislature has played a large part in helping governors to keep their political promises related to education. This pressure has been aided by an ever growing education lobby, which is now a strong political factor in Austin.

In Chapter IV were summarized the political promises as related to highways. Some of the trends developed in this chapter are listed as follows: First, the true driving force behind highway legislation has been the Federal Government rather than the political promises of

of governors of Texas. Second, candidates for governor, as a class, have not pioneered in highway legislation, but have waited until the Federal Government offered the State more money or required the State to meet federal regulations. Third, although five of eight governors did not have a highway plank in at least one of their campaigns, all the governors presented have been forced to mention highway legislation in their administrations. Fourth, the only major pioneering done in relation to highway legislation was that done by Sterling when he called for the State to assume local road bonds. This political stand was not taken in relation to federal pressure, but due to several causes it failed to become law. Sixth, the State has never failed to meet federal regulations in order to receive money from that source. Seventh, legislation has followed only when federal pressure has been exerted; but when no pressure has been exerted by the Federal Government, there has been no major highway legislation requested or passed. Sterling's case is an exception to this statement.

Governors of Texas, as a class, have not pioneered in highway legislation, but have waited until the Federal Government has acted; then they called for legislation to meet the requirements to receive such aid. The Federal Government and public pressure, rather than campaign promises of governors, have led to the enactment of highway legislation.



Chapter V was written upon the subject of miscellaneous planks. These planks did not represent political promises upon any one subject, but took special or chief campaign issues and developed them. Of the seven promises which were presented only one became law, the status of two were questionable, and four failed in terms of political promises.

It would seem, from the seven planks developed, that special campaign promises have not fared very well. Although this has been true, the case of Miriam Ferguson's Ku Klux Klan plank indicated that such legislation might be passed if the plank were of a local legislative interest as well as an executive interest.

The author felt these special planks should be tested in three ways in relation to their chances of passage. First, the plank should be of local as well as state-wide interest. Second, strong lobby forces should not be opposed to the legislation. And third, the Governor should be a strong man with the people as well as the legislature.

This thesis has brought to light a number of relationships relative to political promises. Using taxation, education, highways and special or miscellaneous promises as a guide the following relations of political promises to legislation passed have been developed:

First, it would seem that the most important trend in this relationship has been in general promises which have followed a specific trend of financial or legislative

advancement. Education has been an excellent example of this trend. A governor who called for advancement of education in general terms has fared well in keeping his political promises, but when a candidate for that high office has made recommendations of a revolutionary nature in the above field he has not met with as great a degree of success.

Second, political promises relating to taxation have shown the true lack of power of the executive office to control an advancing trend. O'Daniel was the only governor discussed in this study who ran on a platform of increased taxes, yet the trend in taxation has been an ever moving force for advanced revenues. No governor, for example, has favored the advancement of the ad valorem tax, yet regardless of political promises the trend toward higher taxes in that field has ever increased. Therefore, a political promise to reduce taxes has meant little, and the needs of the state, rather than political promises have been the guide for tax advancements.

Third, specific political promises, whether they have been in the fields of taxation, education, highways, or other subjects, have not fared so well as have general promises. For example, O'Daniel promised to pay all persons over sixty-five years of age thirty dollars per month irrespective of need. This was a good example of a specific promise. The Governor had not run upon a plank of a general

nature, such as, "I favor payment of the social security obligations of the State," but he was obligated to meet a specific promise. The record of successful enactment of specific planks indicates the true lack of influence of the executive over the legislative branch.

Fourth, the type of promise which has most nearly succeeded in a legislative sense has involved those pledges related to federal aid. The growth of the highway system, for example, has been closely knit with federal monetary pressure, as has vocational education. In the period covered by this study there was not one example of the State's failing to meet federal regulations to receive money from that government.

Fifth, political promises have not always been carried to the legislature as promised by the candidates for governor. Neff, for example, had a well-defined tax plan to force land owners, who did not live upon their farm lands, to sell their property to those people who wanted to buy homes. The Governor did not even mention his tax program to the lawmakers. The lack of emphasis placed on political promises after elections has been a major contributing factor to the failure of many political promises.

Sixth, a political plank has a greater chance of success when it is more than just a plank in the platform of a candidate for governor. If a plank has public approval, and the candidates for the Legislature have been forced to

favor the same plank in their races then political promises of this type have had a good chance of passage.

Seventh, strong lobby opposition has been an almost insurmountable barrier to political promises in several fields of legislation. Allred and Neff attested to the power of the special interests lobby, for example.

How then can a candidate make political promises which he can keep? First, he should make his platform in terms of established trends. Second, he might anticipate federal pressure and make promises in line with it. And third, he might use a pioneering plank if there was enough public and legislative interest in the subject. This is not meant to tell a candidate for governor how to get elected--but is a guide to making political promises which might be kept.

The voter should watch consistency in political promises, for records have indicated that promises diametrically opposed to one another have not been passed into law. For example, the voters should watch a candidate who favors advancement of education, and at the same time opposes tax increases. James Ferguson reminded the people of this type of paradox, which should be kept in mind in the present day situation, when he said,

...the world is not an apple tree, whose fruit can be plucked at will and be resupplied by nature. The government is the people, and whatever burdens the

government, must, in the last analysis, burden the people.<sup>1</sup>

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<sup>1</sup>House Journal, Regular Session, 34th Legislature,  
p. 130.

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