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Interview with

Allan Shivers

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Oral History Collection

Governor Allan Shivers

Interviewer: Dr. Thomas B. Brewer

April 12, 1965

Dr. Brewer: Governor Shivers, you were twenty-six years old when you entered the Texas Senate and at that point the second youngest State Senator in history. How did you get started in politics, and why and how did you start at the Senate instead of the House?

Gov. Shivers: The last question you asked is probably a little more difficult to answer. I'll try to get to it a little later, but how I got started in politics, I suppose, would go back to maybe a native interest. You might say that I grew up in a political atmosphere. My father was a lawyer in Woodville, Tyler County, Texas, which is in the piney woods of East Texas, fifty miles north of Beaumont and one hundred ten miles northeast of Houston. And as a small child, I attended a great number of the trials that he participated in; and being a small town, we lived across the street from the Court House. Therefore, the trials in the Court House were readily accessible. Prior to that, when I was very young, he served in, as far as I know, the first political office in the family as County Judge of Tyler County. We moved from Woodville to Port Arthur, Texas, in 1923. I graduated from high school in Port Arthur, a senior, attending there only the one year, and then came to the University of Texas in 1924 and '25. Following that, I worked for the Texas Company for three years, during which time my father practiced law in Port Arthur and at various times was interested

in political races with either the city or the county and assisting some State people. Going back to Woodville, my first connection with state politics was, as I recall, Pat Neff coming to Woodville and my dad helping him in the campaign--his first race for Governor. But getting back to Port Arthur, my dad served as City Attorney, later became a district judge, and participated in practically every major campaign in the county, and also in some of the state campaigns. So that's the reason I say that, probably, I grew up in politics.

But after working for the Texas Company for three years, I, for financial reasons, couldn't return after my freshman year. And when I did return, I stayed in school until 1933, received a B. A. degree from the University of Texas in 1931 and a law degree in 1933. I served on what was then known as the Honor Council. I served as chairman of the Honor Council--which is an elective office at the University--in 1931 and as President of the Students' Association in 1932. The Honor Council, even then to a large extent and now almost entirely, has become known as the Judiciary Council or Court. It was an appeals body. So I really entered politics in the University of Texas. Very interesting campaigns, with various experiences. I had taken the State Bar exam in 1931 after receiving my B. A. degree and had had some law courses at the time, and then practiced with my father in the summers with such minor matters as a man that age and lack of experience who had just received his law license could--or what he would allow me to do.

One reason for that was that he was sick at that time, and I didn't know whether I would ever be able to finish my legal education or not; but, fortunately, I was able to graduate in June of '33 with a law degree. I ran for the State Senate in 1934, in the Democratic primaries, of course. At that time you really didn't have but one party. I don't even recall whether the Republicans had any primaries--they didn't have at that time. I think they nominated by conventions for whatever they did nominate, and, as I recall, they only nominated for a few of the major state offices, even in conventions. But they didn't place any candidates in the field for local or district offices, and therefore, the nomination in the primary was certainly tantamount to election.

Getting on to the second part of your question about why I ran for the Senate rather than going into the House, I'll repeat an expression that I used a great many times over the years and have repeated it as late as this past weekend...that in politics there's really more to timing--you understand what I mean--than there is in a track meet...collegiate or high school track meet. For this reason, depending upon the general tenor of the time and the attitude of the people and whatever issues are worked up at the particular time, there's generally a time when the best man who offers for a position couldn't be elected--either because of the apathy, or lack of interest, of the voters or because he doesn't have the opportunity to really present his views or for many other reasons. On the other hand, for exactly the same reasons with a few variations, there's a time when almost anyone

can defeat an incumbent. So, I've always said that a person running for political office must...as you often hear said that such and such a candidate in some minor office has his timetable set; he's going to run for X office one year and Y office two years later and Z office, say, four years after that, or some other timetable. Many of those timetables, of course, history shows have been upset by people who came on the horizon or issues that came about. I was practicing law in Jefferson County at that time. That was in the middle of the depression, and, frankly, there wasn't much law business, so I practiced as much law as there was available, and took interest in local affairs. And as I have recounted to you, I was interested, and always have been, in civic affairs, political affairs, and whatever's going on in the community. I became active in local civic clubs and in everything else that was going on in the city, and in my county. Election time was coming on. I suppose it happens to a lot of young lawyers, but a great many people suggested that I run for the legislature, knowing that I had been interested in politics and that my father was interested in politics. Well, frankly, as to the reason why I ran for the legislature in the first place and the Senate in the second place...I looked the field over, trying to pick out or to select a race that I thought I had a chance of winning. I ran for the Senate, deciding on that because, after surveying the area, I felt that I had a better chance to win the Senate race than I did one of the House races.

Brewer: Who was the incumbent?

Shivers: W. R. Cousins, who lived in Beaumont, was the incumbent and had

been a state senator for some twelve or fourteen years at that time. Quite a number of people said when I did announce, or even when I was talking to them about running, said, "Well, he's too well entrenched. You can't defeat him." But after going over the district--which included the four counties of Jefferson, of course, where he lived and where I lived, Orange County, and Hardin County and Liberty County--talking to people in every county, I thought my chances were better to unseat him and go to the Senate than it was to run in what was almost a purely local race for the legislature. It gave you a wider distribution of votes and a wider grouping of issues, and, frankly, I must say that I thought the Senate would be much more attractive than the House. I would hasten to add now that one of the regrets that I have of my political career is that I did not serve in the House. Or to put it the other way, maybe I did not have an opportunity to serve. I wish I had served in the House; I think it's a very valuable experience. Anyway, I did run for the Senate. And during the campaign, at that time, as you said, I was twenty-six years of age, and Senator Cousins was about fifty-four or fifty-five or somewhere in that range. I don't recall exactly. The campaign was very mild for quite some time. He would sort of write me off in his speeches in remarks by saying, "Well, he's a good boy, but he's just a boy." At that time the depression was right in its height, about the middle of its duration. We had local rallies. County committees...County Democratic committees would schedule rallies at various points in the counties. And, of course, we had the four counties to cover, but they had them

all over each county, and in every section where there was any population. They attracted considerable crowds, probably for a lot of reasons. I think there was a lot of interest in politics at that time, and we didn't have TV. The depression was on, and people didn't have much else to do. It was cheap to go to political rallies--you know, you could go without paying any fee of admission to get in--and it created a lot of excitement. The race began to warm up, and by the time the campaign was half over, it took on some real serious aspects. As it wound up, I defeated him in all four counties. He carried Beaumont, and I carried Port Arthur in Jefferson County, but I received a larger percentage of votes over the county. I carried the other three counties in the area and came to the Senate. That was in July. There were only the two of us running at that time.

Brewer: What were the issues between you and Senator Cousins? You say that after surveying the field that he looked to be the most likely man to defeat. Was there something about his position on things, or what do you feel helped swing the election to you?

Shivers: I don't know that I can answer that specifically, except to say that it has been my observation over the years--and this is certainly not in derogation or as a mild criticism, at least, because there are a lot of people who've been in office a long time who've been guilty of it--but I felt that Senator Cousins had been in office so long that he had neglected his constituents. And with the depression issues and labor issues and a lot of others--people looking for jobs, there was the old age pension question--there were just so many things that were coming along with the

times that I felt that he was not in tune with the times, let's say. And that proved to be true. As I started to say a moment ago, there were only the two of us in the race, and so I was actually nominated in the first primary in July of that year. Miriam A. Ferguson was in her second term as Governor of Texas at that time, and she called two special sessions in the fall of 1934. I came to Austin and stayed for the duration of those two sessions. Because I had been nominated and would take the oath of office in January, the Senate gave me the privilege of the floor. Senator Cousins was kind enough not to object and to permit it. I sat in a lot of the committee hearings and (just as an observer, of course) sat on the floor of the Senate and was able to meet and become acquainted with the then members of the State Senate so that those who were returning in January I knew personally when I came back. You mentioned a moment ago that I was the second youngest man to be elected to the Senate. The press, at that time, said I was the youngest man. I don't know what the history actually shows, but at least up until about the time I became Lieutenant Governor, I guess, somewhere around...after World War II, the press generally referred to the fact that I was the youngest member ever elected to the State Senate. But you may be correct that I was the second. That portion is at least debatable, and you could be correct or the press of that time could be correct. I don't think it's of too much importance--at least the Constitution says you have to be twenty-six before you can take the oath of office, and I had just turned that anyway.

It did give me an advantage, I think, to be able to come to

those two special sessions. I became acquainted with Governor Miriam A. Ferguson at that time and also with her husband, the former Governor Jim Ferguson. Allred had been nominated as governor during that same summer, I believe in the August primary. But one of the most interesting experiences I think I have ever had in my whole political career (I have repeated it many times) occurred during my visit in Austin during those two special sessions.

Governor Jim Ferguson was around the Capitol quite a lot--in fact, in the Governor's office. He sent for me one day. He asked someone to come up on the Senate floor and say that he'd like to visit with me. I went down to his office which was in...the Governor's office was on the first floor of the Capitol, and we visited for quite some time. The thing I have always remembered indelibly in the conversation was that along toward the end of it he said to me...he said, "Well, I'm winding up a political career of a great many years, and you're just beginning one that may or may not last many years. But I want to give you one bit of advice." He said, "Don't let yourself get to hating so many people that you don't have time to like anyone." I thought particularly coming from him that this was sage advice, and I have tried to follow it. Today I don't know of anyone that I've ever taken the time to hate. I don't mean to say that there are not a great number of people, or were not during political activity that I, to put it in a milder form, that I just didn't have the time for; but I don't think that I ever let myself get in the position of hating people. I don't think it really is worthwhile, to tell you the truth. I have always been known as a man of strong likes and dislikes, and I...

certainly, I agree with that, but hating and disliking or not having time is something else. Then I came back in January, of course, to the opening of the session...the first session, when I took my oath of office, and began my Senate career at that period. I remained in the Senate for a period of twelve years.

Brewer: Governor Shivers, there are a number of questions in general about the operation of the Senate that might not have direct dealings on your career as such, but, for instance, I've noticed from going over your committee assignments in the Senate that senators serve on a great many more committees than House members, obviously, I suppose, because there are only thirty-one senators and one hundred fifty members of the House to cover the same committees. But what does this mean, really, for the conduct of committee business? More reliance on subcommittees because the man has to spread his time over so many committees that as a result one or two people generally have most of the say in committees? Or just how does it work in the Senate?

Shivers: Let me answer that by beginning in this manner. I think the general public in viewing the action of the legislature feels, as they sit in the gallery when the House or Senate is in session, that they don't see the type of activity they think ought to be going on--that is, a flurry of bill passing, discussions, and so on and so forth--that they are disappointed and say, "Well, what in the world are those members doing, and why weren't they doing," and that kind of thing. Actually, most of the work is done in committee, and the members generally make up their minds or make their decision or form an opinion either by knowing what the bill is, even when it is

introduced, or before a committee hearing. They learn more about it in committee hearings and form a definite opinion. And very seldom, in my observation, are many votes changed after the committee hearings. There are exceptions, of course. The Senate members do serve on more committees than House members for the very reason that you mentioned. Walter Woodull was Lieutenant Governor when I came to the Senate and was not only a good advisor and a very good friend of mine, but gave to me as a freshman senator some very fine committee appointments on committees that later turned out to be very valuable. At that time, I asked him not to put me on the Appropriations Committee, or what's called the Finance Committee in the Senate. I was more interested in the work of the State Affairs and the Judiciary, as a lawyer, and in the conservation...Game and Fish Conservation, and Oil and Gas, a committee which was created later. But serving on those and during that first session--I think this is about accurate--out of all of the major pieces of legislation--and as you know the most of major legislation goes to a conference committee, five members of the House and five members of the Senate, to be decided on in final form before it is finally adopted--other than the major appropriation bills, as a freshman senator in the regular session of 1935, I served on all of the major conference committees during that period of time. And it was a very valuable experience. Then I came back my second term four years later and a third term four years following that. I always had opposition. I never had the pleasure of running for any political office without opposition. I was Dean of the Senate during my last term.

Brewer: Any particular reason why this would happen to a freshman senator?

Shivers: No, I don't...I wouldn't attribute it to any special reason except maybe because of the district that I represented--I think that would have something to do with it--the friendship of the Lieutenant Governor, and maybe the fact that he thought I had some knowledge, or maybe because I wasn't particularly prejudiced on the views and could help present back to the House and Senate a bill that would represent the conflicting views or compromise between those conflicting views. There were such bills as the old age pension, liquor control law, and quite a number of others that were major issues as of that particular time. Later on, in the old age pension law, which was really adopted in a special session, the Dallas News gave me credit. Trudy Thornton was the bureau chief of the Dallas News at that time, and they gave me credit for writing most of the first old age pension law, doing the research necessary to get the facts to present, and in working it through the Senate. Another major piece of legislation that happened, oh, a couple or three years later, maybe four, probably during the second term, was the...what's now called the Texas Employment Commission Law. It was called the Unemployment Commission at that time, a federal law. Now we have great numbers of them, but they were just beginning back in those days where the Congress passes a law and the federal government presents a program. To use that one as an example, they came and said to the states that we're going to tax the employers of Texas and all the other states 3% of their payroll. If Texas (and they said it to all the other states, too)...if Texas will pass a state unemployment

law in conformity with the federal law, then we will allow the state to administer the fund up to 2.7%, I believe, and have its own commission, its own administrative body. Say...well, what do you do in a situation of that kind? The federal government's going to take the money away from the state and away from the payrolls of the employers, and if we did not have the administrative procedure in Texas, our unemployed people could not receive the benefits. They tried...when the representatives of the federal government came down, they tried to find people who would sponsor this particular law, and had great difficulty in doing it. It was a very complicated law, and finally I agreed to do it. It took a great amount of time to study it and try to understand it. We passed it through the Senate, as I recall, one vote...one vote majority...and several members of the Senate said to me that at that particular time, they were voting for it purely because I was sponsoring it, and they thought I had studied it. They weren't going to take the time and didn't know that they would understand it if they did. For a great many years, very few people did understand it, to tell you the truth. But, of course, now it is a law that has been changed a great number of times, but has paid out millions and millions of dollars during that interim to date to unemployed people in Texas. And it was a piece of legislation that happened along that line that might answer some of the questions you've asked before as to why certain things happen.

One of my major interests in...when I was in the Senate, was in highway legislation. I thought I could see the need of an improved highway system, one that would carry an increasing amount

of traffic. As the type of automobiles changed with more speed and more durability, we needed to change our highways because highway communications were becoming an ever necessary, more necessary, vehicle of commerce, and people needed to get from place to place. This was before the advent of air traffic. Our highway program--the state highway program--became one of my main interests in the legislative field, and I continued, I think, to maintain my interests in other fields.

I first served on the Appropriations Committee--the Senate Finance Committee--when John Lee Smith was Lieutenant Governor, and he appointed me. I wouldn't say that I didn't enjoy it--I did and worked as much as I could. I served as chairman of the Governor's Nomination Committee during the O'Daniel administration. I served in various other committees, as the chairman of some of them, vice-chairman and member of quite a lot of them. On the whole, I would say that I enjoyed my service in the State Senate as much as any of my political career. It's an association; it's a matter of judging how to accomplish, let's say, what you can do, or as much of what ought to be done as possible. Sometimes it's quite frustrating. If you don't succeed at first, I think you just have to go back and try all over again until the objective is finally accomplished.

I left the Senate in the early spring of 1943 at the beginning of my third term and volunteered in the Army. I served about two years, most of it overseas, and came back from overseas just before the close of the regular session of 1945. That was the end of my third term. So, really, I was only in the State Senate about half

of that four year term, although I didn't have to resign because there were no sessions, and I returned for the end of the 1945 session. I continued as a member of the Senate, although there were no sessions in 1946; but I ran for Lieutenant Governor in 1946 and was elected or nominated in the August primary after a run-off with Boyce House of Fort Worth and began service as the Lieutenant Governor in January of 1947.

Brewer: Well, let's...well, the 44th session of 1935. This would be the 44th legislature. So the liquor problem and tax on it...whether or not to have mixed drinks and return to local option, and also an amendment was passed out for the repeal of statewide prohibition by the 44th legislature. I'm sure there must have been a great many different opinions in the Senate concerning this. If you could recall, oh, any of the personalities involved or any of the incidents that you might recall involving the wets or the drys in that particular Senate session, just...it might just be personalities of various senators that come to mind.

Shivers: You've asked me to comment specifically upon the liquor control issue that occurred in the statute that was adopted pursuant to repeal. I believe that was in the 44th legislature which started in 1935 and 1936. The repeal, as you will recall, came in by the sponsorship of President Roosevelt. Texas adopted it, as I recall, the year before, which would be in 19 either '33 or '34, one of those years. And the session in 1935 had the problem of writing the control law pursuant to the constitutional amendment, which repealed the prohibition that had been invoked during World War I. This was done, and, of course, I was a member of the conference

committee, as I mentioned a moment ago, that wrote the final draft of the law. The Legislature--both the House and the Senate--as I recall, were pretty evenly divided on wet and dry issues. There was prohibition and anti-prohibition. There were people who wanted to have liquor by the drink and the so-called open saloon issue. There were people that were members of the legislature who, I'm sure, thought they were representing their own constituency, who wanted any one of fifty or one hundred variations or amendments or methods of handling the sale of both beer and whiskey--and, of course, wine, too. The fight, as I recall, was a real difficult fight. It was bitterly fought in the Senate. I don't remember the House conferees, the names of them, but in the Senate, Senator Clint Small, who then represented Amarillo district in the Senate, was chairman of the Senate conferees. One of the main issues was the size of the minimum containers that liquor could be sold in, that is whiskey. And it was decided finally by the conference committee that it could not be sold in less than six ounce containers...six ounce bottles, and quite by coincidence the present legislature meeting here in Austin thirty years later, 1965, has had that very issue as to whether or not they would allow liquor to be sold in two ounce bottles which would give a semblance, at least, of a regulated open saloon or where you could go in and buy liquor by the drink by just buying a two ounce bottle and the set-ups to go with it. I notice the issue has been defeated, maybe not permanently, but probably for this session, anyway. But it was an issue, then, when the original act was adopted in 1935.

Another main controversy at the time was the type of administration Texas would have--that is, as to whether we would have something like the highway commission, an administrator with an advisory policy-making board, the board to be appointed by the governor, and that's about what we finally decided on--as to what their police powers would be and what their regulatory powers would be, the type of people who should serve, and any one of numerous other problems, regulatory and enforcement and otherwise. I think most of them are still present, as a matter of fact, and the legislature is still arguing along the same lines. The main issue on beer was having places that could sell beer for consumption off the premises; that is, whether the grocery stores and the like could sell packages of beer that people could take away with them, could take to their home, and wine the same way, or where they could drink it on the premises. We finally decided, as you know, that beer and wine of certain alcoholic content could have two different types of license arrangements; that is, it could be sold for consumption on the premises or could be sold for consumption off the premises. With very minor changes, that is still the law today. In that field, I think, there has been very little change. The administration of the liquor control law, in my opinion, has contributed largely to...let's say, to its general acceptance during this period of thirty years of regulation. It's difficult to adequately regulate the liquor, beer and wine business without a lot of objections on one extreme by the people who are in the business, and on the other by the people who don't want anyone to be in the business.

But I think it has proved feasibly, at least, if you're going to have it, to have it with the type of law that Texas has. We have privately-owned package stores. One of the main issues in the law was whether the state should operate the package stores as they do in a number of states. A great many states today have state operated package stores. Some of them have price control laws. The only thing Texas did along that line was to say that it could not be sold on credit, and we put such a provision in the law. It was highly contested at that time, that breweries and distributors could not finance or own interests in package stores. They could not give credit to...no one person in the corporation could own over a certain number (I believe the number is five) of package stores that sold beer, wine, and whiskey, and provided a certain number of enforcement agents, set them up by districts, under a central supervisor here in Austin. And that system still exists today. They are not paid very much today and were paid considerably less then, but on the whole I think this system has worked very well and probably because of the hard fight that was waged over the initial law. There were attempts then, and a great many people said that we ought to submit an amendment just to repeal prohibition entirely and let Texas go back to the prohibition era. I think that a constitutional amendment was submitted along that line at one time. Maybe it was a double-barreled amendment. I don't recall the exact details but it seems to me that the amendment was submitted to repeal the control act and go back to prohibition, and also an amendment was submitted to go to liquor by

the drink, or some other phase opening it a little more. My memory on that is a little hazy, and I may not be correct. But there were numerous battles along that line, and I think this bill coming kind of in between extremes was a compromise--and I think time has proved that it was a feasible compromise.

Brewer: Governor Shivers, one of the issues in the 44th legislature, and carried over to the 45th also, was the repeal of parimutuel betting at race tracks. In the 44th legislature, it apparently was just discussed and died in committee, and in the 45th legislature, the Senate filibustered to kill race track gambling... to kill the repeal of it, I imagine. What was your position on this, and what do you remember about the fight?

Shivers: You have to go back to the adoption of the parimutuel betting in the first place. It was adopted when Coke Stevenson was Speaker of the House, as I recall, before I came to the legislature, and was tied on as a rider to an appropriations bill. There was a great controversy about it. At a later session, the legislature did pass a formal law, not as a rider, but really you might say as a way of ratification. During the first session of the 44th legislature, when I came in 1935, there was a lot of controversy about it, of course. But it rocked along fairly well. Jimmy Allred appointed Bob (R. B.) Anderson, who later became manager of the Waggoner Ranch at Vernon in West Texas and more recently as Secretary of the Navy and Assistant Secretary of Defense and later Secretary of the Treasury in the Eisenhower Administration, as chairman of the State Tax Commission which was the commission that controlled parimutuel betting during the time that Texas had

race track operation and parimutuel betting. This law (a lot of people don't understand) but the law only permitted parimutuel betting. There isn't any law today to prevent horse racing. The law either allowed or prohibited parimutuel betting. The race track association had hired a man whose name I don't recall at the present time, but who had been Jimmy Allred's first Assistant Attorney General, as their chief lobbyist. During that first session or so of the 44th legislature, in 1935, while they had this man employed as their chief lobbyist, Allred didn't raise his voice against the parimutuel betting, but later they...the race track association fired this man--I wish I could recall his name. I believe his name was Elbert Hooper. They fired him at a later time; it seems to me it was after the first regular session or about the close of it or something. They probably felt they were getting along so well and paying him so much that they could save that much money and didn't need him anymore. (Laughter) But immediately after they fired him, Governor Allred started in on them to repeal the law. I suppose you'd have to draw your own conclusion as to why he became so active immediately after they fired his former law associate who had been his first Assistant Attorney General, but those are historical facts--those things did happen. I voted against repeal in the special session. My main feeling was that the law had been passed only, let's say, two years before that or about that, and we had some five or six tracks operating in Texas--Arlington track in the Fort Worth-Dallas area, and Epsom Downs at Houston, Alamo Downs at San Antonio. There was a track at Seguin, and maybe one or two other smaller

tracks over the state, all with parimutuel betting. But some of them--particularly the Arlington track and the Houston track and the San Antonio track--had invested a considerable amount of money in their operation, and a lot of people, I think, felt as I did, that they ought to be given another year or two at least to see how it...if they could make a success of it without all of the criticism that was constantly mounting at that time. We felt that maybe Allred was trying to punish them because of the incidents that I recounted a few moments ago--and just personal vindictiveness. Allred called a special session of the legislature immediately after the first one failed. You mentioned the filibuster in connection with it, as I recall. Senator Frank Rawlings who represented the Fort Worth district at that time was the one that led the filibuster, and Senator Jim Neal was the man who cast the deciding vote on it, or the crucial vote. The vote was a re-referral vote from one committee to another, and Neal represented the Laredo district, which normally would vote favorably on racing if any district would. That's the King Ranch which is not in that immediate district, but joined on to it. It's a ranching and farming district; it's a Latin district. And Neal himself was a rancher, and everyone felt that he would vote against the repeal; but he cast the deciding vote to keep it from being re-referred from one committee to another. It would have been defeated in this second special session if it had not been for his vote. And, of course, immediately after he cast that vote--he was a wonderful old gentleman--everyone began to question

him as to why, and this and that and the other, and wanted to know what Governor Allred had promised him to get him to vote that way. We knew that he personally didn't feel that way...he wasn't personally opposed to parimutuel or to racing, and he very frankly admitted that, at that time, they didn't promise him anything except that Allred told him that if he didn't vote for it that he was going to veto the appropriation. He didn't promise that he wouldn't veto it, he just promised him that he would veto it if he didn't vote that way. (Laughter) It was an appropriation for some new buildings at the Kingsville College, on the Kingsville College campus. And that's a pretty strong appeal to a (laughter) man, particularly as close as the vote was, and I'm sure the senator was sincere in believing that the Governor would do it. But anyway, Allred carried his threat and parimutuel was repealed. I believe I'm correct in saying that was in the second special session of that particular series, but it was a very hard fought and a vindictive sort of fight. A lot of acrimony carried over for a great many years.

I notice it's been proposed again this session here in 1965, which is another twenty-nine or thirty years later, and it has been proposed practically every session since that time. It's never had much chance to pass. There is a lot of activity created about it now, and I know a lot of people who think they can pass it during this session--pass it on a local option basis similar to the liquor control law; that is, as to whether people in a particular county would, by majority vote, want a race track or parimutuel betting in their area and let the local people decide

it rather than being decided on a state-wide issue. Whether or not it will ever come to pass...I still have mixed emotions and mixed opinions.

Brewer: Governor Shivers, what were your experiences with lobbyists while you were in the Senate?

Shivers: That's both an easy question to answer and a very difficult one--difficult from the standpoint of explaining to people who have not had legislative experience what really constitutes a lobbyist. I suppose when I first came to the legislature, I had the generally conceived notion that a lobbyist--particularly a successful one--was some sort of a hydra-headed monster (laughter) that you'd better peep around the corner to see if one was down the street before you ventured out. Actually, after twelve years in the Senate and three years as Lieutenant Governor and seven and a half years as Governor, I can say to you that during all of that time, by and large, oh, seventy-five per cent of the so-called lobbyists are very helpful to members of the legislature, most of them are good business people, and most of them are sincerely honest and straight-forward. They're here for a purpose--you have to realize that--and, of course, they...in that respect, they are biased. I would say that during those years of experience that I saw very few members of the legislature that I thought had been taken advantage of, or that had been overreached, or that had been improperly influenced. The only trouble is, you know that the ones who get in trouble for one reason or the other get all the publicity, and that gives the whole system a sort of black eye. We might go back to the liquor control issue which

we were discussing a few moments ago. During the very heated battle over the liquor issue in 1935, I can say to you that a great many of the national representatives and the lobbyists of liquor and beer and wine interests were here in attendance at the legislature. And a number of them--quite a large group of them--were in favor of some middle course in the regulation; that is, a great number of them were not for the so-called open saloon. On the other hand, they didn't want too tight an enforcement; they didn't want to really dry it up by enforcement. They wanted something sort of in the middle of the ground, a middle course, that a majority of the people of Texas could live with and could accept, and I think in that capacity rendered a great help.

Let me say this about, let's take for instance, the utility lobbyists. The average member of the legislature, whether he comes from a city and particularly those who come from rural areas, has little knowledge about the operation, the need for regulation, or the type of regulation if it is needed, of a utility, whether it be gas, electric, or communication. Most of the people representing utilities, upon proper questioning, would give a very frank answer about their own companies, about regulation, the history of regulation in other states and other areas, and I think in that respect were very helpful to the committee hearings and to bills that were proposed and to the individual member in trying to decide in his own conscience, his own knowledge, and whatever he could learn from various sources,

including from the lobbyists, what he ought to do about his vote on selected issues.

That generally is true in practically all other fields, such as taxation, for instance--the people who represented gas and oil, and advalorem tax people, the franchise tax people, and whatever other form of tax that was proposed. There were people who were against every one of them. No one really likes to pay taxes. But the legislation on many occasions has to pass--it must pass--increased taxation to pay things at that time, like old age pensions, increased cost of education, to take care of the mentally sick, and so on, whatever other state functions are entered into cost money. You expect the lobbyists representing the specific industry to be against the tax. On the other hand, in various sessions throughout the time that I served, I have seen the lobbyists, representatives of the various companies, officials of the various companies, come before a taxation committee, be it Revenue and Taxation in the House or State Affairs Committee in the Senate, and tell individual members, "We know you are going to have to have some more money, but just don't tax our industry out of line with other industries. Let's let everyone share this extra burden equally, that is, in proportion. Don't injure our industry by over-taxing us." That was the usual plea. I think basically the legislature tried to follow a pattern of that kind. When I first became Governor of Texas, the state very badly needed additional revenue to take care of the state eleemosynary institutions--the mental, tubercular and epileptic

hospitals and the mentally retarded special schools and so forth-- all a part of the eleemosynary system. Governor Beauford Jester had vetoed the second year of the appropriation because there was not sufficient money to carry out that program, and when I became Governor following his death, it became my burden, obligation, duty-- whatever you want to call it--at least I had the responsibility and duty to call a special session to raise sufficient money to provide for those services and to finance the second year of the appropriations for the biennium. I did call a special session. I did even more than that; I called a group of interested people over the state together. Some of them, I think, could be classified as lobbyists. Most of them were representatives, either presidents or executives, of various companies over the state. And I just laid the problem out before them. I said, "Now I'm not the only one that has an obligation in this thing. You have...your company has an obligation, and you as an individual have one. I want your help in this because we're going to pass a tax, and if someone is not to get hurt in this thing, why we want some help. And if we get it, fine, and if we don't, we're going to get it one way or the other." And for the first time in the history of the state, so far as I know, the then President of the Texas Mid-Continental Oil and Gas Association, R. B. (Bob) Anderson, whom I mentioned earlier, came before the State Revenue and Taxation Committee and said, "We know...recognize that these unfortunate people have to be taken care of, and we are willing to pay our share of this tax." This was the first time that someone had ever come before a taxation committee and said, "We'll accept

a tax." They, probably, I'm sure, did work along with the committee, trying to guide it to be sure that they were not, say, over-taxed in relation to other industries and so forth. But we raised the money in record time, passed the necessary legislation, and set an all-time record for raising money and getting the work done and getting the legislature back home, out of the way. So the point I'm trying to make with you, lobbyists are really not evil...they're people just like you and me. They have a job to do, and they're paid to do that certain job. By and large I think they're helpful; they're a necessary part of the legislative system really. You're going to find-- and we have in the past and will in the future--some who maybe are not as morally conscious as the general public thinks they ought to be. And also you'll find some members of the legislature who fall in the same category. But by and large, a great majority of the members of the legislature and a great majority of the members of the lobby, or the third house which it's called, are honorable people, sincerely trying to do their job as best they can see it. I think you have a better system--and democracy must have a legislative system if you have a legislative system as you have now-- with the legislature's own research assistants plus the help that the lobby can and does give to them.

Brewer: Governor, what of the oft-heard charge that the Senate is controlled

by the oil and gas, that senators are on retainers by oil companies and this influences their votes? This is a common charge. It's been heard all through the 20th century, I suppose, since oil has become dominant in the state's economy. Do **you** have any comments on this?

Shivers: I'll be glad to comment on it. I think it's a bunch of hogwash, if you want to accept that term. (Laughter) I don't think the Senate ever has been controlled by the oil and gas lobby. I don't think it is today, and I don't think it will be tomorrow. As a matter of fact, I don't think the Senate, as such, is controlled by any group of lobbyists. On a particular issue, regulatory, taxation, or otherwise, you may find that lobbyist "A," for instance, oil and gas or otherwise, might have more friends, if you want to use that, who would, oh, at least be more understanding to his point of view. And that doesn't mean that they're perverting their own conscience, or that they are voting against their own beliefs. It may mean that they are voting because of the district they come from, or maybe because they feel that, or felt at the particular time, say, that oil was over-taxed or over-regulated or that the proposed legislation was not needed. But to say that any lobby actually controls the Senate, I didn't know and still don't believe that it was a common fact. In certain fields, some writers have

enjoyed saying that it was controlled. I remember Reader's Digest a few years ago had an article on lobbyists, and just recently the Houston Post has done a series along the same line on lobbying, saying that such and such lobbyist was the "king bee" and controlled so many votes. I don't think any of that is true. It isn't...I don't mean to say that if you just pick out lobbyist "A" that on some particular issues he might not be able to persuade a member of the Senate--or House, either, for that matter--to support his views. But I'm going to give both of them credit, unless I know otherwise, for having an amount of independence sufficient to understand the question and to do what they think is right. I don't think that the control really exists. A lot of members come to the legislature with both a desire and opinion that they ought to save the world, and sometimes overnight. A lot of them are very liberal... not very liberal, let's say, but liberal in their views. When they get here and recognize their responsibilities and their duties--and remember the senator is more of a state-wide official than the member of the House, I think--he must look at all of the issues. I think his tendency is then to go to...to become a little more thoughtful, a little more studious, a little more understanding; and in the common acceptance of the terms, instead of being quite so liberal maybe to become a little more conservative on basic issues.

Sometimes just the reverse is true, but generally, I think, the trend would be from liberal to conservative the longer a person serves. Circumstances and issues change, though, from time to time. But I'd like to emphasize, I don't believe there was ever any control as such; that is that, say, the oil and gas lobby would almost have to have two-thirds of the total members of the Senate that would vote for any issue that the so-called lobby wanted them to. I'll say to you that frankly, in all the time in the twenty-two years that I served up there, I never saw that. And I don't believe they could control it without controlling two-thirds, and that's twenty-one members. And they can't do it today, they couldn't do it when I was there, I hope they can't do it tomorrow.

Brewer: Governor, along this line of being liberal to conservative that you just brought up, I noticed that you were quite active in your early career on the Labor Committee, and unions from the Port Arthur region always said that you had strong union support when you were elected. Would you care to comment on your relations as a senator and your activity on the labor committees and labor legislation and with the unions in the late '30's?

Shivers: I'll be glad to, and it certainly is true that I had strong organized labor support in my first campaign for the State Senate.

During that campaign I served as...or during that first session, I served as vice-chairman of the Labor Committee and actually, in effect, served as chairman of it, and had a great many very close and dear friends in the labor movement all over Texas. During the 45th session, I served as chairman of the Labor Committee, as I recall, and still maintained that friendship. As the time went on, the demands from issues began changing, and the demands, say, from the labor lobbyists. They call their's "legislative representatives." If he represents an industry, he's called a lobbyist; if he represents a labor union, he's called a legislative representative, and really they're both one and the same. I remember an elderly gentleman called Gallagher, who represented one of the railroad brotherhoods. One year I believe I was serving as chairman of the Judiciary Committee in the Senate, and we referred to Gallagher as "Judge Gallagher" because, in addition to being interested in all labor issues, he made appearances both for and against all matters relating to civil procedure in the courts--that is, as to what rule the courts were going to be governed by and rules of evidence and everything else. Not that there is anything wrong with it, but everyone nicknamed him "Judge Gallagher" because, of course, he was not a lawyer.

But the point I want to make in this is that, as far as my personal relationships, it continued, frankly, to a very great

degree on up until the time I became Governor...my close relationship with the labor people--maybe my first race for Lieutenant Governor would be more exact. Their demands became more and more, and because I came from a strong labor district--and the Jefferson County-Orange County area is still today one of the strongest concentrated union labor districts in the State of Texas...I still count a lot of those people as warm personal friends--but their demands, the demands of the so-called lobbyists or legislative representatives of labor, began to not just request, but to demand that issues that they favored--and they would pick out each session nine or ten or fifteen, whatever their committee decided were going to be their vital issues--they didn't ask that you vote that way, they demanded and threatened you with reprisal at the polls if you ran again and didn't vote that way. And I soon found that you had to be for them one hundred per cent and vote for all of their demands if you were going to be on the favored list, let's say. And they put out a score card every year. At that time, the head of the council...AFL Council (that was before the CIO joined up with them) was a man of...well, he was Harry...Acreman...something, but anyway, I think he came from El Paso. He was, anyway, president or executive here in Austin with the trade and labor council, state council. And he was an old-time labor man who believed in this

principle that you were either with them one hundred per cent or you were against them one hundred per cent. Let me say in defense of present membership, they've had some people in recent years, from my observation, that have not been so adamant about things like that but recognize that a member of the legislature is entitled to a few other views. Getting back to my own situation, if I voted for anything that they had on their list that they demanded that I vote for or, conversely, if I voted against something that they were for, or voted opposite to their belief or their wishes--let's put it that way--they'd put me on their "black list" just for one vote.

Regardless of those kinds of friendships and so forth, you have to...I think any member of the legislature has to have a certain amount of independence. I voted for one or two laws during the O'Daniel administration that labor people--the lobbyists here--were strongly against. After the war, when I ran for Lieutenant Governor in my home precinct, Port Arthur, the night after the first primary the precinct meeting was held in the fire station, which is at the other end of the block where my parents lived. I was living with them at that time, and I had been down to the precinct meeting. And after it was all over with--only the people in the neighborhood were there--we decided on everything with no fuss or fuming or anything about it and nominated everyone that was there

to be delegates to the convention and passed motions to adjourn. The precinct chairman said he'd write all that up, and as far as everyone knew, the meeting was over. I went back to my home, which, as I say, was just at the other end of the block and across the street. Then one of the international representatives of the CIO, which had become very active by that time, came into the meeting with two carloads of his friends, and because I had voted for this one law in the O'Daniel administration, demanded--and by that time everyone else had gone home and he had a majority with his two carloads of people--so he opened his own convention and took my name off of the ballot...off of the delegate list to the county convention. And so (laughter) we really went round and round about that--in the newspapers, mostly. Within the week between the precinct meeting and the county convention, I threatened them with going before the county convention and so on and so forth, and some of them threatened to have a policeman eject me if I went up there. (Laughter) I think all this time I was a candidate in a run-off for Lieutenant Governor. It finally wound up...it got pretty hot, and it finally wound up that they decided they would invite me to the convention, and that I could be a delegate at large from the county instead of from my precinct. Anyway, it turned out all right. And I did go to the county convention and made a speech which was very well received, (laughter) and I was not thrown out.

It became quite an issue in the race for Lieutenant Governor.

I always regretted the feeling and the split, if there was one, and I guess there was, because they did support me in 1934 and, oh...and I had a good bit of support from them in 1938 when I ran for a second term. The real insult--maybe the thing that caused, oh, a lack of communication--when I ran for Governor in 1950, we'd had a very successful term. We'd passed the appropriation bill that I mentioned a while ago. We passed the state hospital program. The prison program was well under way; reform and rehabilitation and everything else was apparently going real well, and the polls, for whatever they're worth, showed tremendous support. And right at the last minute, it appeared that I was not going to have any opposition in that election of 1950. And right at the last minute, Professor Caso Marks, who was a law school professor at Baylor University, announced against me and began to tour the state with great fanfare and hullabaloo. What in the world should happen except that the State Labor Council endorsed Caso Marks! The only thing that I can say to that is, "How silly can you get?" They didn't have a chance in the world, and it was a gratuitous insult to their own intelligence in my opinion. And I just laughed about it because I didn't feel it could have any effect on the election. I did do a little bit of campaigning, mostly speaking to service clubs and chambers of

commerce--the so-called non-political type of speech--you appear at fairs and ride a horse in a parade--just making appearances. I really didn't campaign that year.

But from then on, I'd say that the situation certainly did not improve between me and the labor people. And I regretted it then; I regret it now. I regret that any group would feel as they said they felt, but it did go up during the Eisenhower campaign in 1952. It became a real bitter one because of the issues that again took the form of the day. I think, actually, I can look back, and I could point out to any unbiased observer that my record in the Senate, as Lieutenant Governor, and as Governor...that labor prospered more and that I helped them more--organized and unorganized--than at least fifty per cent...or I'll say seventy-five per cent of the members who have served, of the Governors who have served, or the Lieutenant Governors who have served in a like period of time. It was always my intention to do that. I think certainly in the Lieutenant Governor's office you have to represent people state-wide and not from any particular district. Let me say in their defense, labor is not the only group that takes that kind of a narrow attitude where you have to be all for them or all against them. Their issues are generally limited, except as Judge Gallagher interpreted his. He was a wonderful old man. I'm not criticizing. He was a very interesting person. The mistake, I think, they made

then--I think they still make it--is to label as unfriendly a vote on issues which they select which have little or nothing to do with...at least, not major labor issues. I have no criticism of them for doing the best job they can. I would probably do the same, but I think if I were doing their job, I would try to understand that a member of the legislature, or any other state official, has an obligation to someone else just as he has to them. They may not always coincide with their particular views.

Brewer: Governor Shivers, what were your relations with Governor Allred, and how do you think he handled his legislative relationships, given the limited power of the Governor? Did you learn anything from Allred's approach? Or do you think that he should have used a different method, particularly on...well, taxation?

Shivers: I always considered Governor Allred one of the most attractive personalities that I have witnessed on the Texas political scene. He was a hard worker. He was a hard fighter. One thing that I never quite understood...the so-called doctrinaire liberals today consider Allred as one of their patron saints, and they consider him as a great liberal leader. I went into the State Senate the same year that he went into the Governor's office, and in my opinion the reason that he defeated Tom Hunter in the run-off in the Governor's race in 1934--you recall that he was serving as Attorney General at that time--and immediately after the opening of the run-off campaign which was the latter part of August, Allred as Attorney General ruled that Negroes couldn't vote in the Democratic primaries. Well, the so-called doctrinaire liberals of today would eat an Attorney General alive if he'd rule something

like that. But that was Allred's ruling, and I think the only reason that he...at least it was a contributing factor, it made the difference, in his run-off campaign with Tom Hunter that particular year. They were both from Wichita Falls, as you'll recall.

But as I say, Allred was an attractive personality. He was a very vindictive sort of fellow. He was a leader. He was controversial. He had people who loved him dearly and people who hated him viciously. As Attorney General, he had been the prosecutor type. That had been his...he had been, I believe, maybe District Attorney, County Attorney...at least, a practicing lawyer in Wichita Falls. And he continued on as Attorney General and as Governor to be a prosecutor all the time. He was the one who demanded things. He didn't ask about them: he demanded them. Yet he was, in my opinion, oh, a very able executive, in a good many respects.

Probably one of the reasons he was referred to as a liberal leader was because of the old age pensions being passed during his administration. In my opinion, the old age pension would have been passed if Tom Jones had been Governor of Texas. It was one of the issues of the day, and the people were demanding it. Practically every member of the legislature ran on it. It was a most controversial program on up, as you'll recall, through the O'Daniel administration when every member of the legislature almost had to be for the O'Daniel program, and they'd never even heard of O'Daniel. (Laughter) But during the...I don't believe it was the first session, but after the old age pension law was adopted

and had been tried out for awhile, there were, of course, a great many questions about its administration, the insufficient amount of money being paid, and the support of families, and whether or not that should be considered, and quite a number of other things. And Allred came before the legislature--and this is another thing that I can't understand why they refer to him as a great liberal leader--he came before a joint session of the legislature and proposed that recipients of old age pensions be denied the right to vote and, in effect, have to take a pauper's oath, and that if their families could support them that they ought not to receive an old age pension, and a great many other things that would be heresy today. And they were considered extremely conservative in those days, because you'll remember that was in the middle of the depression; but Allred was, in a great many respects, in my opinion, much more conservative when he was in the Governor's office than he became later after he became a federal judge. He became a great liberal advocate after he'd become a federal district judge.

But on the whole, I think Allred's administration as governor is one that he and his family could be proud of. They could point to the old age pension as a major accomplishment, and it was. The liquor enforcement law was passed during that time. And, of course, he accomplished what he wanted to on the repeal of pari-mutuel betting on horse racing. As I mentioned earlier, I sponsored and had passed during his administration the Unemployment Compensation Commission Act; and a great many other pieces of legislation that necessarily had to come out of depression

periods were passed during that time. And they say that in spite of the personal differences that later occurred in the Allred administration...he got mad at me solely because I voted against the parimutuel...repeal of the parimutuel thing, which got to be a real pet with him. And he got mad at everyone that didn't vote with him on it. But on the whole, let me say that during the time I served with him, I admired him. I supported probably eighty per cent of his program. On his taxation program, he had the responsibility of trying to recommend to the legislature taxes to pay the old age pension. And, of course, oil and gas was about the only source of revenue during that time, and he proposed that. And again, this was in the depression, and the oil companies fought the fact in his proposal that they pay all of the taxes. I'm not sure in the history of this, but as I recall they defeated his first proposal, and then he became very vicious in his attacks on them. Later, some sort of compromise was worked out, and the tax was passed which I believe was the first of the so-called omnibus tax bills. I'm not exactly...my memory isn't as clear on that as I wish it were. But a general tax program was passed; and, as you will recall, that was before the so-called "pay-as-you-go" amendment where you could not have deficit spending. You could have deficit spending during that period of time--and did have to the tune of many millions of dollars. And a program was finally worked out and passed both houses of the legislature. Maybe it didn't adequately finance old age pensions and the other programs that needed extra financing, but it accomplished a job for the time being. Let me say on the pros and cons that I think

more in favor of Allred than against him.

Brewer: Governor, your second race for the Senate coincided with the race of W. Lee O'Daniel for the Governor's office. Did his race have any influence on your race...on the issues and on positions?

Shivers: The answer is obviously yes. (Laughter) But a lot of interesting things took place, I might say more or less facetiously. That was in 1938, and I had just been married less than a year, married in October of 1937. A House member by the name of Harry McKee, who represented the Port Arthur-Jefferson County district, ran against me for a second term in the Senate. Actually, the main issue in the campaign was whether or not...if you'll remember in 1936 they had the centennial at Dallas and Fort Worth and a few other places over Texas where they put markers and all...but one of the main issues was, McKee, in one of these public meetings, accused me of giving a party in Dallas, entertaining Sally Rand, the famous fan dancer. (Laughter) And that was just before I got married, and if you ever saw a confused candidate at that particular time, I was the one. And I began to...I was standing out in the crowd listening to his speech when he told this story about me giving this party for the fan dancer in Dallas at the centennial. I wondered, "Well, what kind of an answer do you give to that?" It wasn't true. And I said, "Well, if I get up there and deny it, why everybody will say 'well, he's not telling the truth, he did it, he's just...now he's denying it. He's not telling the truth.'" And if I admitted it when it wasn't true and somebody found out about that, why everybody would be mad at me, and all of the moralists and so forth would say, "Well here, what's this

young fellow doing up there entertaining that fan dancer?" So I finally decided that the one way that I could rebut him was to neither to admit nor deny but just to say that he was jealous because he wasn't invited. (Laughter) And that went on...we debated Sally Rand for about half of that campaign for re-election.

But getting back to O'Daniel, and I say the other is somewhat facetious, though it was a very live issue in the campaign for some time. O'Daniel...frankly, I had never heard of the man. I was campaigning, and I stopped (I believe it was over in Hardin County) my car where I saw a man plowing over in a field. I stopped my car and crawled through the fence and went over to politic with him, hand him my card and so forth. We got to talking about old age pensions and a few other things. I made a statement about them, and he said, "Well, young man, I believe I'll vote for you. That sounds about like what Pappy says." Well, I didn't even know who "Pappy" was. I had heard of this fellow O'Daniel running and who he was, but I...a lot of people, you know, run for office for publicity. And when he first started out, I thought that was what he was doing. I had never heard one of those radio broadcasts that he had become so famous for. I went back, and I think I...when I got back home, I think I was discussing it with my father or someone, and I said, "Nearly everyone that I have run on today has said something about this fellow O'Daniel who is running for Governor." Well, you recall at that time Ernest Thompson was in his "heyday" in the railroad commission...very popular. Bill McGraw was running...was the Attorney General...and was running for Governor, and practically

everyone in the state who had been involved in politics one way or another thought the race would really be between Thompson and McGraw. And so, I said to my father and whoever else was in the crowd...I said, "What about this fellow O'Daniel? Nearly everyone that I've run on to today and an increasing amount of people are asking me if I'm for O'Daniel, or what I'm going to do about O'Daniel. Or they say something about him." And I said, "Apparently he has a lot of support if this is any cross section." And I remember my father said, "Well, if you don't know it, he's going to be the next Governor of Texas." And nearly everyone in the crowd laughed. They thought it was...he couldn't possibly be serious. But, of course, everyone knows the results. He not only won the race, but as Bill McGraw said later that he and Thompson got too much flour in their eyes to see the election day. And he went on, of course, to be elected the second term and go to the United States Senate and be re-elected.

He was, of course, a very controversial figure all of that time, but the issues...O'Daniel personally, and the issues that he...well, the only issue that he had, really, was old age pension--the only thing that he talked about that had any serious import. But, of course, he was against politicians, and everybody in office was a politician. And, of course, in my case, we told the voters that he was talking about people that he was running against. He wasn't talking about us. (Laughter) He had to have some of the members of the Senate and the House there to pass whatever program he had. A later thing, he proposed the so-called...oh, what did he call his tax...transaction tax. It

was the transaction tax. It was really a "Mother Hubbard," and actually it was a manufacturer's tax on the wholesaler tax. But they called it a transaction tax because it was, in many categories, a sales tax, mostly an inverted sales tax rather than being a direct sales tax. But if you'll recall, he proposed this transaction tax as a constitutional amendment, and a great many members of the legislature, House and Senate, who voted against submitting that to the people for a vote were defeated in the next election by O'Daniel, by O'Daniel people who...on the theory...mainly because of the O'Daniel personality and that they were against O'Daniel. But they couldn't really defend the position that they wouldn't let the people vote on it. And all the O'Daniel voters were just as mad as they could be at these members of the legislature who wouldn't let them vote on O'Daniel's proposition. And as I say, a great many of them were defeated. O'Daniel and his followers were always very vocal. You remember his radio speeches, his "Sunday morning sermons" or whatever you want to call them. And as long as he stayed in office, he always had a very dedicated following. Certainly no one will ever deny, I think, that both he personally and his issues were involved in almost every political race from Justice of the Peace on up and down, during the time that he was in office.

I might tell you one very...one or two very interesting little things that happened during the time that O'Daniel served as Governor and I was in the Senate. Coke Stevenson was Lieutenant Governor at that time, and it is a custom that the chairman of the Governor's Nomination Committee be the senator from the Governor's

home district, or at least a very close friend. Senator Jesse Martin was the freshman senator at that time, and they generally don't name a freshman senator to an important committee of that kind. Stevenson asked me to be chairman of that committee, and O'Daniel would send up appointees and without asking members of the Senate about them, which was a courtesy matter most people are familiar with. The Governor asks the members of the Senate from the nominee's home district if it's agreeable and generally has someone sound out the members of the Senate to be sure that the man can be confirmed before he names him. It is generally considered at least a black mark if a man doesn't get confirmed, or if there is great controversy, and a black mark against the Governor if his appointee doesn't get confirmed. O'Daniel just followed exactly the reverse procedure. He'd just send them up. He didn't ask anybody about them...any member of the Senate or... I guess he asked the man he was nominating for the office. I went to Senator Martin one day and said, "We've got to do something about this." The Senate was turning O'Daniel's nominees down just in groups. I told Senator Martin what I had in mind. We went into the Governor's office and I said, "Governor, of course you know that these nominees of yours are being turned down, and I'm chairman of that committee. I don't know whether you know that or not, but I'd like to be helpful, and I'm sure that you'd like for these people to be confirmed by the Senate when you send them up." They'd turned down two or three different nominees for the chairman of the Highway Commission and quite a number of other positions, and I said, "Usually, the Governor

would like for his nominees to be confirmed, and if you would just let me know--or even Senator Martin--why, I'll be glad to help in checking around and seeing what the situation is and try to be helpful." He stood there or sat there in his chair and looked right straight at me for what seemed an interminable length of time. I didn't think he was going to say anything. And finally--he just kept looking right straight at me--and he said, "Senator, I read in the Constitution where the Governor nominates and the Senate confirms, and I'm going to nominate and the Senate can do what it pleases about it." (Laughter) And that's what he did the balance of his term. And I never did bother him any more, and he never did ask me about any appointee, and he just followed that policy.

Another very interesting thing that happened...it was interesting to me. He came down to Port Arthur--I don't remember what the year was...I guess it was in his second campaign--making a speech. And the Chamber of Commerce or somebody who was arranging it and seeing that the streets were roped off...at that time, they spoke out in the middle of the street in Port Arthur and roped off a block or two in each direction and so forth. And someone locally, and I'm sure partly on my own volition and all, I made some arrangements over at the hotel and asked him and his party to come over and eat a bite with Mrs. Shivers and me that evening before his speaking and so on and so forth. It might have been in his Senate race--I'm not sure about that, but some race, anyway, that he was running, and he was speaking in Port Arthur. And we were

walking back over to the platform and only had just a few minutes before the whole thing was to start--the radio time and everything else. People were just shaking hands with him and grabbing him just like they do the President of the United States today, generally. And some lady came up to him and said, "Governor, I want you to come see my baby." I tried to keep him in line and get him on down, and they had a policeman or two. But nobody could stop him, and he went off with this lady; and he didn't come back for several minutes. And finally, he showed up and I said, "Governor, where in the world have you been?" He said, "Well, you heard that lady ask me to go see her baby, and I thought it was maybe in the car, right next door." And he says, "We went three blocks, and she had a baby in the car down there she just wanted me to see and pat on the head, and I did and I got back and here I am." (Laughter)

Another time O'Daniel and his family came down to Port Arthur to...I believe his daughter was going to christen a tug boat that had been built in Port Arthur, and they came out to our house to have dinner the night before the christening. Our oldest son was, oh, about a year old at that time, I guess, and the Governor asked where he was, and Mrs. Shivers said, "We've already put him to bed, and he's in the back bedroom in the crib." And nothing would do...O'Daniel went back there himself before anybody could stop him and Mrs. Shivers going...trying to keep up with him, and he had the photographer there--he carried his own photographers with him--and he picked that baby up out of that crib and came back in the living room with him and walked over in front of a

mirror just posing around with our little one-year-old John on his shoulder. And when he got ready, he said to the photographers... he told them when to shoot--and when he was ready and had the baby exactly in the position that he wanted him and everything he said, "Now take the pictures." And we still have the pictures, of course, a very interesting one and quite a number of others that he sent up later. But he had...I think it was the Department of Public Safety photographers that he had with him, but he carried two or three with him of his own. He didn't trust the newspapers, if you recall. In many ways, he was a very human sort of person; in many ways, he was completely lost in the Governor's office. I'm sure he didn't know who all the state officials were, and probably cared less.

Brewer: Governor Shivers, how would you analyze the success of W. Lee O'Daniel? What caused it, and will this sort of thing ever happen again, or can it happen now in Texas politics that we would have another man like W. Lee O'Daniel?

Shivers: Well, to say that you would have another man like W. Lee O'Daniel probably would be stretching it a little, but for a man to come on the political horizon under similar circumstances is certainly predictable. I think it will. There were similar ones prior to O'Daniel. There's no reason why there won't be some in the future. You must understand, of course, that it's psychological, it's emotional, it's a sign of the times. O'Daniel had become with radio listeners a sort of hero figure. He sang religious songs, and songs about home and mother and country, and commented on little personal matters over the radio that appeal to thousands

upon thousands of people. In, oh, I think...well, as it turned out, I think it was truly a sort of hero worship thing. His appeal was to their own personal desires and their personal emotions and to their love of their own family and to their religion. He had enough in it and in his radio appeal, apparently, to make this appeal to a very wide segment of the population.

Then he capitalized in his race for Governor what he had evidently been talking about in his radio speeches--the inadequacy of the old age pensions which had only been in effect a very few years at that time...a very short period of time, actually, and truly was not adequately financed and was probably overly...oh, policed or regulated and so forth. And everyone who had any relationship at all, or maybe any sympathy for their friend, or for their relative in the friend's family, who was receiving old age pension wanted him to receive more. They evidently believed O'Daniel's story that these giant corporate interests in Texas were denying the old age pensioner his rightful dues. And you put all those things together and say it's a sign of the times. It's the emotion of the day; it's the psychological approach to almost everyone's desire for love of...what did we say...mother, home, and country and against sin and all of that kind of thing.

O'Daniel was a master strategist in that particular. You may remember, it came out during the campaign that he hadn't paid his poll tax, wasn't qualified to vote. And later it was shown that he probably never had voted in a state election and had only paid his poll tax on one or two occasions in the past along with his property tax, and it was debatable that he had ever voted even

though he might have been qualified with the poll tax. And although he showed some evidence at that time of not knowing anything about poll tax or a requirement for one, he immediately came up with the answer that he didn't believe in the poll tax and that was the reason he didn't pay it. When they accused him of anything else, he, having been from Ohio--and at that time, to say that a man was a Yankee and from the Middle West or the East was supposed to be some kind of mark against him--why, he told the story of sitting on his mother's knee in Ohio and how the sons of Ohio came to the defense of Texas and brought cannon, and he told the same...practically the same story about his residence in Kansas before he came to Texas. And at that, I say, he was in that kind of campaign a master strategist.

Basically, I think the fellow was a salesman. He had demonstrated that in his radio appeal and selling flour, and that's apparently all he had ever done before he got into politics. He was, in his public announcements, always for the underprivileged, the underdog, the old age pensioner, for instance. He was against the giant corporations and entrenched wealth. A lot of politicians have made great capital of that in the past, but history will record that O'Daniel's support--the people who persuaded him to enter the governor's race in the first place, or to enter politics in Texas--were some of the most wealthy people in Texas... some of the people connected with the largest corporations in Texas. Some of the things he did after he became Governor were more in their interest than anyone else's.

After he became Governor, I thought a great many times he was trying to create confusion to keep anything from being accomplished so that he could have it for future campaigns. And I think you will find a lot of people who were in government with him at the time who will share that view that I have just expressed. He did stir up a lot of controversy. He did have a lot of confusion, and he gave little or no evidence of the leadership necessary to settle that type of thing. He never worked at trying to get anything through the legislature, except to demand that it be passed, and then go on the radio and ask the people to write their members. As far as visiting with the members of the legislature and trying to convince them of his own views, so far as I know, he did very little, if any, of that. His appeal, of course, finally waned; and as you recall, he did not run for a second term in the United States Senate.

He ran...well, he ran in the special session...in a special election and was elected to fill out Morris Sheppard's term. His appointment of Sam Houston's son, Andrew Jackson Houston, as I recall, who was then somewhere around ninety years of age, to the Senate, who only served a very short period of time and with his age and (probably) his physical condition at that time, couldn't do anything other than have the additional honor, was, I think, another of the typically O'Daniel emotional approaches to the voter knowing that he was going to run for the special election as senator. And he was elected, as you will recall. Then in the...he ran for his regular term and was elected and didn't run for a

second full term. Whether or not he could have been elected, of course, no one can ever say, but we can say--and I think everyone would know who followed the O'Daniel career at that time--that if he'd had any strong opposition for the term he did not run for, he would at least have had a very difficult time, if any chance, to be re-elected.

He'd been very ineffective in the Senate and very controversial there as he remained controversial in Texas. In some ways, he did a lot of good. As his defenders say, "He certainly didn't do any harm." But modern-day legislative...federal legislature, at least, the Congress...and whether he's a member of the Senate or a member of the House or, more particular, a member of the Senate, he ought to be able to render some real service to his nation and, particularly, to be an effective representative of his state. And I don't think O'Daniel qualified in that particular. He apparently wouldn't, or didn't, work with any of the members of the Senate from the other states. He continued his emotional appeal and forgot...apparently, he was off on issues which were becoming, oh, probably the beginning of some of the investigative era that were dawning about that time. But certainly, he would go down in the political history of Texas as one of the greatest campaigners that we've ever had.

I have talked about this too much, too long, but just to sum it up, to say a sign of the times...there's a time, one of the original statements I made, when a man can be elected to office. There's a time when he can't. And O'Daniel came on the scene

with the emotional issues at a time when the people were willing to accept something other than what they had been accustomed to, and he capitalized on all of those issues to a most remarkable and almost unbelievable degree, and had for some period of time very significant influence with the people. And although he publicly espoused the cause of those who wanted more from their government, his only friends were those who didn't want the government to give anybody anything. And I think that's about as true a picture as you could give. His family, in a great many ways, were very charming, very delightful people, and his wife was very gracious. His daughter was a beautiful girl. She was married in the Governor's mansion. He had two sons. If you'll remember, during his first campaign, he had the boys playing the guitar in the band, and the girl, who was about fifteen or sixteen years old at that time, passing the barrel to pick up a collection to finance the campaign.

Oral History Collection

Governor Allan Shivers

Interviewer: Dr. Tom B. Brewer

October 2, 1965.

Also in attendance was Mr. Weldon Hart, longtime associate of Governor Shivers.

Dr. Brewer: Governor Shivers, what prompted you to make the race for Lieutenant Governor in 1946?

Gov. Shivers: I think I would have to say that actually the decision was made in 1945 or at least started being made. When I returned from overseas during the legislative session in 1945, a great many members of the Senate with whom I was then serving urged me to give some thought to making the race for Lieutenant Governor. It was, of course, too early to make the decision, but after the session was over, several members continued to urge me to run, and as I recall, I made some trips over the state sounding out views and soliciting support. I decided I think in the fall of that year to make the race, the latter part of '45 probably, or at least it was early '46. The reason for it: I, of course, have always been interested in politics and having served in the Senate, I think had a natural inclination to be interested in the Lieutenant Governor's office. By the time that I had fully made up my mind to make the race, practically all the members of the Senate with whom I had served--

I believe all but one--had offered me their support. That was a very important element in the race for Lieutenant Governor. A good many other people over the state had also done the same thing; some of the newspapers had offered to support me. I don't recall exactly when I announced, but I'm sure that it was some time in the early part of the year, but I just have to say that the natural inclination toward that office of Lieutenant Governor, after having served in the Senate for twelve years. I was the Dean of the Senate at that time, and, of course, the tender of support by the men with whom I had served.

Brewer: At that particular time were you thinking far enough ahead that you might make the race for Governor at one time?

Shivers: Oh yes. I guess there are very few people who hold any kind of office or have any interest in politics who don't think about some day possibly running for governor. Certainly no decision had been made, but there's always--call it ambition or an inclination or whatever--desire to become governor.

Brewer: Your opponents in 1946 were Boyce House and Joe Winfrey.

Shivers: Joe Ed Winfrey.

Brewer: This was a very hard-fought campaign. I notice that the Texas Poll the day before the first primary gave House 36.7% of the vote, you 35% of the vote and Winfrey 15.6% of the vote. Would you comment on the campaign itself and how it went: what were the major issues between you and particularly Boyce House?

Shivers: It was a very close contest, of course. House was very popular; he had written several books that were widely distributed and widely read--jokes and stories about Texas--and he had gained state wide publicity over his "horned toad incident" at Eastland Courthouse and was well-known as a newspaper man and storyteller, author, and a very able one. I had to campaign, of course, on the basis of experience in the Senate and experience for the office of Lieutenant Governor, interest in government and that kind of thing. Joe Ed Winfrey had also been a member of the Legislature, a member of the House on several different occasions (as a matter of fact, two or three, I don't recall which) and was a very able member of the Legislature from Harris County. In the race, as I mentioned earlier, I had the support of the members of the Senate and a good many members of the House of Representatives, and Boyce House had wide support among newspapers, particularly weekly newspapers, because he wrote a column for them and, as I say, was a very popular and widely known individual. The issues? It was one race where there was no personal acrimony, no personal vendetta of any kind. It was based solely on issues and experience and was a very close contest in both the first and second primaries. Winfrey's vote (he ran third in that race) came almost entirely from Harris County and the Gulf Coast; he had very few votes, as I recall, outside of that immediate area. House's votes were pretty widely scattered, centralized probably in a West Texas area where he was

best known, and mine probably in the East Texas area where I was best known. Actually I led in that first primary; I don't recall the margin, but I think it was some 60 or 70 thousand votes, something less than 100,000, and House and I were in the runoff in the second primary and again the issues were the same. As a matter of fact, I complimented House (he and I were good friends) as an after-dinner speaker, story teller, joke teller and all that, but tried to convince the people that they didn't need an after-dinner speaker and joke teller as Lieutenant Governor. They needed a man who'd had some experience in connection with the office. And with the help of a lot of friends, I was successful in that race.

Brewer: I noticed that both of you announced opposition to the sales tax, but before the second primary House called you the "sales tax candidate." What was the basis of this?

Shivers: I don't have any idea why. I imagine he was grabbing at straws or anything. No tax has ever been popular, and the sales tax, of course, was very unpopular or thought to be so at that time, and in order to try to capitalize on some issue, he was accusing me of being for the sales tax although I had announced against it.

Brewer: He announced that he was opposed to the Political Action Committee. Was he the labor candidate?

Shivers: No. As a matter of fact, in the precinct conventions which are always held on the day of the first primary--in the metropolitan areas in the evening following the close of the voting. I lived

in Port Arthur at that time. The voting was in a fire station that was only a block from where I lived. I recall very vividly attending the precinct convention along with my father and half a dozen of our neighbors whom we had just asked to go over, there being very little interest in the precinct conventions actually. We just asked some of our neighbors to go over. The elected precinct chairman who had been supervising the voting during the day acted as chairman, and we passed the usual resolutions and voted a lot of delegates to the county convention which was to meet in Beaumont a little later. After we left, the CIO secretary came up to the fire station--we found out later, with three or four carloads of people--and they reconvened the convention and struck my name from the list of delegates. I never did find out exactly why, but under the rules you have to be a delegate from the precinct in order to get into the county convention. I didn't know anything about it until late that evening when a friend of mine called me and asked if I knew it had been done. I didn't. But we got busy on it and tried to find out why they had done that and couldn't, so all that Sunday and Monday following the election and the precinct convention, I was gathering information about it, and, of course, I had to fight back with everything I could gather. I blasted them and said it was a scheme and a fraud, and a dastardly trick and everything else that I could think of that they would slip in under the cover of darkness and do a thing like that. It got to be a battle of words

in the newspaper, in the press media and news media and everything else. I announced that I was going to the county convention regardless of all that and dared them to come and oppose me on the floor of the convention, dared them to try to keep me out of the county convention. Well, they finally backed down and announced that they were going to join and asked the chairman to seat me at the convention, to make me an officer of the convention and everything else. It then really became a comedy of errors. It probably helped me in the campaign, actually, because of the opposition. I never did find out why they had decided to do it, but the fact that we did get into a pretty heated battle over it for a period of about a week gave me a lot of publicity and gave me a chance to have a fight that I could win. And I went on to win the election, too.

Brewer: During the campaign you also stressed the idea of the sixty-day annual session of the Legislature.

Shivers: That was for budgeting purposes, wasn't it?

Brewer: And it came up again later while you were Lieutenant Governor. Did you intend this to be simply for budgeting purposes, or would you have advocated or would you advocate now an annual session?

Shivers: I think the idea was that we probably ought to have an annual budgeting session of the Legislature, probably limited to that or any other emergency issues on the theory that two years in advance

it is a little difficult to judge the needs of state spending, and to keep from appropriating more money than is actually needed or in many cases, not appropriating enough to do a good job. I thought the Legislature could do a better job by reviewing the needs annually than they could on a biennial basis. I didn't intend then, and I don't now favor annual sessions just as such. I think probably the state as it grows in population and industry and so forth, the time will soon come when we will need annual sessions. Now that the people have approved a Constitutional amendment putting the members of the Legislature on an annual salary, probably the next step is an annual session. I don't see any need of it as of now, but the day may not be very far away.

Brewer: You also talked about the need for a reduction in the size of the Legislature. Was this the House or the Senate?

Shivers: The House, principally; not the Senate. I think the Senate is small enough. I think I was referring to a reduction in the 150 members of the House, and I believe that the discussion revolved around having three House members in each Senatorial district, for instance.

Brewer: Do you just feel the size to be too bulky?

Shivers: Too unwieldly, the observation being that at least a third of the 150 members were either not effective or didn't participate for one reason or another. A smaller body would accomplish more, be

more attentive to needs and more receptive to whatever the state needs were at that time, as well as the needs of their district.

Brewer: There also seemed to be an issue in the campaign about Negro schools, particularly the colleges and universities. I know the Dallas Morning News quoted you as saying that, "I am the kind of Texan who believes colored people do not want to attend school with the whites." Was this really part of the campaign?

Shivers: No, I don't think so. As I remember it at that time, I think that discussion probably revolved around the need for improving the quality of the Negro schools and the quality of education given to them. And it had always been my feeling or observation, having grown up in East Texas where most of the Negro population of Texas lives, actually they didn't, at least the majority of them didn't, want to attend white schools. And I'm not sure that it wouldn't be better today if the quality of their education had been improved as it should have been. Probably those of us in a position of responsibility didn't act as quickly as we should have in seeing that the so-called "separate but equal" clause was actually carried out. It was neglected--there's no question about that--and today I think it's reaped the whirlwind.

Brewer: In a race for Lieutenant Governor, is it difficult to raise funds for a campaign for that office as, say, opposed to the office of Governor?

Shivers: Yes, at that time. My experience at that time was that it is very difficult to raise campaign funds. As a matter of fact, I

didn't spend very much money; we didn't have high-priced television that candidates now have. And as far as public interest in the office of Lieutenant Governor, there wasn't too much. It wasn't an expensive campaign and yet, as I recall, about half of the expenses that I did incur I paid myself. Locally, if you go into a town or a community, somebody would pay for an ad in the paper, or some local friend would pay for a radio broadcast or something of that kind. I don't recall how much money I spent in that campaign, but it was very little compared to what campaigns now cost.

Brewer: Or probably even at that time as compared with the campaign for Governor, it would be much less?

Shivers: Oh, yes, yes, considerably. Probably less than ten per cent of what a governor's campaign would cost. We had a very heated campaign for governor that year and a number of candidates. A lot of money was spent on the governor's race, and being as heated as it was, even less attention was paid to the lieutenant governor's race and less money spent on it.

Brewer: On the governor's race in 1946, perhaps three questions: Is there a relationship between a race for lieutenant governor and the governor's race? Is there any sort of team system here in most campaigns? And then, what was your position in the Jester-Rainey race itself? And finally, if you would, comment on your position in the basic controversy concerning the University of Texas which brought out the Rainey controversy.

Shivers: Well, there was no team running. Jester was successful in the governor's race, and Shivers was the successful candidate in the lieutenant governor's race. No team or combined campaign--Governor Jester and I were friends, but the races were entirely independent. The issues somewhat overlapped because of the fact that issues raised in the governor's campaign caused a great many people, the press, etc., to ask the candidate for lieutenant governor his views on the particular issues that were raised. The Lieutenant Governor is the presiding officer of the Senate, with the possibility of becoming governor, and people naturally wanted to know his views on important questions of the day. To that extent, they did overlap, but there was no ticket as such for the campaign. I'm sure Boyce House and Governor Jester were good friends, also.

Brewer: Is this ever done?

Shivers: It has been done, but not as such. If the state ever moves into a definite two-party system, of course, it will be done, but I doubt if there will be a real close alliance publicly announced as such until you have a two-party system.

Brewer: Would you comment on your position in the Rainey affair in the controversy?

Shivers: As you recall, I had been overseas during World War II practically all the time that that controversy was being waged, during the time that it ensued. I did keep up with it. My feeling then and my feeling now is that the Board of Regents should set policies, and that the President of the University should carry them out. On the other hand, the obvious answer to that is, what if the Board

of Regents overstep their power? If they do, then they have to be called to hand by someone. I think this regents-Rainey thing was all more political than first showed on the surface. Rainey was a very smart man, a very intelligent man, and I think his desire to get into politics led him into an open revolt against the Board of Regents. He took positions that conflicted, and then one thing led to another. The Board of Regents at that time were men of very strong will: Rainey was also that type of person. Neither one of them would back up, and the controversy ballooned into the governor's race, actually, and wasn't settled until that was settled. I didn't take any part in it as a candidate for lieutenant governor one way or another and stayed out of the governor's race entirely. By the time that I had settled into the lieutenant governor's race and was back from the war, the issues were so definitely drawn that there wasn't any room for a mere member of the Senate to get mixed up in it.

Brewer: Moving on to the 50th Legislature in 1947, you called for an investigation of the state's system of pardon and parole and established an investigating committee composed of Aiken, Harris, Hazelwood, Hardeman, and Winfield, which culminated in a revised pardon and parole system. What special interest did you have in this field?

Shivers: As I recall, there had been a lot of criticism of the then Board of Pardons and Paroles and their method of operation. They were showing favoritism and had no definite firm policies about administering the Pardon and Parole System. Actually, there had been charges, although no proof, of wrongdoing. In order to get that

cleared up, I appointed this committee under authority of Senate resolution to investigate it. They held public hearings and caused the general revision of the system, which we still have today, with some definite standards of operations, which were supposed to be fair to the public as well as fair to the person who had been convicted and had become an applicant for pardon or parole. But it grew out of charges of, let's say, malfeasance in the operation, and the investigation resulted in the present system, which I think has operated real well.

Hart: I think this is just a technicality, but I believe that was a Senate General Investigating Committee that did this investigation. You charged them with this particular thing, but they probably investigated some other things. It was not a special committee set up for this purpose.

Shivers: We had authority under the General Senate Resolution to do that. Yes.

Hart: It is customary to have a General Investigating Committee set up each session, and they investigate whatever they choose to or that the Senate by resolution asks them to investigate. That's just a technical point there of what this Committee was.

Shivers: Well, because of the charges of favoritism, etc., of the then Board of Pardons and Paroles, I asked them to make a special investigation immediately, and they did.

Brewer: You mentioned two things in your inaugural address in 1949, one, "the cessation of the tendency of the executive and judicial branches of the government to absorb the functions of the legislative."

Did you have feelings here that perhaps there was some usurping of authority of legislative prerogatives by the executive and the judicial branches of this state government?

Shivers: Well, it applies to both state and federal. There's always a tendency to do that as evidenced today by the Supreme Court of the United States. The Supreme Court of the United States in the last few years has done more legislating than the Congress has. My feeling about that was because of a deep ingrained belief that the government that we call a democracy in order to succeed must be maintained on the separation of powers between the Judiciary, the Executive and the Legislative branches, and if one of them oversteps its bounds or usurps the power of the other, then to that extent the other is not effective as was intended by the framers of the Constitution. Democracy just doesn't work as well as it should. I think in that inaugural address as Lieutenant Governor in 1949, I probably was sounding a warning that it shouldn't happen, and that wherever there was a tendency that it should be curbed, both state and federal. I don't think, as I recall, that it had any specific reference.

Brewer: In the same vein you also warned of the encroachment of state government on local government.

Shivers: Yes. Of course, that goes back to what you generally speak of as states' rights or used to speak of as states' rights, and I think the full statement that I made there was that if we expect our rights as a state to be recognized by the federal government, that we as a state government must recognize the rights of the

local government. The Legislature is often urged by pressure groups, we'll call them pressure groups, let's say interest groups (they are pressure groups or get to be) to pass state laws forcing the city or county to do certain things that ought to be left to the local governing body, whether it be the school district or city government or county government. That's what I referred to: that we at the state level ought to respect their rights.

Brewer: You also called for four year terms for elected and appointed officials. Do you mean here all elected officials, including the House?

Shivers: No. I think I was referring there at that time to what is called the executive branch of the government. I felt then and feel now that the four year term for the executive branch of the government would be a wise thing. As you know, that Constitutional amendment is being submitted to the voters, or was submitted by the 1965 Legislature. It will be voted on very soon, and I hope it will be adopted. The Senate members, of course, have four year terms and had four year terms at that time, and the House members, two year terms. I think a House ought to be kept at a two year term tenure of office, for the reason that I think there is a need for that branch of the Legislature to remain a little closer to the voting public with the issues to be raised annually. The federal Congress, of course, goes six years for the members of the Senate and still keeps two years for the House members. As far as I know, there's been no agitation to change it at all. The 1965 Legislature has also submitted a four year term for the House

members this year, and I am opposed to that. I hope it doesn't pass. I just have a personal feeling about it; I think a four year term for the executive branch is necessary, but also a deep feeling that one branch of the Legislature ought to be elected each two years so that the issues raised in campaigns and by the public have an expression during that period of time.

Brewer: Would you feel that the executive branch would be stronger if only the Governor and Lieutenant Governor were elected and all other executive officials appointed as we do on the federal level?

Shivers: I think this, that probably in a state government, the governor and lieutenant governor, and probably the attorney general ought to be elective. I would say that the other members of our own state government ought to be appointive. I wouldn't object to them being appointed for life, subject to good behavior, etc. But I think it would make the executive branch stronger and probably a lot more responsive. In actual practice with rare exceptions, it turns out now that the executive branch is appointed with the exception of the lieutenant governor and the attorney general, and in some cases the attorney general has been appointed. Take the people who are now holding public office: of course, Jerry Sadler as Land Commissioner was elected first, not appointed, but the Land Commissioners prior to his term of office as far back as I can remember have been appointed, because of a death in office or resignation. John White as Agricultural Commissioner was elected, but Jesse James was appointed because of a death in the office as State Treasurer, and Bob Calvert was appointed as Comptroller because

of a death in that office, and the same thing is true of the courts generally. Most of them are re-elected by the people from time to time. Very few of the members of the Appellate Courts, Supreme Court, etc., are ever defeated. They resign or they die in office, and the governor appoints someone to succeed them and he is generally elected as long as he wants to serve. That has been true, so I think actually that if you make the governor's office much stronger, you make the entire state government more responsive and responsible if you elected only the governor and the lieutenant governor and the attorney general. There's a lot of argument for allowing the governor to appoint the attorney general as a part of his administration. I think actually under our present system, until we get to be a two-party state, it would probably be wiser to elect the attorney general so he would have a little independence there, rather than too much concentrated power.

Brewer: Would you agree that possibly by appointing these people in the executive branch that you might be able to focus authority and responsibility better in the governor?

Shivers: Yes, I think it would result in that; that's my entire point. I think it would result as it has resulted in other states, but, of course, the states which have what you call a "short ballot" or a strong executive branch as it's generally referred to are two-party states generally; but there's no reason why it wouldn't work just as well in a one-party state. I believe I told you before that the general public holds the governor generally

responsible for all of these things. Anything that happens here they feel that the governor gets credit or blame, depending on whether the public likes it or dislikes it. Why not give him the authority and let him accept the responsibility? To give you a personal example of that: Bascom Giles as Land Commissioner, indicted for malfeasance in office, went to the penitentiary while I was Governor, and during the time that all of the scandal broke loose over his actions, in spite of the fact that he had been elected and his name had been on the ballot for eighteen years prior to that time, elected by the people nine different times and had had wide publicity at least a great many years (he had threatened to run for governor every two years) and he had sponsored the Veterans Land Amendment through the Legislature, and he had about as much publicity as a Land Commissioner could possibly get prior to all this--in spite of this, when the scandal broke all around him, I expect I had a thousand letters from people over the state wondering why in the world I, as Governor, had appointed a sorry sort of man like that in the first place.

And people write the Governor's office all the time asking that things be done that concern the Comptroller's Office or the Treasurer's Office, or Land Commissioner's Office, even the Commissioner of Agriculture, and you have to set up a policy of standard referral, referring that mass of correspondence over to the proper department and calling it to their attention.

Brewer: What, in your opinion, is the real obstacle to Constitutional

revision?

Shivers: Oh, I think probably the feeling on the part of the now elected officials and the public, too, that you would be taking something away from them. Really you wouldn't. If I were trying to get it done, I would provide in the Constitutional amendments that the present officeholders would continue in office, a sort of "grandfather clause," that they would stay in office subject to good behavior.

Brewer: Do you feel that the Legislature would be a little jealous, giving that power to the Governor?

Shivers: Yes, I think they would, and I think that the people would. They would have to be educated. Just like this campaign for a four year term for the executive branch of the government; you called attention to the fact that I mentioned it in the inaugural address as Lieutenant Governor in 1949, and we have been talking about it, trying to get it into effect ever since then, and the people are now voting on it. They may not adopt it, but if they don't, it will come up again one of these days. Those kinds of things have to be first discussed and discussed and then discussed again, and then campaigns for education and information waged, and then finally you accomplish some of them.

Brewer: In this same connection, in 1949 two amendments were passed out in the 51st Legislature which I think would be classified as rather progressive: one, a Constitutional amendment which would do away with poll tax as a voting requirement, and the other, a Constitutional amendment which would have provided for annual meetings of

the Legislature and an annual salary; and both were defeated when they were offered to the people. Was this a session apparently where the Legislature thought that these would be forward steps for the state, and there was a lack of education here of the electorate?

Shivers: A great many laws are passed and Constitutional amendments submitted which the majority of the Legislature would vote for, but the majority of people wouldn't vote for. You say you have representative government, and, theoretically, they are supposed to represent the views in their particular district; and if the majority of them vote for something, it means that the majority of people are for it. Theoretically, that's true, but it's only a theory, not always true as evidenced by the thing you're talking about. The poll tax, you remember, has been voted on quite a number of times and has never passed. I don't remember the history of that Annual Session and Pay Amendment, don't remember who was sponsoring it. As I recall, it had a pretty heated campaign after it was submitted, but I don't remember the history of it.

Brewer: Let's move back to the Session of 1947. The Labor Laws took up a great deal of time during the Session of 1947. Various groups in Austin, campaigning on the laws--I know that even Gerald P. Nye showed up in Austin during that session. Vance Muse was there with his group on the laws, as well as the labor people were obviously there. What do you think actually caused the passage of these laws?

Shivers: What particular laws are you talking about?

Brewer: Well, there were nine altogether from the Right to Work, of course the major law, and then the Striking of Public Utilities Law, outlawing secondary strikes, a bill which made unions responsible for damage caused by strikers. I know one labor leader commented during that session that you could take any legislator and turn him upside down and shake him, and an anti-labor bill would fall out of his pocket. But there were two things in particular that I thought you might comment on: the Railroad Brotherhoods were exempt from the Right to Work Statute, and the telephone companies were exempt from the bill which would outlaw the disruption of utility services during labor disputes. Were there any particular reasons why the Railroad Brotherhoods were exempt from Right to Work?

Shivers: I expect it's because of the National Railway Labor Act. If you'll notice, most of the federal legislation that affects labor in any respect always exempts the Railroad Brotherhoods and retains the provisions of the Railway Labor Act as applying to them. That is the only thing I can think of at the present that might have been a reason for exempting them. The exemption of the telephone companies under the Public Utility Act--I don't recall the history of that, why they were exempted from that act.

Brewer: As Lieutenant Governor, do you recall any contacts with these various groups or any particular problems with them? Apparently, it was a very heated session.

Shivers: Yes, it was heated on both sides. I think some of these state laws, as well as the national Taft-Hartley Act, etc., are passed because of public reaction from time to time. Some of those were

passed as a result of a garbage strike in the city of Houston, for instance, and the consequent problem of health and all. And the Disruption of Utility thing came about because of the possibility of disrupting power service in the hospitals and matters of that kind, although it was not limited to that, but a feeling that those ought to be subject to negotiation and arbitration more than because of the monopoly that existed and no substitute for them. You mentioned Nye and Muse; I doubt that either one of them had any effect on the passage of any of that legislation. They were sponsored by members of the Legislature, probably at the request of some state organization. I don't remember now what particular organization, but the fact that they all passed showed that they had pretty wide support, and they were just as bitterly fought by members of all of organized labor or the representatives of organized labor. Some of those laws or the bitterness over some of them has carried over even in the present campaigns, both state and national. The Right to Work Law is being contested in the United States Congress today very heatedly, and I'm sure will continue to be for some time. Actually, my observation is, although the labor people feel very bitterly about some of those if not all of them, it's my personal observation that the Right to Work Law, for instance, hasn't harmed labor in any respect. You talk to them personally about it, and they say, "Oh, but it might!" It has a possibility of keeping them from doing certain things, etc. Labor has enjoyed its greatest growth in the period of time in which Texas has had a so-called Right to Work Law. On

the other hand, I don't know that it has done the things that its sponsors claim for it. I say again that it holds the possibility of doing something, of a man getting and holding a job in a shop that is otherwise a union shop or plant, as the case might be, but I know of very few instances where that has been the case, so basically, I'd say that it's more of a sedative than anything else. It hasn't done a great deal of good, and I certainly see no harm. Possibly the feeling that it gives a man his rights (today it's very popular for people to have rights). So you might say that probably that's the greatest good that it has done, and I don't know of any harm that it has done, but it is still being bitterly fought as those laws were fought at the time of their passage.

Brewer: If we can move on to another area: In 1947 the Gilmer-Aiken Committee was created, and it resulted in the Gilmer-Aiken Laws of 1949. What was your position in the creation of the Gilmer-Aiken Committee and your opinions about the public school situation?

Shivers: In the beginning of my term as Lieutenant Governor, I tried to get a group of interested people, members of the Legislature, educators, etc., to discuss and try to find a way around the Legislative problem of public school apportionment money each year--to get some sort of standard established between local support and state support of education.

Brewer: How was this done up to this time?

Shivers: Well, it was done on a hit and miss basis. The state each two years passed an apportionment bill, allocating so much per student on a per capita basis to the local school districts. It was just

so much money, and there was no requirement for a standard of education. There was great overlapping of school districts in the counties, and in the two-county districts, the overlapping of county lines--and about every conceivable problem that you can imagine. We just had not brought our public system of education up to date. We were passing innumerable laws to try to apply to some local district, or to create this and that type of district. And I asked this particular group (and it was not an official group) to study this problem and suggested not the Gilmer-Aiken thing, but what finally resulted in it, the study to be made and come up with some kind of program that everybody could get behind. Governor Jester recommended it after it was introduced in the 1949 session. It was heatedly fought by a lot of localities because it required the combining of certain school districts, it did away with duplication, it put the local people on a firm basis of contribution, and also, the state formed the policy. The criticism of it was that we were taking the control of education away from the local district and putting it on a state level. Actually, the state was prescribing certain standards, but education was still on local control. But this study group and the original Gilmer-Aiken program originated with this initial committee. Senator Aiken and Senator Taylor were two of the members of the Legislature, as well as members of the Senate, who were in on the original discussion, together with quite a number of educators across the state. Interested school people also

sat in on it. I have a booklet somewhere that the school superintendent at Vernon at one time, and later at Bonham (Golden), put out on the history of the Gilmer-Aiken Study.

Brewer: I notice that of the three major laws which made up Gilmer-Aiken, the second and third, of course, you commented on--minimum standards and the funds that were appropriated--but the first one abolished the elective office of State Superintendent and the nine member appointed board and replaced them with a twenty-one member elected board, which would then elect a State Commissioner. Did there appear to be a problem here with the office of State Superintendent?

Shivers: Well, it had for a good many years been a very controversial office, and several times the Legislature had attempted to abolish it but never had. Then as a part of this general program, they finally got enough support to do it. That was another reason why the entire program was very bitterly fought, because it involved the personalities around the Office of Superintendent of Public Education, both pro and con.

Brewer: In 1947, also, the Legislature passed out what I believe was an amendment to set up the board composed of the Lieutenant Governor, Speaker of the House, Attorney General, Comptroller and Land Commissioner to apportion the state senatorial and representative districts in case the Legislature failed to make the apportionment which was going into effect after the 1950 census. How could you get this through the Legislature, this type of bill? Apparently, there always is a problem getting the Legislature to reapportion. Why would they, in effect, give up their own power?

Shivers: There had been so much discussion and agitation over reapportionment, redistricting, etc., that I think they were taking that as an easy way out and saying that, "Well, if we don't do it, these people can." And that's the only answer I can give you on that; I think that's what would be in their minds, or would have been in their minds at that time.

Brewer: What strikes me is that there would be three from the executive branch and only two from the legislative branch on the board, which would seem as though they were giving up power to the executive branch.

Shivers: They didn't feel as though they were actually giving it up because, of course, they felt that they would always do it themselves, and they have. Of course, the Legislature has, and this board or commission or whatever it's called, never had to act.

Brewer: In 1949, you were opposed by Turner Walker for the Lieutenant Governor position. Did you have much of a contest? Certainly the vote doesn't reflect this.

Shivers: No, he filed, as I recall, about 11 o'clock at night when the ballot closed at twelve, at least filed in the last few hours and didn't campaign; and I didn't campaign either. There really wasn't any campaign. It kept me from having the distinction that I always wanted, and that was running for office unopposed. I never did have that pleasure; I almost had it that time, but it didn't amount to anything at all.

Brewer: What was your position in the Presidential election of 1948? Did you support the ticket?

Shivers: Yes, I did. That was the Truman election. Yes, I voted for Truman.

Brewer: Did you have any role or play any part in the senatorial race of 1948? In the Session of 1949, there were several bills passed on the Communist question: one, a bill which would deny Communists a place on Texas ballots, a bill which required state employees to take a loyalty oath, a resolution urging heads of state departments to remove all employees who favored a "soft policy" toward Communism and the Soviet Union, and passed a bill unanimously instructing presidents of state-controlled colleges to expel any person found to be disloyal to the state. What accounted for these bills?

Shivers: The wide publicity that Communists or allegations of communism or people with sympathies toward Communism in the State Department and other activities of the federal government, general agitation, I think. Very often laws of that kind just like the labor laws you mentioned earlier, or education laws, etc., become a trend of the times; the thing builds up and builds up and becomes an issue. Then the Legislature passes a series of laws on it.

Brewer: Do you feel that these laws reflected legislative sentiment or simply legislators who did this as a result of public demand for such legislation?

Shivers: I'd have to say both, I think. I can't say which really comes first, but, generally, those things build up because of public agitation. Some member of the legislature may get more agitated

than other members and sponsor those laws or any series of laws, but it generally starts with the public.

Brewer: I notice that the Legislature in 1949 passed an amendment allowing women to serve on juries. This was defeated by the electorate.

Was there any particular motivation which prompted this?

Shivers: You mean the defeat?

Brewer: The amendment and the defeat, actually.

Shivers: No. It was sponsored, as I recall, by the various women's organizations, and, apparently, the electorate just wasn't ready for it. That was the beginning of a series of campaign efforts by the Texas League of Women Voters and business and professional women's organizations, and other so-called active organizations among women's groups for equal rights, etc. This was started along about that time and, of course, has since been adopted, and a good many other laws have been passed as well.

Brewer: Was there a slight break between you and Governor Jester in 1949? The Dallas News reported that you were criticizing the Governor's submitting of emergency legislation in 1949 and quoted you as saying: "The Chair is of the opinion that the numerous submissions of appropriations bills as emergency legislation by the Governor opens the field on that section of the Constitution which prohibits the passage of bills during the first sixty days of the session." Did you feel that Governor Jester was trying to push bills out of channels?

Shivers: No. That involves a legal question as well as an interpretation. You have to go back and to have known Governor Jester. The governor

is always under great pressure by interested groups to submit their legislation, particularly appropriations, by special message as an emergency so that they can get immediate attention by the legislature. And this is not meant as a criticism of Governor Jester; he didn't like to make people mad or turn them down on almost any request. In this particular session, I don't remember how many, but he submitted a whole armload of so-called emergency appropriations. I won't say that every person who wanted an appropriation got it submitted, but a lot of them did; and I didn't think that most of them were in the so-called emergency class--a Constitutional emergency, that is. The governor has that right under the Constitution, and a similar provision applies to special sessions. The question is whether or not the submission of an appropriation by the Governor, for instance, opens the general subject of appropriations, or whether the Governor can limit, by his own emergency submission, the legislative discussion to that one appropriation bill. My comment there was that in submitting the appropriations, he had opened under my interpretation of the Constitution and the Rules--Legislative Rules--had opened the entire subject of appropriations and couldn't limit them to individual bills. To get back to your question on any break: Governor Jester and I didn't always agree on everything, but there was no feeling of animosity.

Brewer: 1949 also saw the passage of several resolutions and appropriations concerning the tidelands controversy as it was developing. However, here The Dallas Morning News reported that for unexplained

reasons that you flew to Washington on May 16th, and then on May 17th that you stated from Washington that compromise on the tidelands issue was desirable since Texas was bound to lose. Bascom Giles and Price Daniel immediately issued statements condemning your stand. Would you like to go into this a little bit?

Shivers: Yes. The tidelands issue was a real hot one then, of course. It was a contest between the state government and the federal government. I went to Washington at the request of Mr. Sam Rayburn, Speaker of the House of Representatives, to discuss this very matter with him, the Secretary of the Interior, the Attorney General, and quite a number of other people, including now President Johnson. Their theory then was that there just wasn't any way for Texas to prevail in this matter and said that their geologist, the Corps of Engineers, etc., who had surveyed the entire Continental Shelf from the seashore, so-called tidelands, out to and including the Continental Shelf, had determined that most of the mineral resources, oil and gas, off the Texas coast was outside the ten mile limit or three marine leagues that Texas was claiming and suggested that the matter be compromised by giving Texas most of the revenue--two-thirds or something of all the revenue and equal jurisdiction over oil and gas leasing and almost anything else, trying to get the thing settled. After reviewing it considerably, I thought that they were right about it; that's the reason I made the statement that it was a sound basis to proceed on. Of course, as you say, Giles as Land Commissioner and Price Daniel as Attorney General both immediately attacked me for pro-

posing that the matter of a compromise be discussed. As a matter of record, of course, everything that was discussed in conference about Texas and where the mineral resources were and about the federal government prevailing in the courts, etc., came true. Texas finally did get a quit claim deed passed by Congress and signed by the President, but it was quite an historic battle over a great many years, and it took the election of a Republican President with the help of Texas in order to do it.

Brewer: Why were you called to Washington instead of Governor Jester?

Shivers: I can't answer that; I don't know.

Brewer: Or the Attorney General, for that matter?

Shivers: Well, of course, this was Price Daniel's "great white horse." He was riding it hard as an issue in his prospective campaign for Governor, and it got to be a sort of patriotic thing and really sponsored by the schools, schools and teachers' associations, etc.

Hart: Governor Jester was strongly on record as being also for the Daniel Plan. I guess they possibly thought there wasn't much use in talking to him.

Shivers: That's probably correct.

Brewer: Perhaps one of the last things here: you also received some criticism again reported by the Dallas Morning News from some Senate members about abruptly killing debate at the end of the session in 1949 in which Representative Willis from Kaufman stated twenty-two members of the Senate were prepared to vote for the measure. This would have lifted the ceiling on old age pensions. You killed

the session at this point according to the criticism.

Shivers: Was that Willis' comment?

Brewer: Yes, and it was reported in the Dallas Morning News.

Shivers: They quoted him?

Brewer: Yes.

Shivers: He was Doyle Willis; he was a member of the Senate from Tarrant County and was a professional sponsor of old-age pension legislation and, I think, was the attorney for the local association in Tarrant County, etc. What he was referring to there: he wanted me to stop the clock and not let the session expire--I think that's what he had reference to--so he could pass his bill. And I just called the session at an end, which I always did, and as I think the law, the rules, and the Constitution require. That wasn't the only thing that Willis criticized me about; he was always criticizing me about something. The session ends when the time is set, and when that time comes, you are not supposed to pass any other legislation under the Constitution. His brother Phil Willis was a member of the House at that time. They were jointly sponsoring this, the Willis brothers, one in the House and the other in the Senate.

Brewer: How does the lieutenant governor go about appointing committees? What do you look for in committees?

Shivers: Well, you look for experience and ability, and, of course, appoint your friends. You always find more ability and experience among your friends than you do among your enemies. But in both the '47 and '49 sessions, my task was even more difficult because I had the support of all but one member of the Senate in the '46 campaign,

and there wasn't any campaign in '47 because there was no opposition. So it's difficult then. You have so many people where you have conflicts, many wanting the same appointment, but basically, you try to appoint people who can carry out the duties of chairman, say, of the Appropriations Committee, the State Affairs Committee, or the Judiciary Committee. For instance, you appoint a good lawyer as chairman of the Judiciary Committee, and a man who knows something about state finance and appropriations and state spending as chairman of the Finance Committee, while keeping in mind friendship and the fact that some member worked harder to help you get elected. This is patronage or whatever you want to call it. Most of those committees require someone who will really work. The only exception to that general rule is that most of the time it is the custom to appoint a friend of the Governor as chairman of the Governor's Nomination Committee.

Brewer: You have been to this day the only Lieutenant Governor to succeed on the death of the Governor--not the only Lieutenant Governor to move up, but on the death of the Governor. What were the problems that you found upon moving from the Lieutenant Governor's office to the Governor's position under these circumstances?

Shivers: Of course, the great problem is one of increased responsibility, and this always in the case of death, the suddenness of it increases the problem. The transition is not as it would be under ordinary circumstances. Generally it has been the custom as far as I know in Texas, where a new Governor is coming in by election, that the out-going Governor will call him in after his election,

work very closely with him getting him acquainted with the immediate problems facing the governor; but there is no opportunity of that in the case of death, except, of course, that serving as Lieutenant Governor did give me close contact with them and knowledge of them--but the problems are still there. The suddenness of the necessary transition, of course, is the thing that creates the problem.

Brewer: Also, a special session was necessary after the death of the Governor, not because of that, but because of unpassed appropriations.

Shivers: Well, Governor Jester vetoed the second year appropriations because of insufficient funds, the necessity for funds for the eleemosynary institutions, state hospitals, etc. The real reason for it was to get enough tax money to operate the hospitals.

Brewer: You suggested before the death of Governor Jester that perhaps deficit spending was a way out of the state's dilemma. Were you serious about this? You offered it as one of three alternatives, but it would seem from what you have said already that perhaps you were just using this to push the annual session for budget purposes.

Shivers: It could have been. Of course, the Constitution provides for deficit spending. Governor Jester was faced at that time--in fact, all of us were, I as Lieutenant Governor, and every member of the Legislature--with passing these bills and not having enough money, or the Legislature not appropriating more money than it had available. Governor Jester solved the problem by vetoing the second year appropriation. The O'Daniel Amendment, or what we call the O'Daniel Deficit Spending Amendment, does provide for deficit

spending by a vote of four-fifths of the members of the Legislature, and my proposal there was just one of those things that the Legislature could do in order to solve this problem. As you know, after Governor Jester's death, in order to solve the problem, I called a special session, passed the tax bills and re-appropriated the money. That's the way it ought to be done, but in the time of emergency, we say, "Well, how can we get out of this dilemma we're in-- deficit spending?" I've never been in favor of deficit spending as such, except in cases of dire emergency.

Oral History Collection

The Honorable Allan Shivers

Also Present: Weldon Hart, long-time associate of Governor Shivers

Interviewer: T. B. Brewer

April 8, 1966

Gov. Shivers: Dr. Brewer, in discussing this particular interview and the things you have in mind, I would like first to make a clarification on one or two items that we have previously discussed. The first is the Right-to-Work Law, which we discussed in detail at the last interview. I may have left a wrong impression, and certainly I do not want to. I think the right-to-work law very beneficial, with the idea that it is a symbol of freedom. What I was trying to explain in the last interview is that I don't think it has been the "bad guy" that labor has painted it. It certainly hasn't made evident any harm that it has done them, because as I have said before, they have grown more during that period of time than ever in history, and they've probably gained more politically and otherwise. Nor do I think, on the other hand, to reiterate what I said, that it has been as helpful as most business people have portrayed it. Really it became a symbol of conflict more than anything else. But I do want to say that I think it has accomplished a great amount of good, if we consider nothing else except as a symbol of freedom. That is, the freedom of a man in his right to work with or without being required to join the union. He's free to make his own decision, or he can work in a plant without being forced to join a union in the states where there is a right-to-work law. A lot of that is pure theory and doesn't work out in practice, but as one who has advocated freedom as much as I have and the essential qualities of freedom over all my lifetime, I would not want to leave the

impression that I thought that the right-to-work law in the states that had adopted it had not accomplished anything good. I favored it at the time it was adopted in Texas; still favor it. My explanation before was to those two points rather than to the idea itself. I don't think anyone can argue with an idea of freedom, and I think that's what that stands for. And I hope I've made that clear, and no one will misinterpret my views on it.

The second point that I would like to make clear, in discussing the preliminary position on the so-called "tidelands controversy," you asked me about a visit that I made when I was Lieutenant Governor to Washington to discuss the tidelands controversy between the Federal Government and the State Government at the invitation of then Speaker of the House, Sam Rayburn. Tom Clark of Texas was then Attorney General of the United States. He is now on the Supreme Court of the United States. As I said in that last interview, I discussed the controversy with them at their invitation, and with now President of the United States and then U. S. Senator Lyndon Johnson. Price Daniel as Attorney General was, in the vernacular was "riding a white horse." It was a big issue, and it was a very patriotic sort of issue, but it was one that the Federal Government had not even made a serious claim to for a great many years. When Ickes became Secretary of the Interior and the lands became very valuable, prospectively, for oil, Ickes began making the federal claim. The claim was later upheld by the United States Supreme Court. I don't think there was any doubt in Attorney General Daniel's mind or my mind that the U. S. Supreme Court would uphold the federal claim. That certainly was the reasoning behind

Rayburn's invitation to discuss it with him and with Attorney General Clark and the other people, Johnson included. Their knowledge or feeling about the Court decision, I think, was practically unanimous. There was a small hope that the states might prevail in the U. S. Supreme Court, but it was so small that I don't think anyone could conscientiously give it serious consideration. The whole point that I went to Washington on was the acknowledged fact, a recognized fact, that the continental shelf of the land (out beyond the Texas claim of the ten and two-thirds miles or three marine leagues), that even if Texas were to prevail, most of the resources, the oil and gas deposits valuewise--at that time they thought 75% of them, at least--were beyond the three-marine claim of Texas. And the proposal, it wasn't really a proposal. My feeling at that time, and I think it a valid one still, was that certainly somebody in Texas ought to listen and see if there was a possibility of working that out. Not on the basis that we were going to trade off a part of Texas as interest--give it to the United States. Actually, while they did not make at that time a formal proposal, there were several discussions of areas in which there might have been a compromise. That is, you could have joint leasing of some of these lands, and the state would get a much larger share of the total revenue for the school children of Texas than it would get, even if it prevailed in its three marine leagues' claim, which nobody thought it could in the court--and it didn't prevail. It was my feeling that if they wanted to discuss a compromise, there ought to be someone in the state of Texas, in state government, that they could discuss it with. Of course, it was impossible to discuss it with Attorney General Price Daniel because, as I say, he was riding the

white horse. He was heading up the legal claim in the courts and so forth for Texas' three marine leagues. Governor Jester had made a firm statement that he was backing Attorney General Daniel's position on that, and when you ask me why I was invited rather than the Governor, I think that's probably the reason. I was the only state official in that category high enough in the executive family who was in a position to even listen to their discussion on it. I saw nothing wrong with it then and do not now. We were not able to do that because immediately Daniel and some members of the legislature began to accuse me of trying to give away Texas' claim and that this was a patriotic thing and they didn't care whether they ever got a nickel out of it. They just wanted those three marine leagues under the water. After all, the argument was that we ought to claim this for the school children. We did not help the school children by making claim to three marine leagues or thirty marine leagues. You helped them by getting money and getting property, and that's been proved here. The history of it now is well-known. I do want to recite one or two other things. Shortly after this time, you'll recall, Governor Jester died. I became Governor of Texas rather than Lieutenant Governor. Immediately after that, feeling that there should not be a conflict in the Texas position or an open conflict between the Texas officials, I as Governor went down to the Attorney General's office, Attorney General Daniel's office, and told him that I wanted him to know that he had my full support and that I would not openly make any conflicting statements or position against his claim as long as he had any claim. He appreciated it very much, I think. I'm sure he did, and that continued. The only other event that occurred in connection with it at all,

as you will recall the history, we successfully passed two bills through the Congress of the United States to quit claim these lands to Texas, and they were both vetoed by then President Truman. It was well known that he was going to veto them. As a matter of fact, I'm sure a lot of the aye votes were obtained with the knowledge that he was going to veto them. And the bills were particularly contested by a lot of people who didn't understand it. Then the question came as to how we were going to get these lands restored. We couldn't do it through the courts, and if we were successful in the legislative act, it had to be approved by the executive, the President of the United States. Eisenhower became the candidate for President on the Republican ticket in 1952, and Stevenson, the Democratic candidate. (I'm sure we will go into this in more detail later, but I did want to give you a little of the background now in connection with this subject.) I visited with Adlai Stevenson following the Democratic Convention in '52 in Chicago, which I attended. He was Governor of Illinois and I was Governor of Texas. We were fairly close friends. I told him during the Chicago Convention that I wanted to discuss this matter with him as soon as possible and sufficiently in advance of the election. He was very nice about ^{it}. He said he would be happy for me to come to Springfield, Illinois, and discuss it with him. He would like some time to familiarize himself with the subject. I asked him to let me know when he would be available and we set a date along about the second week in August of that year. The convention had been in July. And I flew to Springfield, Illinois, and spent most of the day with Stevenson discussing it. He had conferred with the federal officials

who were all against it--Secretary of Interior, the then Attorney General, all the people who had been in the Truman administration. In fact, he had invited some of them to come down and have lunch with us that day.

Dr. Brewer: Do you recall who was there?

Shivers: I recall one fellow who has been very prominent in recent administrations who was there. Arthur Schlesinger, Jr., was one of those there. Brannon, who was the Secretary of Agriculture, I believe in the Truman administration, was there and....

Brewer: Secretary of Interior, though, was not there?

Shivers: Oscar Chapman was Secretary of Interior at that time, and Stevenson had visited with him the day before my visit. Stevenson had his own personal counsel then, lawyers. As I say, when I found out they had all been discussing this, and that the Truman administration had sent these people down from Washington to brief him, and I knew who had briefed him, I knew we didn't have a chance, but he was very cordial about it, a very nice visit. As a matter of fact, he said later that he told the press that he understood my position, and he thought if he were in my position he might take the same attitude.

But as related to the formal difference of opinion between Attorney General Daniel and me when I was Lieutenant Governor. When I came back from visiting Stevenson, I announced that I could not support Stevenson for election as President of the United States and said why. We had quite a controversy and quite a difficult time trying to get the Texas officials to support Eisenhower. I remember specifically trying to persuade Price Daniel to run for United States Senate. He and I stood out in front of the state capitol one afternoon just about dark in the fall of '51, November or December. He

stood there with big tears rolling down his cheeks and said, "I can't be elected, I can't win, I couldn't, I can't defeat Senator Tom Connally. You can, you ought to run," and I said, "Price, we're going to have to pass legislation again, and you know the legislative field. You know the history, what you have to propose. I think you can do a better job than anyone I know, and I think you can win the election as United States Senator." Later on in the campaign with Eisenhower, I was going to introduce Eisenhower in San Antonio at the Alamo in the evening during the campaign, and we finally persuaded Attorney General Daniel, who had great reluctance to do so, to introduce Eisenhower in Houston at a morning rally about 10:30 or 11:00 in the morning. For a long time we couldn't find him. We finally located him, and I told him, "Price, the only way we can win this tidelands thing that has been so dear to your heart is to get Eisenhower elected. It's just as simple as that and I can't be there in the morning rally, and it would not be wise for me to introduce him twice. We need you to do it." And he again put on the same kind of act he did about running for the Senate. Well, we finally got enough people to put pressure on him that he did it and did a good job of it. And as history shows, Eisenhower was elected. Daniel went to the Senate. I was re-elected Governor and Eisenhower was elected President of the United States. The Congress of the United States passed another quit claim bill, Eisenhower signed it and we got the tidelands. That's what I really wanted to explain in a little more detail.

Mr. Hart: In connection with the meeting between Governor Shivers and Attorney General Daniel in 1949, I would just like to put in a little amusing thing that he may not remember. The School Land Board in Texas is

one of the groups that announces policy on matters of that kind, particularly pertaining to school lands under which tidelands fell, and at one of the early meetings of the School Land Board after Allan became Governor, Attorney General Daniel and Land Commissioner Bascom Giles, the three of them met, as I recall, nearly all day trying to agree on a statement of policy for the School Land Board on the subject of tidelands. The background of this thing, of course, includes the fact that these were three of about four or five people who had been supposed to run against each other for the Governorship as was the popular theory, and there was not too much...oh, let's say, not too good a working relationship, particularly between Mr. Giles and Mr. Daniel. They kind of argued and fussed at one another during this meeting, and Governor Shivers was more or less in the position of referee. Finally, late in the afternoon, about 5:00 p.m., Governor Shivers announced--after listening for hours as Mr. Giles proposed one thing, Attorney General Daniel wouldn't hear to it, Attorney General Daniel, vice versa--Governor Shivers finally announced, "I'm going to leave. I'm going to the Mansion. I'll just say this, if you two can agree on any statement, I will sign it." So that is the way that statement was worked out, and they did arrive at a statement. The second thing, Allan, refers to your relationship with Governor Stevenson. You might recall that in 1952 at the Interstate Oil Compact Meeting in Banff, Canada, talking to Guy McGauhey--at least I talked with him, he was Governor Stevenson's representative on the Compact Commission, and I believe you visited with him, and this was part of the background of the whole situation. He was under the impression that Governor Stevenson would finally arrive at a viewpoint on tidelands satisfactory to the states. This, of course, didn't come about, but this is just a little

sidelight to the fact that even after your meeting with Stevenson, you kind of kept the door open for a month or more for, you know, a change of heart, change of direction, or at least some assurance that you could go on, that if elected Governor Stevenson would not veto, at least to say, the bill--which he said he would do and which he never changed on. I believe that's right.

Brewer: If I may inject a question here about Price Daniel running for the Senate. You mentioned this a moment ago. The Dallas News reported on April 27 of '51--it must have been 1951--that a Dallas oil man offered you a \$100,000 campaign pledge if you would run against Connally in '52 and said the offer was made to a friend of Shivers, and the Governor stated that he had no plans for running, of running for the Senate at that time. Do you...

Shivers: I think that was just a lot of newspaper speculation. There are always rumors of that kind floating around, but I think you find, too, that throughout all of my history that I never had any desire to be a member of the United States Senate or go to Washington in any capacity. If you want to discuss that race a little bit more, I can tell you one or two amusing things that did happen on it. They ought to be recorded in history somewhere. (Laughter) As I told you, I did a lot of work, personal persuasion, trying to get Governor Daniel, then Attorney General Daniel, to run for the United States Senate. And as I say, he was, in the fall of '51, seriously of the opinion that he could not possibly win the election against Senator Connally. I told him at that time my opinion was that--I had made a survey on it; I knew what the facts were, at least thought I did--that Connally had not kept up his fences. He had not kept in contact with his local people, and I give you

one evidence of that. I knew that his mailing list was twenty years old and had not been brought up to date, and the only people he knew were the people that he saw. Of course, Senator Connally had become a very famous figure as Chairman of the Foreign Relations Committee, he had the bearing of a Senator, he looked like a United States Senator, and he acted like a United States Senator, but he had forgotten about politics, and had not maintained liaison with the Texas voters. And as a lot of people found out, that's a very necessary thing. Finally we did persuade Attorney General Daniel to announce for the Democratic nomination, which at that time, of course, meant election for whoever won it. And after a survey of the state, a group of Senator Connally's friends came to the same conclusion that I had; that he could not be re-elected. And they met over a period of two or three days, but most of at least two days, in a hotel in Dallas and called people all over the state to verify the fact that he couldn't be elected, and this was all done in his presence. And finally he announced that for health reasons and several others that he would not be a candidate, giving the usual excuses along that line. The truth was he couldn't be re-elected. And Daniel would have defeated him rather severely, I think; at least would have defeated him. When that conference broke up--and I was staying in touch with it all the time because I knew some of the people who were there--Senator Connally himself called me on the telephone long distance (I was in Austin) and he was mad as he could be at Daniel because he thought Daniel had forced him out. This probably was the truth. Because Daniel had announced, he couldn't--on advice of his friends--and he had to withdraw from the race. But he was real upset about it, and he

wanted me to run, as he said, against that "young whippersnapper-- Daniel." I said, "Senator, I've already turned that invitation down a long time ago to run in the race against anyone, including you. I'm running for re-election as Governor, don't intend to run for the Senate and don't want to run for the Senate." (Laughter) And he urged me at quite some length and had some of his friends talk to me on the telephone who had been in the meetings up there to convince him that he had better withdraw. Then, as you'll recall, Lindley Beckworth, who was a member of the Congress, the House of Representatives in the National Congress from an East Texas District-- Tyler-Longview district--did run and Price Daniel ran, and Price defeated him rather badly.

Brewer: Daniel had your support in the primary?

Shivers: Yes.

Brewer: Did Daniel have his own organization, or did...

Shivers: Yes, he had a pretty good organization. He had been building it up over a period of years. He started off with the Young Democrats back when he was in the Legislature, and was very active in and had tried to maintain a personal organization and had, I think, a pretty fair political organization. He built it up as Speaker of the House and as Attorney General, and certainly he had a personal political organization. In a one-party state, that's all you have; you don't have a party organization. It has to be a personal organization. I had a personal organization, Daniel had a personal organization, Jester had a personal organization, everyone that ran for state-wide office had to have, more or less, a personal organization.

Brewer: When you became Governor with the death of Governor Jester, you made a comment that you would keep an open mind about running in 1950.

Did you really know all the time that you were going to make the race in '50?

Shivers: For re-election as Governor?

Brewer: Uh huh, or really I guess that would be your first election.

Shivers: Yes, that's right. I became Governor on July 11, 1949, automatically when Governor Jester died, although we had an inaugural ceremony over at my old family farm home at Woodville, Texas, a couple of weeks later, ten days, anyway something like that. I think under the constitution the Lieutenant Governor automatically becomes Governor. I don't know that I knew definitely then that I would be a candidate. I probably figured or supposed that I would. But it was not something that you could then make a definite announcement on.

Brewer: In July of '49, Coke Stevenson announced that he might run for the Governor's office again in '50. Did you have any relations with him at this time at all, or do you suppose, what were his motives in announcing or...

Shivers: Well, I don't know, of course, what you have reference to. Probably a newspaper story. Every man who has been out of office as Governor Stevenson had in Texas, Governor O'Daniel, Governor Moody, Governor Ferguson, even since I've been out of office, people are always speculating that I'm likely to run for something else sometime. That's just natural. I don't think it means a thing in the world. Stevenson was mentioned--as you recall, he ran for the United States Senate after he was out of the Governor's office and for several years was mentioned as a possible candidate for various offices and I expect that's what it was. As far as I know, following the Senate race, Coke Stevenson never seriously considered running for any office.

He might have let some favorite newspaperman write a story along that line just speculating.

Brewer: Another story...

Shivers: My relationship, incidentally, was always friendly with him. We didn't always support the same things or agree, but we were friendly, I helped him get elected Lieutenant Governor and Governor. It was always a friendly relationship.

Brewer: Another report: John C. Calhoun of Corsicana remained as Chairman of the State Executive Committee, and there was some speculation that you felt you needed the Jester machine if you were going to make the race for Governor. I was wondering, because this is the only time this has happened in the history of the state, where the Governor has died and you would be quickly forced into a state-wide election on that level.

Shivers: No. Mr. Calhoun, John Calhoun of Corsicana, of course, had been made Chairman of the Executive Committee during the Jester Administration. He was also a friend of mine, a very fine gentleman; there was no reason why I couldn't work with him. He wanted to stay. He enjoyed the work and did a very effective job. As I say, he was a very wonderful gentleman and I, as a matter of fact, was very glad to have him. There wasn't any feeling on my part that I needed the Jester machine. There wasn't any Jester machine. Jester was elected, as you will recall, in a very bitter fight with Rainey. And while Jester made a very attractive campaigner, and I wouldn't for a minute want to detract from anything he did, when you have that kind of a bitter fight, it's pro and anti. As it was there, pro-and-anti-Rainey. And Jester was the selected vehicle to defeat Rainey. Jester had a larger following on his own. I don't want any misunderstanding

about that, (laughter) but you go back to the Ferguson days, for instance, O'Daniel, Shivers, it gets into, as Jim Ferguson used to say, "Them that ain't for us is agin us." You draw the lines pretty closely.

Brewer: In July Tom Clark was appointed to the Supreme Court; would you comment about your general relations with Clark over the years?

Shivers: When I was a student in the University of Texas Law School, Tom Clark and I became friends, and we have remained warm friends. As a matter of fact, Tom's entire family, most of his family. His father was one of the most outstanding lawyers in the history of Texas. His brother Bill was also a very outstanding lawyer, and his brother Robert, or Bob, was a good lawyer and a very close friend; and Tom Clark and I have been and still are close friends. Have been for, well, I guess that would be forty years, more or less.

Brewer: You called a special session. It met in January of 1950. A major issue was taxes and appropriations?

Shivers: Right, for the eleemosynary institutions, state hospitals, special schools, and prisons, so forth.

Brewer: One newspaper, again the Dallas News, commented that "If the Legislature gets out of hand, it will be a political loss of face for the Governor." My question is: Given the structure of the Constitution, how does a Governor ever control the Legislature anyway?

Shivers: Well, necessarily, in a special session the Governor submits a subject, and the Legislature cannot consider any subject that he doesn't submit. But to get to the real point of your question, how does a Governor control a Legislature--you don't. You persuade the Legislature. The Governor persuades the Legislature through personal friendship, through mutuality of interest, through pressure, whatever else

is necessary.

Brewer: What type of pressure can a Governor bring to bear on a Legislature?

Shivers: Well, let's just take this session, this special session that you're talking about. You recall the history of why that was necessary. The funds were insufficient during the previous regular session of the Legislature in 1949. Governor Jester had to veto second year appropriations--veto all the appropriations for the hospitals and special schools in order to have the general appropriation bill passed by the Legislature to become effective under the O'Daniel pay-as-you-go constitutional amendment. That is, you couldn't appropriate funds that you didn't have except by four-fifths vote. Then, when I became Governor, we had to have the money to finance the state hospitals and all these other things that Governor Jester had had to veto as emergency matter. So we started out. When you put pressure on the Legislature this way, it's pressure on the public, it's pressure on the Legislature, it's pressure on everyone involved to create a favorable public image of why this is so necessary and why we ought to pay for it. Therefore, we had to have a tax bill. I took the capitol press, representatives of all the newspapers and wire services, on a tour all over Texas visiting these state hospitals, showing them the lack of facilities, the lack of doctors, the bad living conditions, the firetrap buildings in a lot of instances. We conducted that campaign over a period of a couple of months, very actively. And it built up a feeling with the press. It already existed, but you had to build it up. You had to convince, through the help of the press, the people and the Legislature that this thing had to be done and done quickly, and the Legislature responded. And it was accomplished just like that. It was no problem at all. And there never was any question about

what the Legislature would do. I don't know; that's just another newspaper story, somebody writing a speculation. There never was any question that the Legislature was not only going to pass the tax bill, but they were going to make the appropriations. It might have been a question, a little question as to the form they would do it in.

Brewer: I notice that...

Hart: I would just like to tell you that it's just a principle of papers who cover the legislative scene that special sessions are dangerous. Dangerous to the executive who calls them because, although he does have a considerable control over the subject matter, it's popularly supposed that they might, as you said, get out of hand. Nobody ever quite explains what they mean by this, when they get out of hand, and cause embarrassment to the fellow who called them in. I've never seen this happen. I guess it has happened--if he (Shivers) had known it was going to get out of hand, he didn't have much option about calling the session. It was just something that had to be done.

Brewer: I notice that during the session the oil and gas and sulphur people agreed to go along with the tax program. Did you have any special meetings with them or...

Shivers: Yes, sir. That's another thing that you do. I mean if you're going to get the job done. For the first time in history, the President of the Texas Mid-Continent Oil and Gas Association appeared before the House taxation and revenue committee and made the public statement that they recognized this need and were willing to pay their share. Of course, they emphasized they didn't want to pay more than their share. Then it's a question of just how much their share is. But, certainly I worked with the members of the Legislature, I worked

with the press, I worked with the people, I worked with the large taxpayers, with every organization that I thought either might help or hurt this program, because I wanted to pass this program and wanted to pass it quickly and to get the job done. There wasn't any question about the need. So, when you have a situation like that, the only thing to do is do the job. That's what we set out to do, and the Legislature did the job and adjourned in record time. I think they set an all-time record for the brevity of a special session.

Hart: They would have, except you did submit these other subjects. They stayed several days on those. That was the difference there. The Stevenson session was the shortest on record, I believe, unless this last one was. Stevenson called a special session on the bond assumption act when you were in the Senate. The regular session adjourned without passing a road bond assumption act. They had to come back two days to pass that one bill, I believe. But this was not a comparable situation.

Brewer: Do you think at this particular time that the public pressure that you had been able to generate by the tour and that sort of thing made the oil and gas people a little more amenable to this?

Shivers: Well, possibly so. But I think also they recognized that this need existed, that the job had to be done, and they were actually taking a statesman-like attitude.

Brewer: Would you care to comment at all on your relations with John Ben Shepperd? You appointed him Secretary of State. There had been talk that he might be a candidate for the Attorney Generalship.

Shivers: He later ran for Attorney General and was elected. Very friendly.

Brewer: I think this moves us to the election of 1950. Your first election as Governor and your major opponent was Caso March.

Shivers: Caso March was then a law professor at Baylor University.

Brewer: Would you care to comment in general about the campaign methods in 1950, your methods in countering March's?

Shivers: Actually, I did very little campaigning as such--the intensive type of campaigning. March was not a formidable opponent. He had a rather flamboyant method of campaigning with steer heads tied on to his automobile and fox tails tied on the back of it and loud horns, to put on a show. Actually, he was a pretty smart young fellow, but he was not a formidable opponent and most of the campaigning that I did--I visited all over the state, of course, and made speeches to civic clubs and appeared at county fairs and mostly what is generally referred to as non-political campaigning.

Brewer: Do you feel he was trying to imitate O'Daniel, particularly about his promise to pay elder citizens fifty dollars a month?

Shivers: Oh, he was grabbing at every straw. A candidate like that grabs at every straw available. But he had no possibility.

Brewer: One report was that Olin Culberson withdrew from the campaign due to illness. And there's speculation that had he been a candidate that you might have had to wage a much more vigorous campaign.

Shivers: I think that's certainly true. Culberson had been trying to develop an organization with some success and had been wanting to run for Governor for a number of years. He was almost a perennial candidate, but he had been looking forward to making this particular race and had been timing himself. And I don't know whether he would have run, but he did have a heart attack and withdrew. I would have considered him a formidable candidate.

Brewer: Also, during the campaign, you referred to the tidelands issue as really an issue nationalizing all natural resources. Is this...is

this your general feeling that perhaps this was a move on the part of the federal government?

Shivers: I don't think there's any question but that it was the idea behind some of the people who were motivated. You have to go back and look at the history of it and look at some of the other things that have happened and tie them all together. The so-called tidelands issue stayed dormant as a question of ownership, and everyone recognized state ownership until they became of great value--millions, maybe billions, of dollars of value--for oil and gas. Then the federal government, principally Ickes as Secretary of Interior, started the claim, developing along that same line--oh, certain controls over the coal industry, other phases of petroleum industry through the Federal Power Commission, the development of government resources in the western part of the United States, Alaska, the hydro-electric power development by the federal government--those are all forms of energy. And I don't think there's any question but that a lot of people with that view are still there, who would like to see the federal government control all sources of energy. And that's what I was referring to.

Brewer: Apparently, in the Senate, Senator O'Mahoney was one of the leaders in this. Was he just an administration man or do you suppose...

Shivers: Well, I think that, but in addition he came from a western state which would have benefited greatly by the development of government power.

Brewer: I think it might be wise if we just continue the tidelands question on through the election of '52 rather than maybe try to break it and talk about tax problems or something like this. Keep it going. Well, you answered my question that I have your communication between you and Price Daniel and Commissioner Giles.

Shivers: Giles was another one who was a perennial candidate for Governor. Was elected nine times, I believe, as State Land Commissioner, and like all these others, it's a two-year term. And after he was in the Land Commissioner's Office one or two terms, why, he was one of those candidates mentioned by the press. He encouraged them, of course, but he was a possible candidate for Governor at the next election. Culberson was one and Daniel was one and Shivers was one. Probably a lot of others, I don't recall offhand. But people hold office, and they love to see the newspapers speculate that they're going to be possible candidates, and Giles was trying to develop his own machine and Daniel his and Culberson his and I was trying to develop mine; and that doesn't make for easy relationships or communication until those problems are settled. The thing Mr. Hart mentioned a moment ago--I was then in a position as Governor, where they wanted to be, and I was already there. It does change things.

Brewer: I notice in February--this would be of '51 now--a bill was introduced in the Congress, one of these compromise measures on the tidelands which you and Price Daniel and Giles said that you would agree to--this interim bill with more favorable terms for Texas--but what I'm leading to here is it says California opposed the bill. My question is: How much communication was there on the tidelands issue between the states that had interests? Was there any sort of coordinating campaign or...

Shivers: Yes, yes, it was very close. Particularly Louisiana and Florida, California. Most of the Gulf Coast states but Florida claimed to be in the same position historically that Texas was in. Louisiana wanted to claim as much as Texas. California's title was a little different. The cities were actually operating and leasing the offshore lands in

California, most of them that had been leased for oil and gas at that time. As you know, in the Pacific the water gets very deep a very short distance from shore, and the claim was different historically and also from a purely legal standpoint. That was the reason that some difference of opinion between the California Attorney General and the Texas Attorney General and the members of the congressional delegation from each state--they wanted their rights settled in a different manner. The cities were getting a good portion of the revenue, I think was the main difference. It was over money, frankly.

Brewer: Then there was a greater coordination of the Gulf Coast states?

Shivers: I think so.

Brewer: You were named Chairman of the Tidelands Committee of the Southern Governors' Conference in March of that year. Is there a series of meetings here of the...

Shivers: Well, we kept in close communication, but it would be natural that I would be named Chairman of that Tidelands Committee because Texas was actually carrying the brunt of the fight.

Brewer: My question was, did the committee ever function?

Shivers: Oh, yes, yes sir. As a matter of fact, there were very few committees you can think of the name for that we didn't have in connection with this campaign, including Eisenhower committees.

Hart: We also had a sort of ad hoc committee on tidelands here in Texas which was a...not an official body exactly...but it was one that Guy Jackson of the Texas Water Conservation Association and the M. K. Weitzel, you remember, who is now Secretary of the Chamber of Commerce in Sherman, was the executive secretary of this state-wide voluntary organization. And it did some pretty good work, propagandawise and also publications, and worked closely with the state, the official

bodies of the state. Also, the Interstate Oil Compact Commission took an interest in this thing.

Shivers: Probably one of the most active groups was the Texas State Teachers Association.

Hart: Oh, yeah, they were.

Shivers: As a matter of fact, Price Daniel as Attorney General persuaded them to spend a very large sum of money during the several years of this campaign in hiring attorneys, paying traveling expenses and quite a number of other things. I don't know what the actual figure was. I said a moment ago California's opposition to this interim bill that you were speaking of resulted from money--there would have been less money to them, the cities particularly, than they were already getting. It would be interesting to know today how much money has been acquired out of the state leases and royalties, and how much out of the federal leases. Off the Texas coast today, the Texas tidelands, there is very little production, extremely little. We have received many millions of dollars in lease bonuses, and I think some day there will be some production. There's some sulphur activity going on now. There's been a little gas discovered, and there's a renewed interest now in some possible oil discoveries within the tidelands. But the really tremendous discoveries, very large potentials, moneywise and production-wise, have been in the federal lands.

Brewer: Well, this whole tidelands controversy leads right into the '52 election.

Shivers: Right.

Brewer: Both your re-election as Governor and the national convention scene. In May, you urged the Democrats in the county precincts to give you an uninstructed delegation to the Chicago National Convention. What exactly did you have in mind at that time? Do you remember?

Shivers: Yes, of course. We naturally wanted to be in a position of supporting someone who was going to be favorable to the tidelands position, and also, we didn't want our hands tied so that we would not have a bargaining position. And that was the time of, well, the Korean War and a lot of troubles that President Truman was having, and troubles in Congress. We just felt that we would be in a better position. We knew that someone else was going to be nominated. Actually, we supported--and it was well known that we intended to support--Dick Russell, who was United States Senator from Georgia--still is, as a matter of fact. And we supported him with every vote we cast, right up until Stevenson was nominated. But we did not want to be an instructed delegation so that it would destroy our bargaining power, if any we had.

Brewer: I notice that during the campaign on the state level, Judge Yarborough made many charges during the campaign, and it was commented upon several times that you ignored the charges themselves. I just wondered if you would like to comment on any of them, perhaps in retrospect.

Shivers: I don't remember what they were, actually. Senator Yarborough has always been very vocal in his charges. He has never let the truth be a hindrance to him, and he was not really a formidable candidate in that race, although, because of my activities at the Democratic Convention in '52, I think I lost a lot of votes because I had refused to announce the support of Stevenson as nominee during the convention. But in the election in Texas that year, Yarborough ran against me. And he said that he announced against me because I had told him he could not run against John Ben Shepperd for Attorney General, that I stopped him in the rotunda of the capitol one day and told him that he couldn't run. Nothing could have been further

from the truth. In the first place, I couldn't have kept him from running if he had wanted to run. There's no way in the world that as Governor I could have prevented him from running. He continued actually to campaign for Attorney General up until former Governor Jimmy Allred, who was then a Federal Judge, and a very large oil operator in Houston, who was a close friend of Allred's, persuaded him to run against me because they had been trying to get someone to run against me for Governor that year and had not been successful. They offered to pay Yarborough's campaign expenses if he would switch from the Attorney General's office to the Governor's office, that is, as a candidate, which he did. We made an investigation to satisfy ourselves that that was true...we talked to newspaper people in Houston whom Yarborough had visited with on the morning of the day that he announced for Governor. He had visited with the newspaper people that morning, discussing his race for Attorney General. And he claimed that this conversation in the rotunda of the capitol took place two or three weeks before that, that it made him so mad that he decided to run against me instead of John Ben Shepperd as Attorney General. But I never did consider him as a formidable candidate, and the election was the day that the National Convention closed in Chicago. I had been in Chicago more than two weeks prior to the election. He did obtain more votes than he was entitled to because of my action against the Truman administration and the Democratic party as such, and the fact that labor was beating the bushes against me at that particular time. And I think it all stemmed from that, but he still didn't get a very large percentage of the votes.

Brewer: Well, I just noticed that some of these charges that he made were reported in the papers.

Shivers: What were some of them?

Brewer: One, that two talented press agents had left the state payroll to start a publicity firm with you as their only customer.

Shivers: Well, that's common practice. They work for the Governor's office during the year. I didn't want them to be on the state payroll while we were conducting a political campaign, so they take a leave from the state payroll, and we pay them out of political campaign funds, which I think is the only proper thing to do.

Brewer: I notice...

Shivers: You're referring to Hart and Van Cronkhite, I imagine.

Brewer: I think this is the one they had reference to, and then the names were mentioned again then later.

Shivers: As a matter of fact, instead of something being wrong with that, it's the proper thing to do. I don't know what Yarborough was really complaining about; as I said, he complains about everything. It doesn't make any difference what it was.

Brewer: I notice the Democrat from New York by the name of Rooney...

Shivers: Congressman Rooney.

Brewer: ...Charged you with exploiting cheap Mexican labor on your holdings in the Rio Grande Valley. Not only your answer to the charge, but also were you beginning to feel, then, attacks from other parts of the country on the tidelands?

Shivers: Oh, yes, of course, and Rooney was a very liberal New York Congressman. At that time, that particular group, including a lot of the labor groups and some of the Eastern columnists, including a man who was a paid announcer-columnist, radio commentator for the AFL-CIO, tried to stage a production and let this fellow announce it on his radio broadcast in the Valley, the Rio Grande Valley of Texas, where

I do have some agricultural interests. They browbeat some laborers down there, trying to make them admit that they were Communists. The Mexicans couldn't understand what they were talking about. They didn't know what a Communist was. They tried for two or three days, picking up some of these Mexicans who worked on our farm, trying to get them to admit they were Communists. The report that we got out of all these meetings, they never could get them to admit to being Communists because the Mexicans didn't understand what a Communist was. And they would ask if the worker's home was not at a certain place in Mexico. He would say, "Sí," it was, or no or whatever, and then they'd say if he said yes, he had lived in that area of Mexico, he said, well, isn't everyone in that area a Communist, and he still would say, "No comprendo." These Yarborough supporters even went onto our property to try to pick up some of these people. They went to the workers' homes to browbeat them. They did everything, but they never were successful in it. This was all a part of a campaign conducted by the dedicated liberal section of the Democratic Party and by the people who supported Yarborough, by labor, who was then very antagonistic to me, to try to embarrass me; and there was no limit to which they would not go--as evidenced by that--to try to gain their point. They just did everything that they could conceivably think of.

Brewer: Do you have any evidence that Yarborough was receiving financial support from outside the state?

Shivers: Yes, we...we found some cancelled checks that came out of Michigan, Pennsylvania, and some other places in one of his campaigns. Some of our people did, or somebody found them and sent them to us. I've forgotten exactly how it occurred. There wasn't any question but

that he was receiving it; that was really about the only support he had for a long time.

Brewer: One last charge was the appointment of a man named Judge Strawn as Secretary of the Texas Democratic Party. The charge was he had been charged with embezzling \$140,000, along with his brother, from the Strawn First National Bank.

Shivers: That's true.

Hart: His name was Jud Stuart.

Shivers: From Strawn, Texas. They ran the bank, and just like it was announced in the paper here this morning, a very well-respected woman here in town, in Austin, was found yesterday to have been embezzling funds of a local bank for a period of three years. These two brothers were discovered to have been embezzling funds from this small town bank, their home.

Hart: Actually, it was from the kinfolks who had deposits. It was kind of a family bank situation, and the money they had picked up was coming out of the account of an uncle or somebody, and they were covering it up by altering the books a little bit, a semi-family affair.

Shivers: Stuart was not too active. He was a member of the Democratic Committee. I don't believe he was ever Secretary, was he?

Hart: Yes, he was Secretary at the time, but the Secretary is selected by the Chairman, actually by the executive committee itself, not the Governor.

Shivers: He...

Hart: Remember, Judge Wheat appointed me to take his place.

Shivers: I don't know what ever happened to that family, but they were a very well-respected family, and it was a family argument. And they owned the bank and owned a lot of property--nurseries and oil property and

other things in the Strawn-Ranger-Graham area.

Brewer: I ran across one more charge here that you have...

Shivers: I imagine there are a lot of them. (laughter)

Brewer: ...That you had been entertained by Anthony Fertita, front man, it says, for the Maceo gambling syndicate.

Shivers: That's just another wild charge.

Hart: Really, what the charge there was that Allan had taken a ride on a Maceo boat in the Bay of Galveston, and that Shivers had been entertained. This turned out to have been an official trip down there with the Corps of Engineers.

Shivers: Port Commission and so on, and the Chamber of Commerce or something, I think.

Hart: They rented a boat. Since Maceo owned these boats, they couldn't get them from anybody else; it was Maceo's boat, but it was rented by the Chamber of Commerce.

Shivers: I think the Chamber of Commerce, as I remember, handled it and the U. S. Army Engineers and Port Commission people and my wife and children were on it and several other women. It was quite a large party. Ralph was just warming up; this was his practice swing. He tried that one out a while till he got into something else.

Brewer: In July of that year, you were elected Chairman of the National Governors' Conference and also serving as Chairman of the Southern Governors' Conference. Are these positions ever awarded for political reasons to various Governors?

Shivers: Not within my knowledge. I don't...I don't think they are. They're selected sometimes on geography; they rotate between Republicans and Democrats.

Hart: They elect a Republican one time, and a Democrat the next time at

the National Conference. Of course, in the Southern Governors' Conference, there are not any Republicans.

Shivers: No, we've had one occasionally, you know. Delaware.

Hart: Yes.

Shivers: I don't know, but I think I'm the only person that ever served simultaneously as Chairman of the Southern Governors' Conference and the National Governors' Conference. Others may have served at different times, but I don't even know if that's correct or not. I don't believe anyone in Texas ever served as Chairman of the National Governors' Conference before I served.

Hart: I'm sure they never have. Connally has been Chairman of the Southern Governors' Conference.

Shivers: Yes.

Brewer: I would like for us to go into some detail on the state convention in '52, and the National Convention.

Shivers: Why don't we do that next go round.

Brewer: Okay. Well, may I ask you one last question?

Shivers: Sure.

Brewer: It's just so intriguing that in July you announced that Estes Kefauver had tried to make a deal with you and that you had refused. But then Kefauver announced that he would try to oust you from the convention, but you never explained what the proposal had been.

Shivers: That occurred at the convention. Well, of course, he was trying his best to get the nomination, and he wanted some help from Texas and stopped me in one of the hallways around the convention. The convention was held out at that...

Hart: Stockyards.

Shivers: ...Stockyards Palace or Coliseum or whatever you call it, and over

adjoining it was the very famous Cattleman's Stockyard Restaurant where a lot of us ate if we were out there all day. And as I recall, Kefauver, whom I had known previously, who was then a member of the U. S. Senate and a very active one, stopped me and wanted to know what he could do, what position he could take, to gain our support, you see, as an uninstructed delegation. He did everything he could, but there was an unwritten rule that the candidate did not appear; the candidate for nomination did not appear until he had either won the nomination or lost it. But Kefauver would appear in the balcony with his whole family all dressed in red. I don't think there's anything serious about his proposal. It was a matter of discussion, but we were having a lot of arguments. He did want us out of the convention if we weren't going to support him, of course.

Hart: Didn't he come over to the Palmer House to see you that night, or that afternoon some time? I seem to remember this.

Shivers: Yes. He came to the Texas headquarters with several of his supporters seeking our support. We did not agree, so he left; and his headquarters issued a press statement, saying that the Shivers' delegation had to go--or words to that effect. He was supporting the Maverick delegation.

Brewer: Did he offer to support the tidelands of Texas?

Shivers: I don't think he did. We had two conversations, as I recall. One was over in this restaurant corridor between the convention hall and the restaurant, and the other was the Palmer House. We, the Texas delegation, the official delegation, was staying at the Palmer House, most of us. And Kefauver came over to my headquarters--my rooms at the Palmer House--and brought two or three friends with him, I think, his lawyer and some other people. And they sat around there and

visited a long time and wanted our support, of course, which we couldn't give. They discussed a lot of possibilities of things they'd be for or what their views were, just trying to get our support.

Brewer: Do you remember what their views were?

Shivers: Oh, not particularly. They were all very general. As I recall, he left first, and some of his cohorts and associates stayed for awhile. And we probably continued the discussion, but to no avail. We couldn't support him under any circumstances, really. When they found out we weren't going to support them, they went to see Maury Maverick, who was leading a rump delegation to the convention from Texas. Maury Maverick, Sr. had been Mayor of San Antonio and former U. S. Congressman and so forth. They were trying to unseat us, so Kefauver's group announced that they would support the Maverick group to pitch us out of the convention. We had won the state convention, but they were contesting it before the National Convention Credentials Committee. And it was touch and go there for several days. We had hearings after hearings, and everyone was making statements about it.

Hart: Harriman, I remember, joined in on this, too, simultaneously. I don't remember if they put out a press release together, but at about the same time.

Shivers: Averell Harriman, who was also a candidate for the nomination, said he, too, was for ousting us and would support the Maverick delegation.