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Allan Shivers

Weldon Hart also present

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Interviewer: Dr. Thomas B. Brewer  
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\*During my lifetime.

Oral History Collection

Governor Allan Shivers

Interviewer: Dr. Thomas B. Brewer

Date: August 8, 1966

Gov. Shivers: Dr. Brewer, you have asked me to discuss my acquaintanceship and relationship with the now President of the United States, a Texan, Lyndon Baines Johnson. I first knew Lyndon, I think in about the year 1933 or '4. As I recall (it may be just a memory) but it was when he became secretary to then Congressman Kleberg, the representative of Corpus Christi district to the United States Congress. When he was first elected, he needed, of course, to employ a secretary; and there was quite a bit of speculation among the people as to the person that would be selected as Kleberg's secretary. Johnson was selected. There is an interesting bit of history in connection with it. Several newspaper people who had worked in the Kleberg campaign wanted to become Kleberg's secretary, or what is now called an administrative assistant. But at that time, the members of Congress didn't have the number of employees nor the amount of money to spend on their office assistants that they now have. Roy Miller of Corpus Christi, who had been very influential in the Kleberg campaign, really determined the selection of Lyndon Johnson as secretary or administrative assistant--anyway, his top office manager, the person who would

be largely responsible for Kleberg's administration, office administration, that is.

That was the beginning of what has become one of the greatest political careers in the history of the United States, in my opinion, because Lyndon Johnson went from secretary to a congressman, to the Congress, to the Senate, to become minority leader of the United States Senate, majority leader, Vice President, and President of the United States. It's really, in politics, an all-American story. The only other political job that Lyndon Johnson held during a period of years was as the National Youth administrator of Texas during a period of, I think, somewhere in '34 or '35 to about '37. He did a very creditable job of that, worked hard as he has always worked hard on all of the political jobs and other positions which he has held to my knowledge.

He resigned as Kleberg's secretary, of course, to become National Youth administrator. Under the Roosevelt administration-- President Franklin Roosevelt--was somewhat similar to portions of President Johnson's anti-poverty program of modern times, of current times. Johnson resigned as Kleberg's secretary to become the administrator in Texas of the National Youth Administration, N. Y. A., called by its letters as most of the Franklin Roosevelt programs were called. This was in the middle of the national depression. I was a member of the state Senate during, if not all of the time, most of the time that Lyndon Johnson was National Youth administrator. I was elected in 1934, came to Austin in the fall of 1934 to attend as an onlooker or spectator two special

sessions called by Governor Miriam A. Ferguson, and then was sworn in as a member of the State Senate of Texas in January of 1935. So I was in Austin when Austin was the headquarters of the National Youth Administration of which Lyndon Johnson was the administrator. I don't recall that our acquaintance during that time was particularly close, but I did know him and became increasingly acquainted with him, if that's a good expression, during those years. I stayed in the state Senate through World War II until I became lieutenant governor.

In 1937, a congressman in the Austin district died, Congressman Buchanan. Of course, that required under the Texas law a special election to fill the vacancy. There is no provision in the Texas constitution for appointment of a member of the United States Congress, a member of the House in particular. There is a provision to fill a vacancy in the United States Senate for a short period of time, a maximum of ninety days, but a special election must be called by the governor to fill a vacancy, and no appointment at all can be made to fill a vacancy in the House of Representatives of the national Congress. So, when Congressman Buchanan died, the governor called a special election to fill that vacancy. I was in Austin during the time of that campaign, a large portion of the time, at least. Lyndon Johnson was a candidate, and as I recall there were some ten or fifteen other candidates. I don't remember exactly how many, but several well-known people throughout central Texas were campaigning. One of Austin's patriarchs--I guess he might be termed that--who died just last

week, Colonel C. N. Avery, was a candidate. Avery had been a very close friend and companion, a confidant of Congressman Buchanan, and many of Buchanan's friends, I'm sure, urged him to make the race to succeed his friend Buchanan. I don't recall the names of others, but they are in the list of history.

Hart: I believe Merton Harris of Smithville was second man in this race. Was he a member of the state Senate?

Shivers: Merton had been a member of the legislature, but he was not a member of the Senate at that time.

Hart: I believe he was second, and I don't remember who was third.

Shivers: Would I--am I correct in saying that some ten or fifteen candidates, though...

Hart: There were a number of candidates. I don't remember the exact number. I have the list somewhere.

Shivers: During this campaign, it is very interesting to recall, Jimmie Allred was governor. Franklin Roosevelt was the President of the United States. At this time he was attempting to pack the Supreme Court, that is, to get Congress to authorize additional members of the Supreme Court so that he could appoint people who would agree with his views on the then New Deal program, as it was called in the '30's. Lyndon Johnson ran on a program of cooperation, ran for Congress in the special election, on a program of cooperation, ran for Congress in the special election, on a program of cooperation with Franklin D. Roosevelt, the President of the United States. I remember a great number of billboards across the state, or the district, this Congressional district, showing pictures of Roosevelt

and Johnson shaking hands. On one side, it would say, "Franklin D. and Lyndon B." Governor Allred arranged a meeting between Johnson and Roosevelt. Roosevelt was down off the coast of Texas on a fishing trip, I believe, at least a pleasure trip of some kind, and the ship that he was on was in the Gulf of Mexico off the coast of Texas. Governor Allred arranged for Johnson to accompany him, Allred, on a visit to President...to see President Roosevelt. And Roosevelt asked Johnson to go back to Washington with him, and from then on, Johnson, as a member of Congress--he was elected, of course, in that election--Johnson became known as FDR's fair-haired protégé, and I think he was. He and Roosevelt became very close friends. Johnson supported Roosevelt's programs, and I'm sure Roosevelt's influence meant a great deal to the future of Johnson's political aspirations during that particular time. They did become extremely close personally, and Johnson was one of the few members of the House of Representatives--and unusually so for a freshman member--the few members who became extremely close to the President of the United States.

Hart: In view of the discussion today about the President's relationship with the press, it might be noted that this is nothing new. Back even as far as the time you are speaking of, there was a sort of tendency on the part of the press to be, oh, a little skeptical or to make a little fun or be a little resentful, and yet at the same time having an admiration for this man. I recall in connection with the "Franklin D. and Lyndon B." slogan that you mentioned, the capitol press room version was "Franklin D., Lyndon B. and Jesus C."

(Laughter)

Brewer: Governor, might I inject a question here that doesn't deal directly with Lyndon B. Johnson, but you as a state Senator at that time... Would you have particularly close relations with the member of Congress from your district on coordinating bills in Congress, or did you have much communication with the Congressman from the Beaumont-Port Arthur district while you were a state Senator?

Shivers: Yes, there was a considerable amount of cooperation, or contact, nothing compared to what the relationship is today because in that day, with the exception of the New Deal program, there was very little activity that could be classified as a state or locality seeking federal help. But there was a close relationship. Martin Dies was the congressman from the district--Second District of Texas--that I represented in the state Senate. Of course, his district was much larger than mine.

To return to a discussion of Lyndon Johnson, now President of the United States, and I refer to him only by a first name not as a matter of lack of respect, certainly, because I do respect him, but as a matter of acquaintance prior to the time he became the President of the United States. He continued in the House of Representatives and worked in the same fashion that he had worked as N. Y. A. director and the same fashion that he had worked as secretary to Congressman Kleberg. That is, he devoted his full attention to it, became a well-known member of Congress, as I said a moment ago, a close friend, a very close friend, of the President of the United States, Franklin Roosevelt. He became a leader of

the Texas delegation in the House of Representatives, and then he was re-elected several times.

Senator Morris Sheppard from Texarkana, Texas, and Senator Tom Connally of Marlin, Texas, were the members of the United States Senate from Texas at that time. Senator Sheppard died in 1941, I believe. The Texas State Legislature was in session at that particular time. W. Lee O'Daniel was Governor of Texas. And again, as in the case of Johnson running to fill a special election in the House of Representatives of the national Congress, he ran to fill a vacancy created by the death of Morris Sheppard. He had been, of course, a member of the United States Congress, House of Representatives, only a short time, some four or five years, four years, four years and a half, at that particular time, but he ran and ran a very strong race. As a matter of fact, for some several days after the election--the election was on a Saturday--several days, over the weekend and running into the first of the next week, he thought, and a good many people thought, that he had been elected.

Let me go back to the events following the death of Senator Morris Sheppard. As is customary, a number of candidates emerged to fill that vacancy, a good many well-known people. Governor O'Daniel appointed to fill the vacancy for the ninety-day period, or whatever period existed between the time of the appointment and the qualifying of the person who was elected in the special election, the son of General Sam Houston, who was then some ninety-five years old--above ninety, anyway--I don't recall his exact age, but it seems to me that it was about ninety-five. And he died



while he was a member of the United States Senate, but he created quite a...well, a lot of publicity, let me say. After O'Daniel had appointed Houston, O'Daniel, I would say, made the most of it. And then O'Daniel announced as a candidate to fill this vacancy himself, the vacancy caused by the death of Morris Sheppard. Martin Dies, who was a member of Congress and Chairman of the House Un-American Activities Committee and probably at the height of his popularity and publicity at that time, was also a candidate, well-known all over the United States. Gerald Mann, who was the attorney general, very popular, very active, very colorful, and several lesser candidates, but at least you had four major candidates--Lyndon Johnson, a member of Congress from the Tenth Congressional District which includes the capital city of Austin; Martin Dies, Chairman of the House Un-American Activities Committee that had world-wide publicity, represented the Second District, the Beaumont-Port Arthur-Lufkin, and I might say Woodville, area of Texas in the Congress; Gerald Mann, a very popular and able attorney general from Texas; and W. Lee O'Daniel, one of the most colorful governors in the history of Texas...all as candidates in the special election. It was a plurality election, that is, the person receiving the highest number of votes was declared the winner, regardless of whether he received a majority of the votes or not.

And as I mentioned a moment ago, Lyndon Johnson and his friends thought on Saturday evening--I was in the Austin Hotel and saw them--and they thought that Johnson had been elected. The election switched back and forth for several days, and finally,

O'Daniel was declared the winner by I think slightly over 1,300 votes--I don't recall the exact number, but that's approximately correct--a very small number of votes. Johnson, of course, and his friends were very bitterly disappointed, and various charges were made, but nothing ever happened over it. O'Daniel was seated as United States Senator, and Johnson, of course, continued as a member of the House of Representatives of the national Congress.

Brewer: Being from the Congressional district of Martin Dies, did you support Dies?

Shivers: I didn't take any part in the campaign as such. As I recall I voted for Dies, but I did not participate in the campaign. The state legislature was in session, and as a member of the state Senate I was in Austin all of that time. I took no active part in the campaign one way or the other except to vote, and as I recall, I did vote for Dies. I think I did; I'm not sure. But I probably *did because he was the Congressman from my district.*

Brewer: There was a great deal of concern in the newspapers at the time that O'Daniel left Austin for over six weeks while the legislature was in session to campaign for this. As a member of the state legislature, did you feel any particular problems about his absence from the Capitol during the session?

Shivers: I'd have to say very frankly I did not, and I don't think any other members of the legislature did. You may recall in the previous interview our discussion of Governor O'Daniel. His relationship with the legislature was something less than nothing. (Laughter in background). He had no idea of trying to influence

the legislature, didn't influence them as such, by working with individual members as other governors have...had before that and have since. And other than the fact that we knew the campaign was going on--and a very heated campaign for the United States Senate--I would say that O'Daniel wasn't greatly missed out of Austin, certainly by the members of the legislature. And that's just not a matter of disrespect, it's historical fact.

To return to the story about my association and acquaintanceship with Lyndon Johnson, I knew Lyndon real well by that time and might have voted for him. I frankly do not recall. I hate to admit it, but I don't recall, and I might have voted for Johnson because he and I were good friends at that time. He was staying, as I said...he had his campaign headquarters, at least all of their friends, close associates were staying in the Stephen F. Austin Hotel. Mrs. Shivers and I had an apartment in the hotel at that time, during that session of the legislature, and saw him quite often over the weekend when the votes were coming in and while they were counting them. He returned to Washington sometime in the middle or latter part of the week following the election...the special election. And then the acquaintanceship continued on a more or less casual basis. In 1943, I volunteered in the World War II. He left the Congress, went into the Navy--I went into the Army. President Roosevelt called back out of the military service all of the members of the Congress who had volunteered, and that included Johnson. I stayed in the Army overseas until 1945 when I returned.

And I ran for lieutenant governor in 1946. Lyndon Johnson was still a member of the United States Congress, and I think he supported me in that race. I know we discussed it several times. He wasn't active in it--he didn't take any part. I'm sure Boyce House was also a friend of his, and at that time the federal officials didn't mix in state elections. And as I recall, Lyndon took no active part in the campaign as such, but I do recall discussing it with him on several occasions.

I was elected lieutenant governor and took office in 1947, and O'Daniel announced that he would not be a candidate for re-election to the Senate. Lyndon Johnson announced that he would be a candidate. Coke Stevenson, a former governor of Texas, also announced as a candidate, as did George E. B. Peddy, a well-known Houston lawyer who had been very active in political circles, and had served both in World War I and World War II. There were probably one or two other minor candidates...could have been...I don't remember. But those were the three major candidates. Of course, at that time Johnson had to give up his seat as a member of the House of Representatives from the Tenth District because both elections were held at the same time, and he could not become a member...or could not be a candidate for both the House and the Senate. And he chose to run for the vacancy in the United States Senate.

As I said, I was Lieutenant Governor at that time. That contest was very heated. Both Johnson and Stevenson were friends of mine. Stevenson was lieutenant governor when O'Daniel was elected

to the Senate and became governor when O'Daniel was sworn in as a member of the United States Senate, and I continued on as a member ...and I had helped Stevenson be elected lieutenant governor. I started to say I continued on as a member of the state Senate. While Stevenson was governor up to the time, and during the time, that I was in the armed forces. Stevenson had been out of office two years. Governor Beauford Jester had succeeded him in 1947, the same year that I was sworn in as lieutenant governor. This race between Johnson and Stevenson and Peddy was extremely...hotly contested. Stevenson led in the first primary by a sizable vote; Peddy was a very poor third; and you might say that Johnson was a very poor second. In the run-off Peddy announced his support for Stevenson. I don't know how active he became in the campaign, but he did support Stevenson, and most of the people who supported Peddy in the campaign supported Stevenson in the run-off.

The run-off was even more hotly and closely contested than had been the first primary, and the history of that, of course, is well-known, and there's no need for me to recount it here. That was the election that--another election, you might say--in which Johnson's fate as a public officeholder hung in the balance some days, and this is the one that had been referred to as the famous "87 vote majority" in which many people referred to him after that as "Landslide Lyndon," but as you'll recall, Dr. Brewer, the vote switched back and forth between Stevenson and Johnson almost day by day, and on occasions, several times during the day, where some county election judges or officials who, retabulating and recounting

the votes, would find that they had made an error of 50 votes or 100 votes or 30 votes in favor of one candidate or the other. And the famous Jim Wells County Box 13 finally came in with--I think it was at least ten days after the election was over; it might have been two weeks--with an extra 200 votes which gave Johnson 87...an extra 200 votes in favor of Johnson--which gave Johnson 87 votes more than Stevenson. Then it was fought out before the Democratic State Executive Committee in a meeting in Fort Worth, and the contest was threatened before the United States Senate--the Campaign Practices Committee of the United States Senate--in the federal courts, and almost every other forum that you could think of. But in the end Lyndon Johnson became the United States Senator from Texas, junior Senator to Senator Tom Connally.

I voted for Johnson in that special election, not because of any great feeling that I had for Johnson over Stevenson, yet I guess it might be a very personal little matter. Both of them had been my friends and had helped me, and I considered that I had helped each of them on various occasions. The personal matter that I would say switched the balance as far as I was concerned to a vote for Johnson, as against a vote for Stevenson, in both the first primary and the run-off election came about because of an event that occurred just before I left the state Senate to go into World War II. I left a wife and a then three-year-old son who returned to live with her parents, Mr. and Mrs. John H. Shary, in the Rio Grande Valley of Texas. Mr. Shary had some banking interests and other business interests, and had been recommended to Governor

Stevenson and Governor O'Daniel before him to be appointed as a member of the State Finance Commission which was the commission that selected the State Commissioner of Banking. And Mr. Shary, who was my father-in-law, very much wanted to be on that commission, and I asked Governor Stevenson to appoint him just before I left for the Army, and he promised me that he would. And while I was overseas--I think I was in France--I had a letter from my wife, telling me that Mr. Shary had received a letter from Governor Stevenson, telling him that he was appointing him to a State Industrial Commission, or something of that nature, and he didn't say anything about the promise to me that he would appoint him as a member of the State Finance Commission. The State Finance Commission actually didn't have any power as such except to select the State Banking Commissioner. It had some policy matters to decide, but it had executive appointees to carry out these policies. And it was more of an honor than anything else, and that was the reason that I recommended...to the Governor that Mr. Shary be appointed and asked him to appoint him, and he promised to appoint him. When I came back from World War II in 1945, I visited with Governor Stevenson about it. I had written him prior to that, and he had answered and told me that he would discuss it with me when I returned, that some matters came up that he remembered that he had promised me to appoint Mr. Shary, but some matters came up that made it impossible for him to appoint him. When I visited with him in 1945 after I returned, I asked him again why he had not kept his promise, and he told me that some people had raised some

objection--some business competitors of my father-in-law--had raised some objection to his being appointed. I didn't go into any great detail with him. I did tell him that I thought he at least should have notified me or should have notified Mr. Shary if he couldn't get in touch with me, which he said, of course, that he couldn't because I was overseas--the war. And it was not an important appointment; he could have left it vacant if he had wanted to and discussed it with me when I came back. But, anyway, he didn't. There wasn't any particular hard feeling about it, frankly, but I was...was disappointed because he had given me his word that he would make the appointment.

I didn't take any great...any part in the campaign other than to vote, didn't participate actively one way or the other. I was very interested in it because it was an extremely interesting campaign, particularly in the light of today's politics. If you'll recall in the current session of the United States Congress in the last session, President Lyndon Johnson led a campaign to repeal Section 14-B of the Taft-Hartley Act, which is the section that gives the states the right to pass the so-called "right to work" law. In my opinion, the thing that caused Coke Stevenson's defeat in that run-off campaign was the fact that Stevenson refused to take a public stand--either yea or nay--on the Taft-Hartley Act, and Lyndon Johnson came out for it. He voted for it as a member of Congress, voted to override Truman's veto on it, and Coke Stevenson refused. Coke had been known as an ultra-conservative while he was in office, yet he refused to take a stand. Labor was



trying to repeal the Taft-Hartley Act, or at least, to repeal certain sections of it. My opinion had always been that that was one of the...if not the greatest factor in the race.

There were many other issues, of course, and the fact that these errors were found on both sides, in favor of both Stevenson and Johnson, and the fact, of course, that the Box 13 in Jim Wells County finally decided it were certainly factors. But in my opinion Johnson could not have been close enough to Stevenson in the counting of the votes for factors of that kind to have made a difference if Stevenson had been positive enough in his views. He ran a very poor campaign; he had little or no organization, as I recall, while Johnson had a very determined and hard-working organization just such as he is. He works all the time at whatever it is that he's doing. Interesting to note, too, I think, that in addition to the election being decided by the extra 200 votes in Box 13 in Jim Wells County, it was again decided by a one vote margin in the State Democratic Executive Committee meeting in Fort Worth in which the then Speaker of the House of Representatives, Sam Rayburn, took a very large part. As a matter of fact, he and his friends gained control of that convention, and in order to assure themselves of control they ousted the Dallas delegation, I believe the Fort Worth delegation, and the Houston...Harris County delegation.

Hart: I have Gregg County.

Shivers: Gregg County? Several others, all conservative delegations. This matter had a...the question that I'm talking about is the fact that

under the law, the State Executive Committee has to certify these candidates for the general election ballot in November, and this was the meeting in September following the primary elections, so that the State Executive Committee could have refused to certify Johnson as the nominee of the Democratic Party, and it was a very serious question and was decided by one vote.

Brewer: As lieutenant governor, was any pressure put on you to take some public stand as the matter came before the convention and the State Executive Committee?

Shivers: Yes, I think both sides, as I recall, I know they did. But I took no part in it, did not attend the convention, and was not a member of the State Executive Committee. I think it might be interesting to note here that Ben Ramsey of San Augustine County was a member of the State Executive Committee at that time, later became lieutenant governor, and is now a member--chairman of the State Railroad Commission. He cast a deciding vote, or at least, one of the deciding votes, for Johnson, the Democratic nominee at that convention.

Hart: It might be interesting to recall here that...while any one of the votes for Johnson could have been called the deciding vote, the actual physical situation was that with one vote out the score was tied, and Charlie Gibson from Amarillo, who'd been off somewhere to talk over the telephone, came in to the back of the room and hollered his vote in favor of Johnson which was the one that turned the tide, that settled the issue. But, there were several Senators --I don't recall their names now--who were involved in this thing

on behalf of Johnson.

Shivers: I mentioned Ramsey purely because he's still in politics.

Hart: They had run afoul Coke some way or other in the past. This was getting even, I guess; I don't know.

Shivers: Well, Johnson, of course, was very persuasive then, as he is now, and the battle before the state convention was real rough and tough, and if it had not been for the fact that Rayburn gained control of the preliminary machinery of the convention, and just by brute force and authority kicked out legally elected--it wasn't a question about them being legally elected--he kicked out legally elected delegations from at least four conservative areas and substituted delegations friendly to him and to Johnson, then would elect executive committeemen who would vote the way they wanted them to vote. From out of the intercourse was the appeal they had to go to the court, and Alvin Wirtz, who had been a very close friend of Johnson for all the time that Johnson had been in political life--an Austin lawyer, very influential, a former assistant Secretary of the Interior, active in national politics as well as state politics, a well-known utility lawyer, and a very able lawyer--represented Johnson along with quite a number of other well-known lawyers, including Tommy Corcoran and Ben Cohen, who were of Roosevelt "New Deal" fame. I don't know what has happened to Cohen. I think he's a law professor somewhere now, but Tommy Corcoran is still practicing law in Washington and is still very influential. They secured an injunction from Hugo Black, a member of the Supreme Court at that time, preventing the local federal court, Judge

Whitfield Davidson, from hearing any...from holding any further hearings on the election contest or the action of the Rayburn people in kicking the Stevenson people out of the state convention at Fort Worth, and Johnson became United States senator.

My friendship with Johnson continued on...my acquaintance with him...for several years. I became governor in 1949 on the death of Governor Beauford Jester, and the cooperation between Senator Johnson's office and the governor's office during the time that I was Governor was, I would say, very close, certainly up until 1952. In 1952, as you'll recall, I supported Eisenhower as the Republican nominee, and we have had an interview on that and my visit with Governor Stevenson and the reason for supporting Eisenhower. Prior to the campaign that year, the contest at Chicago at the National Democratic Convention, Senator Johnson was extremely helpful to me in advising me, counseling with me, getting me in to visit with Sam Rayburn, who was really the King Bee of the convention, certainly as far as Texas was concerned, and in talking to some of the members of the Credentials Committee. And I expect Lyndon Johnson as a United States senator had as much to do with our delegation being seated at the convention as any one person, certainly.

Brewer: Do you remember in what way or any particular thing he did?

Shivers: Counseling with me and with people on the Credentials Committee and other people at the convention. He was always available, always ready to help, and did help, and I appreciated his help. I wouldn't say that he worked as hard at it as I did (laughter),

because I was working about twenty-four hours a day, and he had a lot of other problems, and that was the only problem I had at that time--other than getting re-elected as governor of Texas. But my immediate problem, I'll say, (chuckle) was with that convention. But he was a great help, and I appreciate the help that he did give at that time. I say he was certainly as much help as anyone else. We were seated, and we have had an interview covering the balance of that and covering the campaign.

There's only one thing that I don't believe we have mentioned. During the campaign between Adlai Stevenson as the Democratic nominee and General Eisenhower as the Republican nominee, the Democrats were having a hard time getting outstanding office-holders to take part in the Democratic campaign. As you'll recall, all the state officials except John White, as agricultural commissioner, were cross-filed by the Republican Committee as state officials for election on both the Democratic and Republican ticket, and most of them...I'll say all of them, as far as I know, were supporting Eisenhower. If any of them were not supporting him, they were pretty quiet about it. But I recall specifically the Democrats were trying to get Johnson to introduce Stevenson on two or three appearances in Texas. They waited a long time to decide that Stevenson should come to Texas in that campaign. When they finally did, because of the fact that we were putting on a strong campaign for Eisenhower, they realized that they might be in trouble. Never before had a candidate for the Democratic Presidency come to Texas during the campaign. Johnson called me--I don't remember where he

was; he was somewhere in Texas--and asked me what I thought about him introducing Stevenson. You see, he would have to be a candidate for re-election to the United States Senate in '54, and this election, of course, would have a great bearing on--could have--upon his own election. I told him at the time that I didn't think he could refuse, and, as a matter of fact, I thought he ought to. And I know he had announced his support--I believe he had already announced his support--of the entire Democratic ticket, but as United States Senator, and of course with further ambitions, that certainly he ought to introduce Stevenson in Texas if he was asked to. And he did introduce him at Fort Worth. I did caution him that he shouldn't go over-board on it, and he didn't. But he made an adequate introduction, and I think traveled, as I recall, with Stevenson some in Texas. Stevenson made two, possibly three, appearances in Texas during that campaign. But that was about the only other contact during that particular campaign. I don't recall seeing Lyndon more than, say, half a dozen times during the entire campaign.

Brewer: Was there any reaction to Rayburn's announcement that Texas congressmen might suffer from supporting Eisenhower? Did you have any reaction to this? Or apparently Rayburn was much stronger here than Johnson?

Shivers: Yes, oh yes. Rayburn was very much more active, and he was all out. Very, very much more active in the Stevenson-Eisenhower campaign than Johnson was. Johnson was fairly quiet. I don't recall exactly when Rayburn made that statement, but the reaction was, of course, one of resentment. Several of the members of the

Congress did support Eisenhower, not actively. It was a calculated risk for any of them to do it. Rayburn could punish them several ways, not only in the election but through their appointment to committees, and they couldn't afford to be active for Eisenhower. But some of them did quietly support him.

Lyndon Johnson, of course, as you know, succeeded on up the ladder. As a United States senator, he became a whip of the Senate, which was the assistant to the majority or minority leader, whichever it happens to be. He became minority leader first, 1953, because the Republicans had control of the Senate, having elected a majority of the members of the Senate in 1952 in the Eisenhower election, and then Johnson would have been minority leader because Earl Clements from Kentucky had been majority leader, but he was defeated in the '52 election. And when McFarland from Arizona, I guess, was somewhere in those dates--I don't have the dates well-fixed in my mind, but Earl Clements was the majority leader and was defeated. Johnson in '53 became minority leader because of the Republican Senate. Then when the Democrats elected a majority of, as I recall, only one or two in '54, Johnson became majority leader. Before he accepted those jobs, he telephoned me from Washington and asked me what I thought about him taking on the job as minority leader, majority leader, and so forth. I'm sure he telephoned a number of other people because that's always been one of his stocks in trade, and it's a nice thing to do--to call a lot of people on the telephone and ask their advice on certain subjects. He telephoned me quite often about a lot of things,

about a lot of appointments that he was making. I think he already had them made, of course. He'd already selected them, and most of them, I say, were friends of mine, too. But he was courteous enough to call on many occasions and discuss legislation and discuss appointments, and he also called me about his activity as minority and majority leader. He knew that I was a good friend of Dick Russell's, the Senator from Georgia, and had supported Russell as a candidate for nomination on the Democratic ticket in 1952. I told him that I thought he ought to take it, (Majority Leader) and he said, well, the fact that Earl Clements and Ernest McFarland had been defeated while they were majority leaders--and he was going to be up for election in 1954 again--he didn't want to be majority leader and have the same experience that these other majority leaders had had. And I'm sure that what he had in mind was...in counseling with me on it...he wanted...was going to take it, and I knew that. I did appreciate the fact that he called, but there was a lot of speculation going on that I would be a candidate for the United States Senate against him in 1954, and that was his way of softening up that score if I did have any intention of running, which I didn't, and also to continue the friendship which he and I had developed over a great many years.

He did continue on as majority leader and did a very effective job. I guess just to say that he was an effective majority leader is probably the understatement of the generation. He has been written up by experts as the greatest, at least one of the greatest majority leaders in the history of the United States Congress.



Certainly he was one of the hardest working majority leaders. He passed legislation that he wanted passed, and defeated legislation that he wanted defeated. He defeated people for confirmation that he wanted defeated...whatever...he ran the United States Senate, let's put it that way. Of course, he had a lot of help in doing it, but he was the majority leader, and he called the strategy and called the shots and is recorded as probably the most influential and effective majority leader in the history of the United States Congress, majority leader in the Senate.

He began, of course, as most people who stay in Washington very long do, to get Presidential aspirations and became a candidate for the nomination in 1960. Let me go back briefly to the 1956 campaign for President of the United States. I was going out of office that year of '57--January of '57 would be the end of my term as Governor of Texas--and I really didn't intend to take any part in the campaign as such. I frankly didn't think that Eisenhower needed the help. But I didn't intend to take any part in the 1956 Presidential campaign because I was going out of office and because I didn't think that Eisenhower needed any help. But I returned from Alaska on a bearhunt where I had carried my two oldest boys, and when I reached the airport in Seattle, a reporter for the local radio station met me on the return trip and said that Senator Johnson and Speaker Rayburn were touring Texas, giving Eisenhower a lot of trouble and saying that Shivers was dead and going out of office--dead politically, that is. And he couldn't have any more influence in helping Eisenhower and that they were going to elect Stevenson

in this particular campaign. Johnson had won control of the state convention over me in September of that year.

Brewer: How had this taken place?

Shivers: Beg your pardon?

Brewer: How had this taken place? Was Johnson becoming this politically powerful, that he could take control of the state convention?

Shivers: Well, he had always been politically powerful, and with an increasing tempo. He gained control of the state convention in September of that year, and I believe he also had control of the earlier May convention.

Hart: If I may interpolate there a minute. As I recall it, prior to the precinct conventions in May of '56, Mr. Rayburn announced that he thought that Senator Johnson should be the favorite son nominee for President, and the chairman of the delegation to the national convention. A Governor had been traditionally the chairman of this convention if he wanted to be, provided he could go to the convention, and this more or less brought Johnson and Shivers into conflict over the ostensible issue, at least, of who was going to be chairman of the delegation to the national convention. And that the Johnson forces did win in the May precinct conventions and the county conventions, which, of course, then automatically put them in charge of...of the...well, it actually...that was the year in which we had a state convention in May, didn't we...still?

Shivers: It was the May convention rather than the September convention.

Hart: Yes, the one that selects the delegates to the national convention, and the Johnson-Rayburn forces were in charge at that point and

did whatever they wanted to, and one of the things they wanted to do was to make Senator Johnson the delegation chairman and also endorse him as the nominee for President. I believe that's the way it was. Of course, in September, by that time it was...that was a state convention, you might say. Senator Daniel was the man who was the governor-elect, but more or less in charge of that convention with Johnson's help.

Shivers: Prior to that May convention in 1956, Johnson and I held several conferences, some of them here in Austin. We never could reach an agreement over it. I offered...I'll say we offered to let him be favorite son, that's what he wanted, but as Mr. Hart said, Rayburn wanted him to be both chairman of the delegation and favorite son. Mainly Rayburn's idea was, not only was he very fond of Johnson, but he was not fond of me at all. (Laughter) He didn't want me to have any part in the convention. And frankly I shouldn't have had any part, and I realized actually at the time that we were making a mistake, but a lot of our friends wanted to go into it. But most of us were going to support Eisenhower anyway and frankly should not have been in control of the Democratic convention at that time. But like in all political battles and most other battles, I guess, if enough people want to wage war, why, you can start a fight, and that's about the way that one started. Lyndon and I had a great many conferences and at times almost reached understanding on them but never did quite get the final points settled. He would say that he was willing for me to be chairman but Mr. Rayburn wasn't. He couldn't get Mr. Rayburn to agree at all, and he and I would

remain friends, but that (chuckle) he'd blame everything on Mr. Rayburn, and I'm sure a lot of that was true. But, as I say, we made a mistake. We shouldn't have been trying to control the Democratic convention since most of us were going to support Eisenhower in the November elections, regardless. And, of course, we didn't control them. Johnson forces controlled them by a big majority. Precinct conventions, as you know, are run like the electoral college. If you get 51 per cent of the votes, you get all the votes. And you do the same thing in a political convention. And in every precinct wherever you get more than 50 per cent--one over 50 per cent of the votes--you get all the votes of the delegates in that particular precinct and place them under unit rule, and therefore you get up to 100 per cent when you can start off with just one more than fifty. But he did win, and I'll say now in retrospect he was entitled to win.

Going on to the September convention which Mr. Hart raised. That is generally referred to as the governor's convention or the state convention, and it's given that name because it sets the platform for the governor to run on in the November elections and selects the members of the State Executive Committee rather than the delegates to the national convention, as does the May convention each four years. The governor-elect of 1956 was Price Daniel, and he and Johnson and Rayburn teamed up, although Daniel had supported Eisenhower in '52. He apologized for that in his campaign in '56, and said that he never would do it again, that he only did it then in order to help save the tidelands for the school children of

Texas, and he was real sorry, and so forth. He and Rayburn became friends again, I guess; at least they were associated together in this convention. But when they tried to name a committeewoman-- they wanted to name Mrs. Lloyd Benson, Jr.--as a conservative, then they lost control of the convention, and the liberals took it away from them and named Mrs. Frankie Randolph, one of the most liberal liberals that Texas has ever known, as a national committeewoman, and she hated Johnson with a poison pen. Well, the Rayburn-Johnson-Daniel people actually lost control of the convention, and I had a lot of fun with Johnson after that, telling him that if he'd sided up with us instead of other people that....We never did lose a convention. We always maintained control of it. (Laughter) Of course, you have to have a lot of fun out of these things. There's so much hard work and a lot of aches and pains that go with it, and you have to enjoy at least a portion of it.

Anyway, it went on from there, and I went out of office in January of '57. The last act that I had anything to do with as governor, that had any bearing upon Johnson, was in January of 1957. Price Daniel, when nominated and then elected as governor of Texas, was a member of the United States Senate. And I think I've mentioned part of this before, but I want to recount as best I can here the full history of it. Before he announced for governor he came to see me in 1955 over at the governor's mansion--not at the office. As I recall, it was sometime around November of 1955. He wouldn't say positively that he was going to run for governor, but all indications were he just didn't want to, I think, commit

himself to me. He had told some other people--at least my understanding was at that time he told some other people--that he definitely was going to run. And I think Senator Johnson had urged him to run, and...

Brewer: May I break in? We haven't covered this before. We've only got up to 1952 as far as your regular career is concerned.

Shivers: Well, this relates to Johnson, so I think we might as well cover it here. Daniel came to see me at the governor's mansion in 1955 before he became a candidate in '56 and discussed this campaign and what he was going to do, although he never would say definitely he was going to run. But that was his method of operation, and I understood it. We went so far as to discuss his successor in the United States Senate. I told him that I thought he ought to do one of two things: that he ought to resign sufficiently in advance of the Democratic primaries so that I could name someone who could be elected, who could also run at the same time that he was running for governor and all of the other candidates were running, so that there would be a larger vote rather than having it be a special election. Or secondly,...that is, that he ought to resign when he announced for governor (officially announced for governor) that he ought to resign, that if he didn't do that--and that didn't seem to appeal to him because he was going to run against Yarborough, and Yarborough was a formidable opponent. Secondly, my suggestion to him was that he...if he didn't resign, that he wait until he took the oath of office himself as governor, if he was elected--of course, if he wasn't elected, he was still a member of the United States

Senate--that he wait until he took the oath of office as governor of Texas, which would automatically vacate the office of United States senator, because under the constitution of both Texas and the United States, that would occur. And then he himself could appoint his successor in the United States Senate. And if he would appoint some good, strong man as his successor, that with his most recent election as governor of Texas, with my friends, and others, that we could all get behind him and get him elected. And he didn't say much about those at that time. He only discussed them generally and discussed his campaign and whether or not I thought he could win and the general outline and strategy of the campaign for governor and when I thought he ought to announce if...if he did announce--he always had a condition about it. I think maybe we might have discussed it again sometime prior to January. He did announce for governor, and he had told me prior to that he was not going to resign in the United States Senate, going to hold that office while he ran for governor and that he would decide on the question of his resignation if and when he was elected.

As I say, I am sure Senator Johnson had urged him to run for governor mainly because Johnson had talked to me about it several times. Well, I'll say he and I had discussed it several times, and he, Johnson, was of the opinion at that time that Daniel was probably the only man in the state who was anxious to become a candidate, who wanted to become a candidate for governor, who could defeat Yarborough. And I think...I'm sure that Senator Johnson gave Daniel, as a candidate for governor, all of the help that he could. I

remember a good many evidences of it, and as I say, Johnson talked to me about it several times, and I'm sure that he counseled with Governor Daniel. I supported Governor Daniel in that race. On through that year and the election, Daniel was elected by some thirty-five or six hundred votes. And after his win over Yarborough, --I believe it was in the fall of that year--he came to see me about phrasing a...turning in his resignation, and we discussed it, as I recall, on several occasions. And I told him again that my opinion then was that since he had not resigned at the time he announced for governor that he should not resign at all and wait until he took his oath of office as governor, and then we'd try to get together on someone who could be re-elected. And that didn't seem to appeal to him. He said it would put him too much on the spot as to the person that he would appoint and several other things. And he talked about turning in a resignation, but he didn't want me to make an appointment. So he turned in...finally turned in a resignation that, in my opinion, didn't say anything--it didn't either resign or not resign. It just was an "if, and, and but" sort of resignation. The wording of it will be in the state archives up there, but basically, it said that if I called...that he would resign if I would call a special election and the person elected at that time qualified and took the oath of office prior to his taking the oath of office as governor of Texas--that he would resign. Of course, I couldn't call a special election under the law until I had his resignation. So I got in touch with him, and I said, "Price, this is not a resignation. Either resign...either withdraw



this thing and turn in a resignation, or don't turn in anything." And I said, "If you're trying to resign, let's do it this way. You turn in a resignation now, and you and I'll discuss possible appointees, we'll get together, and let's select some mutual friend, a friend of Johnson's, and a friend of everybody--some strong person who can be re-elected. I don't want Yarborough elected."

He said, "I don't either." I knew Johnson didn't want him elected. And Daniel's remark to me then ought to go down in the annals of political history somewhere, and so far as I know this is the only place (chuckle) that it will go. He said, "That would be politics."

And I said, "Well, what do you think all of this is?" (chuckle) Anyway, he let his previously filed, so-called resignation stand, wouldn't change it, and I announced publicly that it was not a resignation and that I did not consider the office vacant. I did say that I thought possibly I had the right to accept it as a resignation, but I didn't know whether that would be legal or not, and I saw no point in going into it further.

The last portion of this that had anything to do with Johnson was in January of 1957. During all of 1956, Johnson, as majority leader, had had either a tie vote--you see, he had been elected majority leader in 1954, I guess, or in the session of '55 probably; after the Democrats had won control of the Senate in 1954, he had been elected majority leader--and in '55 and '56, he had either had a tie--because of deaths in the Senate--or just a majority of one. And if I accepted Daniel's resignation and appointed a

Republican, then there would either have been a tie or the Republicans would have had a majority of one, and if we'd had a tie, why Nixon, the Vice-President, could have broken the tie and elected a Republican. Anyway, I had the decision of ousting Johnson as majority leader if I wanted to, and he knew it. I called him and talked to him about it and told him, of course, that I was not going to do anything like that. And this was in 19...actually, when Price first...Price Daniel first turned in this resignation. In 1957 just before Daniel took his oath of office at noon, I appointed William A. Blakley to fill the vacancy created by Daniel's election as governor and his resignation, and announced that I was accepting his resignation and appointed Blakley. And I called Johnson and told him--and I had asked Blakley prior to that time if I appointed him, would he support Johnson as majority leader and he said he would. And I wanted to be sure of that because I did not want to be a party to seeking that kind of revenge, if I had wanted revenge of any kind, which I didn't--but I called after I announced Blakley's appointment, about 11:00 o'clock on the morning of the day that I was going out of the office and Price Daniel was coming in as Governor. I called Johnson in Washington from the governor's office here and told him I had announced Blakley's appointment and that Blakley had assured me that he would support him as majority leader--which he did. Johnson, of course, was favorite son to the convention of '56. He didn't get many votes, naturally--that was just the start of his campaign. He put on a serious campaign in 1960. Back in the southern governors'

conference in 19...

Hart: This was prior to the '56...

Shivers: Yes. '54 or '55...

Hart: Probably '55.

Shivers: They met at...it was either Point Clear, Alabama, or Boca Ratón, Florida.

Hart: It was Boca Ratón.

Shivers: Boca Ratón? I recall, as they always do at meetings of that kind, Governor Jimmy Byrnes--Byrnes was Governor of South Carolina at that time--after the banquet that night, he and his wife and my wife and I were in our rooms at the hotel. I don't believe anyone else was there. We were talking about politics and political future and a good many things; and, as in most of those resort hotels, the transom up above the door was open, and I made a statement to Governor Byrnes--we were talking about possible candidates on the Democratic ticket--I made the statement to Governor Byrnes that I thought Lyndon Johnson was probably the most able--certainly knew more about the political machinery, knew how the Congress worked--than any other of the possible candidates. This was in between the '52 convention and the '56 convention, and the year could have either been '54 or '55. Sam Wood, who was then and still is a reporter for the Austin papers, was eavesdropping out in the hallway, outside my hotel suite (chuckle), and he not only picked up that statement but several others that Governor Byrnes and I had made and printed them the next day (laughter) in all of his papers. (more laughter) Quite...it didn't embarrass me much, but it did...

Governor Byrnes was embarrassed about it, and it got in the Washington papers, South Carolina papers, and everywhere else. Didn't do any harm or damage or any great amount of good, but at least it was a discussion that went on, and it was not for public consumption by any means.

What I'm leading up to--and when Lyndon started his serious campaign for nomination for the Presidency of the United States in 1960, he called me several times or visited with me here or we'd see each other at various gatherings and so forth. One particular meeting that I recall was in 19...early part of 1960, when the various states were holding their conventions, and Mrs. Shivers and I were in Washington attending some kind of a meeting. A party was given on board one of the Presidential yachts--I believe the Secretary of the Treasury, Bob Anderson, was the host--I know he was. He was a Texan--R. B. Anderson from Vernon, Texas, had been Assistant Secretary of Defense and later came back to the Eisenhower cabinet as Secretary of the Treasury. He gave the party and invited Senator and Mrs. Johnson and Justice and Mrs. Tom Clark, and Mrs. Shivers and me, and we toured up and down the Potomac, had dinner off some place down the river. Senator Johnson all this time was talking about his campaign for delegates to the convention, which was to meet out in California that year, and was reciting them to me, and he reminded me of this announcement over in the southern governor's conference two or three years before, where I had told Governor Byrnes that I thought he was the best that the Democrats had. And he said, "I'm going to win this nomination. I want to

know if you're going to support me."

And I said, "Yes, Lyndon, if you're nominated, I will support you." And we...oh, this trip lasted several hours and there was lots of conversation about it.

During some time in the conversation, in discussing the Presidential campaign, I said, "Lyndon, you're not seriously campaigning for President this year, are you?" And I was serious about it. I didn't think he was. I thought--and a lot of people have done it before--that he was really campaigning for Vice-President and asked him...I asked him if he was, and he said no.

He said, "The job I have is more important than Vice-President of the United States."

And I said, "I agree with you on that. But the Vice-Presidency might lead to the Presidency."

And he said, "I think majority leader of the Senate can lead to the Presidency." And I think he did, and I became convinced then that he was seriously campaigning for the nomination as President. And I think his action and Connally's and the action of the Texas delegation at the California convention in 1960 indicated that he did consider himself as a serious candidate for the nomination as President that year. I was not a delegate to the '60 convention in California, and all I know about it is what I read in the paper and saw on television and so forth, but I think later events did confirm that he was considering himself a serious candidate.

I was greatly surprised that he accepted the nomination as Vice-President, or the invitation of the Kennedys to become the

candidate...the nominee as the Vice-President. I don't think he had any choice, frankly. When you analyze it, he could not well refuse if they said to him, as it is reported that they did say, that the party needed him, that Kennedy as a candidate...as the nominee for President needed him, regardless of his feeling that the majority leader's position was more important--I agree that it is--he could not refuse, in my opinion, to accept the position as nominee for Vice-President. He did accept it. The campaign is now history.

When he went back to Washington after the convention, he telephoned me at my farm over at Woodville and talked to me for some thirty or forty minutes on the telephone, reminding me that I had told him I would support him. And I said, "Yes, Lyndon, I did tell you I would support you--as President, and any time you're nominated for President of the United States, you have my support. But you have not been nominated as President, and I cannot support Kennedy. You're the Vice-President on the ticket, and he's going to be the President, and if I read the history of the Kennedys... I don't think the Vice-President is going to have too much to say." And he said, well, they'd promised him that he would, and so on and so forth. Anyway, quite a long discussion. He finally said, "Well, don't support that other fellow," talking about Nixon, and I said, "Well, I've made no commitments at all to anyone about supporting anyone, but I'll say to you now that I cannot support Kennedy. I don't know that I'll take any part in the campaign."

A few nights later, and the family and I were still at the

farm at Woodville, Earl Clements, whom I mentioned before as a former majority leader and a former senator from Kentucky whom Lyndon, as majority leader, had placed in as the secretary, or boss, in control of the Senate Election Committee and the Senate Policy Committee, really, he was a right hand to Lyndon while Lyndon was majority leader--Earl and I had been good friends over a great many years...Senator Earl Clements, to identify him--Earl called me at the farm and said that Lyndon had told him about his conversation with me and so forth, and wanted him to call me and talk to me about it. And I told him the same thing that I'd told Lyndon, and he said, "Well, governor, I want you to promise me that you won't support anyone until you talk to me again about it."

And I said, "Earl, I won't promise you or anyone that! I will promise you this--that you or Lyndon or anyone else can talk to me at any time you want to. But I'm not going to promise you that I'll clear whatever I do with you or with Lyndon or with anyone else. I'm just not going to do that. But I want you to know, wherever I am, or I'll go anywhere you want to, to discuss it, to talk to you about it. I haven't made up my mind. I don't know what I'm going to do. I don't like the idea of supporting Kennedy, I can't support him, and I told Lyndon so; but whether I take any part in the campaign actively, I have not decided. But you feel free to call me at any time."

He called me one more time and asked me if I had decided anything, or Clements did, and I told him no, that I hadn't. And he said, "Well, now, I want to talk to you again." I said, "Well,

you just call me any time you want to. I'll be glad to talk to you or meet with you."

As you know, I supported the Nixon ticket in the 1960 campaign, spoke over a good many southern states. The Kennedy-Johnson ticket was elected. My relationship with Johnson since that time, I'll say, has been somewhat strained. It hasn't been as cordial as it was prior to that time, and yet we have, I think, remained friends. He calls me on the telephone occasionally. When I'm in Washington, he asks me to come over to see him--Mrs. Shivers and I have been over there for dinner, with just him and Mrs. Johnson. We enjoy visiting with him on the telephone and personally. He has sent me messages by a lot of people, although I say it isn't as cordial... and I can understand that, of course. (chuckle) I say it's still on a friendly basis.

I want to make one statement about the 1960 campaign. I think if it had not been for Johnson, Kennedy would not have been elected, and I think to Lyndon Johnson can be given most of the credit for getting that ticket elected. I know they would not have carried Texas if Johnson had not been on the ticket. They didn't carry it by many votes as it was, but certainly without Johnson on the ticket--and I think that's true of a lot of other states--the margin, as you know, was extremely small. And Johnson is due a lot more credit than the Kennedy people gave him. I think Kennedy gave him a lot of credit--Jack Kennedy, the President himself--in fact, I know he did, but a lot of the Kennedy hierarchy downgraded Johnson immediately and continued to do so. And I just want to put



in this record that I think that Johnson...well, I'll just say if Johnson had not been on the ticket, Kennedy would not have been... not have ever been President of the United States.

Now I want to add one other note here that doesn't have to do with Johnson, but it may not ever be recorded anywhere else. It's known by a lot of people, and probably will be and may have been already, but it involves Dick Nixon, who was a candidate for President on the Republican ticket in 1960. A man who's had lots of troubles in his political life and has been maligned and abused by all sorts of people--organizations and everything else--and I guess he's done his share of berating. But even in spite of the Johnson influence in the Kennedy race and the fact that Kennedy so far surpassed Nixon in the famous televised Presidential debates in the campaign, the race, as you'll recall, was extremely close. The vote in just two or three states could have made the difference as to whether Nixon would have been President of the United States. On the day after the general election in November of 1960, I left with Mrs. Shivers and some friends for a speaking engagement to the state bankers convention in Arizona. When I landed in Tucson, the operator at the airport told me that Dick Nixon was trying to call me from California. When I talked to him, he said that he had had calls from several of his supporters in various states, saying that there had been so much fraud in states like Illinois and Louisiana and Texas--and he named one or two other states--that they wanted to check into it to see what facts they could find out, and he asked me what I thought the situation in Texas was. And I

said, well, I didn't know that there was any massive fraud, that I had heard a lot of rumors about broken down voting machines, and that occurred in San Antonio, which I do think was by design. There were a lot of ballots thrown out in Texas that I don't think Johnson had anything to do with. I think they were done by the partisans. But I told Nixon that I didn't think it would amount to a sufficient number of votes to vitiate the election, and it was impossible to contest an election in Texas in the first place in my opinion. It could be done, but it was almost an impossibility, and I would advise against it. He said he appreciated that advice, that he wanted to talk to these other people. There wasn't any question about the fraud in Illinois. It was patent and was massive. Apparently, there was a good bit of fraud in the Louisiana election, and I think one or two other states. About a week later, Nixon called me and said that he had become convinced of the fraud in Illinois and in one or two other states, at least, and that a lot of people who had talked to him about Texas were convinced that there had been a lot of fraud in Texas. I don't agree with that. I agree that there was some illegal counting of ballots, let's say, but not...well, not enough to discount the vote in Texas. But Nixon's strongest supporters at that time were urging him to contest publicly this election, particularly in states like Illinois, where it would not have been difficult to have proved fraud or theft. He listened to all of these arguments and then made the personal decision himself, which I think ought to go down in the record books, that he would have no part and did not want any of his people, his supporters,

campaign managers, participating in allegations of fraud, and if he had to win the Presidency of the United States by alleging and proving fraud, that he did not want the office, that he thought it would do much more harm to the image of democracy if the people of the world...if it were proved before the people of the world that fraud had been committed in the election of President of the United States, or at least, if it decided the Presidency. And I think it takes a pretty big man to do that kind of thing. I never did think that Nixon made a very good candidate, but he rose to great heights on that particular occasion. He may or may not have won it, but a candidate who loses a real close one like that, particularly when his friends are calling him up and telling him that there was fraud and theft in the ballot box, is bound to have a lot of bitterness, and it's very easy for him to be swayed, particularly when someone says, "You can be President of the United States if..." and he says "NO! I don't want it on those grounds, that it will do too much damage to the image of democracy."

I might say further about Johnson that I think he is doing a good job, not that I agree with him on many of the things that he is doing. But, as I said about him somewhere not long ago, someone asked me about his differences with Governor Connally--and I used the same expression a good many years ago when Averell Harriman was Governor of New York and was a candidate for President of the United States, and I invited him to speak before the Texas delegation in 1952 at Chicago--and someone asked me why it was, because he and I didn't agree on many projects--and I say the same thing about

Johnson and Connally now: Johnson has to be President of all the United States and all the people in the United States. Connally's governor of Texas. I was governor of Texas, and Harriman was governor of New York, and I said, "If Governor Harriman believed as I do, he wouldn't be governor of New York." Johnson, I think, has gone too far--a lot of his proposals and programs. I think he has gone too far in his concessions to labor and to the liberals in promising them that he would see that Senator Yarborough was re-elected to the United States Senate, and I think he went too far in his commitment to them in promising to help them repeal Section 14-B. But he told me himself, when I told him I thought he had gone too far, that he made the commitment--he's going to carry it out.

Brewer: One final question, Governor. You supported Johnson in 1964. Was this because of your prior statement to him, or was there a philosophic base for support?

Shivers: Well, both...both. Not only because I had promised him I would, and I think I would have done it for that if for no other reason--but the fact that he was a Texan, and I couldn't see myself, a former governor of Texas, not supporting a Texan who was a candidate for President of the United States. And on the philosophic reason, although Barry Goldwater was a very close friend of mine and had been for a great many years, I didn't think that Barry was temperamentally suited to become President of the United States. On the whole, I think Johnson is doing a good job; he's not doing what I would do in Viet Nam, but I don't know what the answer is. I wouldn't do a lot of these things he's trying to do, a lot of these

Great Society programs. I don't know that the people can absorb all the things he's trying to do for them. Who was it--Ben Franklin --that said that democracy can't afford...ought not to try to do more for the people than they can afford?

Hart: I believe it was Jefferson.

Shivers: Jefferson? But I really think he is trying to do more, but of course, he wants to go down in history, and I suppose everyone does. And the Viet Nam war, inflation at the present time, are all just about to swallow him up. Particularly on Viet Nam. I don't know the answer, and I don't know anyone that does. But he's the only one that can speak--the President of the United States is--the only one who can speak for the nation in foreign policy, and I have to assume that he and his advisors have the information to back up the actions they take. And I hope that his health holds out and that he continues to do a good job.

Oral History Collection

Governor Allan Shivers

**Interviewer:** Dr. E. Dale Odom

February 6, 1967

**Dr. Odom:** I want to ask you to start out with, Governor Shivers--I think this will get us back into the time machine, perhaps, as I tell my students--when you made the decision in 1952, to...I don't suppose you'd call it "bolt" the Democratic Party, but support President Eisenhower, the Republican nominee, were you aware that no major Texas officeholder had ever done this and been re-elected?

**Gov. Shivers:** Yes, of course, and I suppose I could say, also, at that time that I had no idea of running for office again, didn't know whether I would or not. No decision had been made on that. But the decision was based upon the discussion, the feeling of what I thought was best for Texas and how Texas' interests could best be served. The history of it developed a good long while before, beginning back in '51, running all through '52, and continued on up through '53, and the beginning of '54.

**Dr. Odom:** It was a decision that was made...you arrived at sort of gradually, over a period of time, then, to do this. Then you didn't particularly consider it in the light of your own political career in the future.

**Gov. Shivers:** No, not at all. You remember the Tidelands question was the big issue. In 1951, Truman's popularity--if you base popularity on

polls, as they still apparently do, and they have so many more poll takers now than they did then, and there was only one then, I believe...Gallup was doing most of it, at least--and Truman's popularity nationwide had dropped considerably, and it had dropped more than considerably in Texas. He vetoed the Tidelands bill passed by the Congress on two different occasions. And you may recall that, at the time of the 1952 national convention in Chicago, we had a contesting delegation--that delegation was headed by Maury Maverick, Sr., a former Congressman and Mayor from San Antonio--and they were contesting our right...the Shivers delegation's right, to be seated at the national convention on the theory that they were loyal Democrats, and we were...at least, there was some suspicion that we might not support the ticket. I had criticized Truman and his administration considerably, had criticized the so-called "Loyalists" at that time, just as they had criticized me, on the idea of "Where was our loyalty? Didn't we owe an obligation to Texas to try to further the interests of Texas in this fight over the central question of the Tidelands, the so-called ten and two-thirds miles, or three marine leagues of off-shore lands on the Gulf of Mexico, as covered by the Treaty of Guadalupe Hidalgo?" And, at the 1952 convention, in Chicago, after Governor Stevenson was nominated as the Democratic candidate, he and I discussed a possible future conference where we'd have more time and he would have an opportunity to study the question of the Tidelands issue. And he asked me to come to Springfield, Illinois, the capital, and meet with him in his office, to call him later on and to--this was in July--to call him and make an appoint-

ment and that he would be glad to discuss it in detail. And that appointment was made. I flew to Springfield and discussed it with him for most of a day and then returned to Austin that night. Do you want to go into all of the details of this?

Odom: Well, I think you've pretty well covered most of the general details here. Would you do this again if you had it to do over? I know this is a difficult question to answer. You look at it in the light of what's happened since, but would you make this same decision again?

Shivers: Yes, I think so. I thought it was the right decision then, and I haven't changed my mind about it.

Odom: I wanted to ask you...did you originate...you didn't originate the term "Trumanism," did you? I know you used it quite often.

Shivers: No...well, it would be a natural. I don't...no, I didn't originate it. I don't know who did, or whether anyone can claim parenthood of it. It'd be a natural. They referred to our people as "Shivercrats" you know, and we said "Trumanism." Those kind of political nicknames or wordage just grow up.

Odom: Let me ask you this question.

Shivers: The fact is, I think Mr. Truman introduced the word "Shivercrats."

Odom: I didn't know that.

Shivers: He said that Shivers was not a Democrat; he was a Shivercrat.

(laughter)

Odom: I just assumed that probably grew out of Texas state politics. Let me ask you another question--I intend this as a very general question, but it does have some relation to time. With as much national



political influence as you built up in those years, did you...I know you repeatedly denied that you did not have aspirations for national office...did you at any time in those four or five or six years really seriously consider a national office?

Shivers: No, I never did. As a matter of fact, I never did have any ambition to go to Washington in any capacity. I had the opportunity, as you will find in some of the other discussions. In the 1952 campaign, Price Daniel had begged me to run for the United States Senate, and let him run for Governor. And we decided against that, and I still think that was a wise decision. I didn't want to go. I say in his defense, I don't think he wanted to go either. (laughter) But my children were all young at that time, and I frankly just didn't like the idea of rearing them...either keeping the family in Texas and me staying in Washington, or taking them into a Washington atmosphere.

Odom: I understand that.

Shivers: Later on, after Eisenhower was in office...or before he took office on his first term, he offered me a position in the Cabinet, but... and I turned that down for the same reason.

Odom: That was the next question I was going to ask you.

Shivers: And on several other occasions they wanted me to come to Washington in various capacities; but I didn't feel that I could for the same reason. In the first place, I didn't want to, had no ambitions along that line. And, secondly, I didn't...particularly with reference to the Cabinet position, didn't want people to be saying that I had supported Eisenhower in order to gain some personal favor. I

don't know whether I've mentioned it in any of these other interviews or not, but, speaking of the races that came along about that time, the 1954 race, where I announced, ran for, and was elected to a third term as Governor...I still don't know, but I think now--and I thought then--I didn't have any intention of running for a third term. But, Mr. Rayburn and a great many of the people close to the National Administration, had made threats that I would never be elected to office again, and no one else who had done as I had done would ever be elected. And I was on a hunting trip with my boys--two oldest boys--and came back to find out that they were raising more cain with me than they were with Eisenhower. And so, I had to do the campaigning all over again. And when I ran for a third term, a lot of my friends advised me that I ought to soft-peddle the support of Eisenhower and to say that I regretted having done it and apologize for it and say that I only did it to...because Eisenhower had promised to sign the bill and just for that one reason...the Tidelands bill...and just for that one reason alone. I said no, I couldn't...couldn't do it that way. I didn't think it was the right way to do it, in the first place. And I just wasn't constructed to do it that way in the second place. And I campaigned all over Texas, saying that...what I had done and that I would do it again; under the same circumstances, I thought it was correct, and I did it because I thought it was correct, and under the same circumstances would do it again. And, as the record shows, I had a pretty hard race, but I got us re-elected.

Odom: On this Cabinet position, did the discussion ever progress to the

specific post?

Shivers: Yes.

Odom: What post were you asked to fill, specifically?

Shivers: Secretary of the Navy.

Odom: Secretary of the Navy. Did you have any...

Shivers: That was the first one. Several times later on, there were discussions of others--no specific offer tendered...but on several occasions after that. But this was a specific mention. Charlie Wilson, who was to be the Secretary of Defense, Herb Brownell, who was to be the Secretary of the...rather, to be the Attorney General, and some others who had been out in the Pacific with Eisenhower, called me from Honolulu. Charlie Wilson was the one that called me, and they came by Austin. I was in Phoenix at the time of the telephone call. They came by Austin, landed out at Bergstrom, and spent the afternoon here. You often wonder what would happen if you had done those kinds of things, what change it would have made. I'm... I don't have any regrets about it at all.

Odom: Did you exert any influence at this time or later on appointments... national appointments in the Eisenhower administration, or did you choose to?

Shivers: I guess the answer to that is, "Yes, to some extent." I never did try to exert much. But, with reference to Secretary of the Navy, the post that they offered me, Wilson and Brownell both said, "Well, who else among our friends down here would be a good one? We'd like to have somebody from Texas in this group." And I named three or four and they said, "Well, which one of that group?" I said, "Well,

if I can get Bob Anderson to do it--R. B. Anderson of Vernon--he would be excellent." As I recall, Brownell had files on some of these people, and he looked at Anderson's file, and he said, "Well, none of us know Anderson, but he sounds like an excellent man." So we worked out an agreement; I would call Anderson and arrange for him to come into Dallas. They would fly into Dallas, and he would meet them at the hotel in Dallas and discuss this with them. Well, he first came to Austin when I called him, and he said, "Well, I want to talk to you about it first." And he did, several times after that. He went on, as you know, and accepted the post and did an excellent job, not only in that, but later became Secretary of the Treasury.

Odom: I had thought that you might have had something to do with his appointment.

Shivers: And, several times, President Eisenhower and others in the Cabinet would refer to this incident and say, "Don't you have some more people like Bob Anderson down in Texas?" (laughter) "We'd like to get some more people like him." And the President was extremely fond of Bob, both personally and as an administrator and as a man who knew political "in's" and "out's." As a matter of fact, Eisenhower talked to me several times about the possibility of making...seeing if he couldn't get Anderson nominated as a candidate for President. He...he thought Anderson was just exactly the type of man that ought to be President.

Odom: Let me ask you, Governor Shivers, do you consider it a high point of your career in public office when the state was carried for

Eisenhower in '52, or would you choose some other period in your public career as the high point as far as you're concerned?

Shivers: That one received more publicity, but as...I wouldn't...I don't think it should be classified as what you usually refer to as high points. I would much rather refer to some of the things I think we accomplished in the field of legislation, rehabilitating state hospitals and the state prison system, starting a special school for the handicapped children, rebuilding the deaf schools and getting them out of fire traps and into modern, fire-proof buildings, building up the state highway system, and a lot of those things. Of course, as I say, I...I still think the decision was right and would do it again; and it...(chuckle) at least, it got more publicity. If that's the way you'd classify high points, it was certainly, from the standpoint of attention, very definitely a high point.

Odom: From the standpoint of personal satisfaction, you wouldn't necessarily...

Shivers: Well, of course, when you get into a fight like that, winning always is very satisfactory. (laughter)

Odom: I have a couple of fairly general questions tied to specifics about philosophy. It's been said that, I suppose more than once, that you were in office--at least, on your way up in office--so self-sufficient that very few people ever got close to you or had much influence on you and...and...and in advice on making decisions. Would you...do you have some philosophy to explain this? Is this your personality? Or would you agree?

Shivers: No, I don't agree with that.

Odom: You don't agree with that. Why would...why did people...why did journalists or writers and so on assert...why would they assert this, would you say?

Shivers: I can't answer that. Maybe Mr. Hart could, but let me preface it this way. With reference to Mr. Hart, who is here this morning-- Weldon Hart--who was with me all of the time in the Governor's office, and I think practically everyone who worked for me in the Governor's office...a great many of the people that I appointed... most of the people that I appointed to various boards and commissions, as well as hundreds of campaign workers and advisors over the state--men and women, young, middle-aged, and elderly--I tried to seek their advice and did. I always reserved the right to make the final decision, of course, but I think a job of that kind is too large, too big for any one person. You need a lot of advice; you need to delegate a lot of authority. And you need help in the legislative branches; you need cooperation of the other departments. It's...it's just a job that one person can't do. I don't know. I can't answer your question as to why the newspaper writers and journalists during that time would comment to that extent, but probably it was because he was always so active...that I was always so active and always doing so many different things. (chuckle) Mr. Hart may have some comment on that?

Odom: Did you have a comment on that?

Hart: I'd like to add just this, that I think, to back up here a minute, I'd like to give a little analysis. There are a couple of things I want to add to this. One is, I think the reason that the press, and

other people, always had the impression that he was making the decisions was that he was making the decisions. He was quite forceful about it and very...when he did make an announcement or a statement, it was in a positive sort of sense. And they didn't see anybody else. But I think the reason...I would say this about him...I don't think I've ever said this to him--I think he is one of the world's greatest listeners. There are people who like to tell him...they like to tell the Governor this, that, and the other. Without any particular comment on the, he received all those, and he had an excellent memory. So, he had a big store of advice and information that nobody knew he had, actually. And, we used to have a little game in the...on the staff he didn't know about, either, of trying to tell him something new, but he always knew it already. (laughter) So, he seemed to always know about it before we did. This was just an attribute that was very helpful to him, I think, this idea that he was making all these things up himself, quite literally.

Odom: We call that "one-upsmanship" in the History Department. We're always trying to find something that somebody doesn't know. I had... I've come to pretty much the same conclusion as Mr. Hart did about why they wrote in this fashion--because of your positive manner, and so on, in your decisions.

Hart: I might just add another point with that. He never blamed anybody for his decisions, the staff included. I know personally I made some pretty bad errors which caused him some embarrassment, but he never mentioned the fact that the staff were responsible for this. He took the responsibility for it. And this would also contribute

to the impression that he was making all these decisions himself.

Odom: When you delegate responsibility, it can be a dangerous thing, can't it?

Shivers: You have to...you must delegate it.

Odom: The other question was this: while I don't think there has ever been any serious question that you ever used your office for private financial gain, you were criticized for, how can I put it, not taking a sort of leave of absence from private business while you were Governor and continuing to add to your financial holdings. Do you have a philosophy...a philosophical position on this? I just wanted to ask you about those...these charges...well, no, not exactly charges--these criticisms that were made, I think, during your period as Governor.

Shivers: Well, when I became Governor, of course, I dissolved all associations I had with law firms or with other people who had been employed by me in the practice of law. I resigned from all directorships, any corporate connections, as the law required. Most of the other holdings that I had or that my wife or any member of my family had were in real estate. And we did continue to farm. (laughter) And, although I...I'll have to admit that I didn't have time to pay much attention to it, it was in continuous operation. But, I had very little, if any, direct connection with business...personal business during all of the almost eight years that I was in the Governor's office.

Odom: Well, that was just something that I had come across, and is related to many allegations about your using your office for financial gain.



Hart: This was done considerably in campaign pieces that were more or less bolstered by the imagination and a lurid interpretation. They usually involved something that happened before he came to the job.

Odom: Yes, like that land deal, you know, there in 1954.

Hart: Yes, and there were several other things. Also, another one that I happen to know about is the charge that he was connected with approving the public printing contract...gave his own paper the printing contract. I happen to know that the editor, or the manager, of this paper was perfectly capable of doing this himself and did do it, and that Allan didn't even know that he was bidding on the contract. (laughter)

Odom: It's done on bids, anyway.

Hart: It's done on bids, and there was really nothing wrong with it. It was used, or interpreted, by his opponents as being something pretty bad.

Shivers: They didn't...it shouldn't have happened, I'll say that. If I had been in a position to devote enough time to the business where I would have known that Joe Cook, who was the editor, manager, publisher, and everything else for this paper in which we owned some interest, was even bidding on the state contract, why, of course, I would have stopped it. (laughter) But when I found out about it, it was a little late then. And after I investigated and I found out that I was not only not making any money, I was actually losing money on the direct contract. (laughter) And he had no explanation of why he would do that without telling me about it or anything else. But on this accusation that Yarborough jumped me about in the '54

campaign over the four hundred and twenty-five thousand, I believe it was, that I made on land, that transaction occurred in 1945, and 1946, even before I became Lieutenant Governor. The transaction was all handled and completed.

I wasn't even Lieutenant Governor, much less Governor. And it came out through a law suit that some friends of Yarborough's had filed against another party, Lloyd Bentsen, Sr., a very prominent big businessman in the Rio Grande Valley. In later years, these people sued him and took my deposition while I was in the Governor's office, several years later, and asked me about the fact that I was involved. And I tried to explain it--you never can really explain those things, in particular to the people who are accusing you. It involved an obligation on my part to pay somewhere close to two and a half million dollars, as I recall, and...on the purchase of quite a lot of land under an option. Then I sold this option to Mr. Bentsen and his associates, in which they paid me about four hundred or four hundred and twenty-five thousand dollars profit. Of course, when you bring that out and make headlines of it and say "The Governor makes four hundred and twenty-five thousand dollars profit," well, immediately somebody wants to know when and how. (laughter)

Yarborough always presented it just as if it had happened yesterday that somebody had paid me four hundred thousand dollars on a land deal. Of course, it didn't happen that way at all. It happened... well, that's '54, and '46--that's eight years prior to that time.

Odom: And you can't spend all of your time answering all of these charges either, can you?

Shivers: No, but I'll say this at least--they never were able to prove any-thing. (laughter) That's the thing about that angle. No one enjoys being accused of those things, and your opponents, particularly Yarborough--they enjoy telling a half-truth much more than they did telling a whole lie. (laughter)

Odom: 1953 was, as far as elections are concerned, not too exciting, but the factionalism that existed in the Democratic Party was still there, and, of course, that's when the liberal faction...it was the faction that organized the Democratic Advisory Council, while John Van Cronkite and Mr. Claud Gilmer were, I think commissioned to sort of carry the...fight of the Democratic State Executive Committee. Do you...were you at that time actually planning the strategy of the Democratic Executive Committee, as you were often said to in the next two or three years? I'd like for you to comment on that... your relations...

Shivers: Well, I think the best answer I can give you to that is that we tried to see that our friends got control of the Democratic Executive Committee. (chuckle) They made the decision...or the decision was made shortly after I took the oath of office as Governor in 1949, whether to practically ignore the Executive Committee, as Governor Stevenson had--Coke Stevenson--or to lose control of it entirely, as O'Daniel and even Jester had done. When I succeeded Jester, the Committee was composed of...I think the Liberals really had charge of it...had a majority control on it.

Hart: The majority was unfriendly to the Governor.

Shivers: That's right, to Jester, and therefore, it followed on with me because I...that was in '49. But, I began working with them and made the decision at that time that almost everything the Governor did was political to some extent, and therefore, if he was going to be the so-called titular head of the party, as the Chief Executive of the state, he had to be sure that the State Organization--that is, the State Executive Committee--was not working against him. So then, you set out to gain control of it. And that's exactly what we did, and retained control of it up until the end of the term.

Odom: When did you gain control of it?

Shivers: At the next election. We didn't have any trouble with it between the time I took office and the 1950 election...no serious problems. But in 1950, we followed the policy of putting our friends on the State Committee posts, and kept it that way up until I went out of office.

Odom: What sort of strategy did you plan in 1953, to combat the attempt here of the Democratic Advisory Council to...I don't know exactly what the Democratic Advisory Council tried to do. I suppose that...

Shivers: That was set up by Mr. Rayburn, and the National Democratic Committee, along with the Texas Liberal-Loyalist Faction, because they said that the State Committee was controlled by people who did not support the national party. And, they wanted a group like this--the Democratic Advisory Committee--to represent the liberal-loyalists, to be in contact with Mr. Rayburn and the National Democratic Committee itself. And I suppose you might say it was their own

personal committee. That's about all it amounted to.

Odom: The National Committee failed to seat Wright Morrow as the Texas National Committeeman because he had supported Eisenhower in 1952. Was there a precedent for this--had this happened before? And, also, was it any particular disadvantage to your group to not be represented on the National Committee?

Shivers: No, Mrs. Weinert...Mrs. H. H. Weinert was a committeewoman. She was seated and Wright Morrow won the legal points on his own seat. He was always in constant conflict with them, just as I was, and he and the National Chairman were always in conflict. But he won the legal points on the right to his seat, as against Byron Skelton who was trying to have him unseated so he could take over. But Skelton never did get Morrow's seat.

Odom: No, I knew he didn't.

Shivers: ...Until after...oh, a good many years later, he became National Committeeman during the...I guess Connally administration.

Hart: Well, he was elected National Committeeman in '56, May of '56, as you were going out and Daniel was coming in. I might add that this was probably because Mr. Morrow had resigned. But the State Convention re-elected him, or they refused to acknowledge the fact that he had resigned. So, you had a rather confused situation. Mr. Morrow had resigned, and the State Committee refused to accept his resignation from Texas, and the National Committee did accept his resignation. That's the way the situation was.

Shivers: I don't think it made a lot of difference one way or the other, frankly.

Odom: It didn't? During the next two or three years, you don't think it was any great handicap that the National Committee recognized the Democratic Advisory Council?

Shivers: They couldn't recognize it officially because they had no official standing. The Democratic Advisory Council as such, as I said a while ago, was just a group organized by Rayburn and a few of the Texas liberal-loyalists to have some contact here and to try to raise some money for them. We were all supporting Eisenhower anyway and didn't need any contact or want any, particularly with the National Committee.

Odom: Did you believe...if you'll look back in '53, or '54, or '55--did you believe during these years...well, it's always very much up in the air about the nominee of the National party two or three years in advance, but did you believe that perhaps the Democratic Party would nominate in '56, somebody you could support? Or did you think most of the time that it would likely be Stevenson or someone you couldn't support?

Shivers: In '56?

Odom: Yes. I'm talking about in the years of '53, '54...what did you...do you recall what sort of thinking did you have about who was most likely...?

Shivers: There was very little doubt, I think, in the minds of anyone that Stevenson would be nominated at that time by the Democratic Party. And, we had crossed that bridge in the '54 disputes. Eisenhower was more than likely going to be renominated by the Republicans, although he had said several times, or had indicated, that he didn't

want to run. Some thought that he might just refuse. Then it would become...would have become a question of what we thought was best for the State of Texas, and of course, best nationally, too. I don't mean to say in any of these statements that I was going to be entirely selfish on that. We had the good of the nation at heart, but also, the paramount issue was the Texas issue. But, I always said--matter of fact, still say, and this is many years later--that I have always stayed in the Democratic Party. By and large, I have supported the nominees of the Democratic Party--in recent years, most of them of State, District, and local nominees. I supported President Johnson in the '64 election. I did not support Kennedy and Johnson in '60. But, as a Democrat, I have always hoped that the party would nominate someone more acceptable.

Odom: Your feeling about what is best for Texas and that this may mean the support of either one or the other of the parties at the National level--do you think that arises out of Texas being a one-party state of the type that it has been all of these years? I mean, I'm talking about the attitudes that you express--do you think that comes out of this?

Shivers: Well, yes, I think so. After all, I held office in the Democratic Party for so long. On the other hand, I...in looking back over it now, out of office, I think I supported Eisenhower during those years--or the Republican nominee who happened to be Eisenhower--was a great service, not only of immediate effect, as the Tidelands and other things and so forth, but of long range effect in helping create a two-party atmosphere in Texas, which I've always thought would

be beneficial to the state. Prior to the 1952 campaign, and during the '52 campaign, as you may recall, it was felt that...it was almost a sin of the cardinal line for anyone to think of voting for a Republican, whether his name was Eisenhower or what. After the '52 and the '56 campaigns, and now the '60 campaign, I think today all Texans...the great majority of them feel that they have a right to vote for the man they think is best.

Odom: Senator Tower got elected, didn't he?

Shivers: Been elected twice. And I think you have two Republican members of Congress in Texas now. You have one member of the State Senate who took office in the year 1967, elected from Harris County. You have others who are elected in various other offices. I think you'll see more of them. If we had a strong two-party system in Texas, I think it would be in the best interest of the state.

Odom: You differ a good bit with most of the Democratic Party leaders in Texas in that respect, though, don't you, or not?

Shivers: Yes, I expect so.

Odom: At least the ones I've talked to, anyway. They feel that it's best to continue with one party, the Democratic Party, attempting to take in everything but the Far Lefts and the Far Rights, you know, within the ranks of the Democratic Party.

Shivers: All elements. They probably base that on the current ones, anyway-- (chuckle) having to run for office for about fifteen months, steady campaigning. When I was in office, they had no Republican opposition, and we only ran in the primaries for three or four--five months at the most. I know Governor Connally, in his first race, I think,



ran for about eighteen months. But he ran, oh, a little over twelve, I guess, but I know he ran from early fall of the year before he ran the first time in '62, up until, oh, through November and through the November elections of the following year.

Odom: That would take lots of...a great deal more money.

Shivers: Oh, yes. It's a lot more tiring.

Odom: Let me, before we get into the 53rd Session of the Legislature, ask you one more of these general questions which came about mainly from national writers who were not exactly familiar with the situation. Do you feel that there's anything to the assessment that D. B. Hardeman made in a national magazine article that you became bored with administrative details to and so interested in national politics that you sort of, in his words, "relaxed his supervision of his subordinates."

Shivers: No, I don't think so. Of course, there's a lot more to do when your interest in national affairs is very prominent. The delegation of authority in some cases, was something that I think you have to do. If one of them goes wrong, it's a very bad situation...regrettable, but I don't think these things came about through any lack of interest or neglect. But when you help someone as much as I helped D. B. Hardeman, then they go out and get angry at you for some reason... but he became very bitter and that article is, incidentally, now I think a combination of satire and something to get back at me.

Odom: Isn't he the one who is writing a biography of Rayburn? Or is going to?

Shivers: He's writing it now, I think.

Odom: During the 53rd Session of the Legislature in 1953, it seems to me that in comparison with some others this was not as exciting or controversial as many have been. Do you agree on that or if so do you have any explanation for it? Was it the climactic nature of the '52 campaign?

Shivers: You will have to refresh my memory a little bit now about what actually took place in '53. I don't recall.

Odom: Well, I don't remember it very well either but I have down here some things I was going to ask you about in a minute such as recommendations on state water conservation policy, coordination of the program of higher education, reorganization of certain departments upon sounder administrative lines and improving methods of public school financing.

Shivers: Mr. Hart may have something more on that.

Hart: The principal issue in '53, was over the teachers' demand for a six hundred dollar pay raise.

Odom: I was somewhat off on that, I think, because the 53rd Legislature did pass a teacher's pay raise, but could not agree on the way to finance it. Maybe I...my question probably outdates that.

Shivers: No, I don't think so. The other issue that you mentioned before, that was our first approach to establishing a long-range water program for Texas. That was about as successful as anything we accomplished. That's something that when you are establishing a policy is not a very controversial subject. You get into a controversy over water when you get down to allocating.

Odom: How come a bill is not very controversial?

Shivers: Well, establishing a policy, passing the legislation, creating a policy, implementing and creating study groups--that's what you do first in any long-range program. Create a study group to bring in a report to the Governor and to the legislature. A great many of the other matters before the legislature at that time were not of a controversial nature between the legislature and the Governor's office. I understand what you were referring to. Ordinarily you would have thought because of my support of Eisenhower, a Republican in '52, then the legislature...the Democratic legislature would have been all over me, but most of them were my friends and I don't know how many, but a good percentage of them also voted for Eisenhower, the first time. There was nothing personal about any of it. Controversy was rare all of the time I was in the Governor's office between me and the members of the legislature.

I took part in...I'm under the impression that was the year that we had the big argument with the State Teacher's Association. Their lobby demanded this six hundred dollar increase. We had money enough in a separate fund and revenue increase to operate the normal function of the government, and for some normal increase. But their demand for a flat six hundred dollar increase and the refusal to compromise or even to listen to any other reasoning about it, did cause the only serious...as I recall, the only serious controversy in the 53rd Legislature. You have to explain that by saying that under the Gilmer-Aikin Law, the Equalization Law, for public school education, actually, the passing or the authorizing of an

increase in the base salary of state teachers takes effect without an appropriation. What would have been...this would have happened if they had been successful in their attempts. They were not going to try to pass a tax bill. They said that was outside of their lobby. They said that was not their responsibility. They would have absorbed all of the general revenues for this raise and more, too. We would have had to pass a tax bill for the normal operation of government. I told their lobby and I told the president of the association and the officers of the association I thought they were entitled to a raise of some amount. But as long as they continued their demand for six hundred dollars, no compromise, no willingness to even discuss things, that whatever raise they were successful in, they had to pass a tax bill to attain it, themselves. And they were unwilling to do this. We reached a deadlock, and we later agreed on a joint committee to study the situation. Members of the legislature and of the Teachers Association, people that were appointed by the governor's office--most of them were outstanding people and knowledgeable people. And I told that committee and I told the State Teachers lobby and the officers that if this group could agree on some figure--how to finance it, that I would call a special session of the legislature. And sure enough, that we did. They agreed on around four hundred dollars...three hundred, ninety-six...roughly four hundred dollars, as I recall. And I called a special session of the legislature and passed the necessary legislation--taxes and enabling act for the authorized increase. That could have been done in the regular legislature if they had not been so arbi-

trary.

Odom: Would you say that--as some legislators have said--that the teachers' lobbyists were perhaps the most difficult to deal with, or the most persistent?

Shivers: They hit the well every session. But I think their lobby gets them into a lot of trouble with the legislature. They have been accustomed to stating their demands and always frightening the members of the legislature and the Governor, too, and doing exactly what they wanted to. But it is a powerful lobby. Everyone is for it--better institutions, better paid teachers, and all that. There are times when you just can't do all of those things at one time. And this was one of them. Buy Tennyson and his particular group would not listen to anything. They were demanding. They didn't want to listen to anyone and wouldn't listen, wouldn't ever discuss it.

Odom: You also recommended to the legislature in that session the coordination of programs in higher education. My question is at that time did you have any well-thought-out ideas about what should be done, or what the problems were?

Shivers: Was that when we created the Texas Commission on Higher Education?

Odom: Actually the Texas Commission was created the next session, the 54th. They did appoint a study commission, I believe. At that time, did you have in mind something of the sort that was done?

Shivers: Yes, I had in mind exactly what resulted. The feelings I had observed in the legislature, the State Senate, from 1935, until I was elected Lieutenant Governor in '46, and took over in '47, and I had watched the development of appropriation for higher education all

of those years. And there was so much log rolling, so much pork barrelling. A&M would want a new physics building; North Texas would want a gymnasium. But in switching the funds around and in the compromising between the Finance and Appropriations Committee, the members of legislature swapping, North Texas might wind up with the physics building and A&M with the gymnasium. If they couldn't get the building they wanted that year, they would take anything they could get. Perhaps they could use it later. They would get an appropriation for the creation of a new department where it might overlap an existing department in another college or university. Every president of every state school is running his school about like the Chamber of Commerce, probably. He wants to create as many departments, he wants to offer as many degrees as possible. It is only human that he would do that. His faculty, I'm sure, was behind him on it and the local citizens of whatever town or city they were located in. I was not alone in this feeling that the state was spending a lot of money on quantity of education, on buildings, but it was not getting quality that the taxpayers deserved and the student who attended the tax-supported institution. We were getting quantity without quality. That was the reason for putting in this study.

Along about this same time, or one of these years anyway, I...we had a special constitutional amendment, a revised constitutional amendment saying that all of the schools would participate in a tax program that would let them plan their building program. Instead

of having to come to the legislature to get a science building one year and a gymnasium the next year, they could plan their dormitory, classroom buildings and everything. I think that's one of the really good things we did towards higher education. This was a study group here that you were talking about back in 1953, which was to become the Commission on Higher Education. We wanted to give it more authority, but it was so new that the legislature wouldn't give it as much authority as I thought it ought to have. The way the Commission is set up today, the coordinating board is being criticized by the Chairman of the University of Texas Board of Regents--I understand that it is joined by some of the other colleges, too--because it has too much authority. Colleges and a president don't want anyone to have much authority over their schools. But if you are going to get a quality education, you must have it. Professor Gee who is over at East Texas College at Commerce, wonderful fellow, but he wanted to give a doctor's degree in everything in the world at that school in Commerce, regardless of whether North Texas and the Women's University at Denton were giving identical degrees. He was only a few miles away and yet he wanted to give them all, too. There was a big contest between A&M and Texas Tech over duplicating lot of things. We were winding up...the point was that we were spreading our money too thin and not getting enough money to pay to get the type research people we needed in order to make it a real quality job at any one school. You spread it out so thin you don't have it at any of them.

Odom: Were you supported by the people in higher education on something

like this?

Shivers: By enough of them to get it passed. Oh, yes, there were suspicions of it that we were going to take away some of their authority... naturally.

Odom: It seems like it's a very logical thing to do but I wonder why it hadn't been pushed before.

Shivers: I think it was a growing thing. It's found in political history. The democratic form of government actually is slow and sometimes a situation has to really need remedying before the revenue comes along. Someone gets an idea and on occasion tries to put in something here that would assure better education for the money we were spending.

Odom: I might ask you this question while we are talking about higher spending for higher education. Some legislators I have talked to point out that a comparatively small percentage of people in the state are able to take advantage of higher education, but about all of them go to public schools. Consequently they almost get to the point of deploring the concentration on higher education in the past few years. Would you comment on that point?

Shivers: Well, the Sputnik Age gave a lot of sex appeal to higher education. It became popular then for all of the office holders to try to give more money to higher education and quality education became more important. I made a speech along about that time, near or after Sputnik, I guess, saying that I...not exactly in the terms that you wanted, but saying that I was fearful that we were devoting too much of our attention to higher education and sacrificing elemen-



tary and high school education. But we couldn't keep the students in the colleges and universities if we increased spending on them up to the point that we neglected basic education. You couldn't expect to keep them qualified. You have to...I think you have to improve all of the fields of education together.

Odom: Another sort of general question involves a point of philosophy or tactics. On many different occasions it has been said by many different people that you were among the most successful of governors in getting the legislature to pass legislation that you wanted passed. You talked earlier about some of your successful tactics. But my question: How did you go about making up your mind what you would recommend to the legislature in a given case? Did you balance what you thought was the most pressing need in the state against what you thought would pass? Just how does a Governor go about doing this...deciding how to do it?

Shivers: Well, it's a long process. As far as I'm personally concerned, mine was based on twelve years of experience in the State Senate watching the formation of government, leading up to the years in the Lieutenant Governor's office, and then the Governor's office. I think you become conscious of a lot of things that you think ought to be done--your theory of government and how it ought to operate, that you want to try to do. You have always a certain number of things that must be done. But the changes and improvements and the additions...every man who has been a student of government or has been a participant must recognize certain things that have not been done that need to be done. And the governor,

then, in assessing his own program and developing his own program bases it upon that experience; at least, that's the way I did it, or tried to do it. Hospitals, water, prisons, taxation, education--all of those fields--there is an unending string of things that must be done tomorrow. And you just accomplish as many of them as you can.

Odom: Then you just work on the basis of priority. You can't give the legislature too much to do. You must have money.

Shivers: That's right. I'll give you one example and it's not a very big one, but I think a very important one. I proposed it, I think in every message that I sent to the legislature every two years. Often during that time, I proposed the creation of an adult parole board. We tried our best to get it. Maybe we didn't work quite as hard on getting it as we did on some of the other things which we did achieve. But, again in a democracy some of those things come about because of erosion. Keep proposing them and pushing them and you create a few more converts. Then finally...we now have an adult parole board.

Odom: I was thinking here in connection with this, it seems to me that a governor might sometimes hesitate to recommend legislation that he was afraid might not pass. Or at least not commit himself wholeheartedly to it for fear it would be regarded as a political defeat. Is this the case sometimes?

Shivers: Yes, to some extent. I think you necessarily must temper wisdom with a little practical politics. Using this tuition increase of Connally's as an example, I think he made the right decision. He

knew that he could not pass one through this legislature and he had so many other things then...so many other things to be done. And tuition increase, although it's a very small thing relatively speaking, for students, it does give them a flaming torch to wave at the members of the legislature and even allow a United States Senator to get in on the act. And it overshadows things that are actually more important. Not telling any secrets out of school, Connally told me just a few days ago, he said he got this committee to propose this and then the people that wanted it wouldn't get in and help him with the legislature. And Senator Yarborough is fighting Connally all the time just like he tried to fight me and Price Daniel and everybody else all the time. Yarborough jumped on it immediately because he knew the students were going to be against it. So, Cannally said he couldn't get any help out of anyone to help him pass it. And he didn't want to be in a position of proposing something that would be so hotly contested, fail, and then lose.

Odom: Also at that time, as I mentioned a while ago, you recommended reorganization of several departments along sound administrative lines, especially calling for small boards functioning through strong executive directors. Did this include such things as the Veterans Land Board and Texas Insurance Commission or did you make specific recommendations there at that point?

Shivers: I didn't really make any specific recommendations. I think maybe there was one made on maybe a water board at that time. We were... actually had in mind the Insurance Commission and I think the Land

Board was already under...actually it was a constitutional board. But we were using the Highway Department or the Department of Public Safety for...as examples in creation of any new commission and even of existing boards. We have found in experience that a three member board setting policies then operating with a strong executive director, one who could retain confidence of the administration, dealing with the legislature as well as with the public, makes the best type of public administration. We had three non-salaried, part-time people who were public spirited citizens, willing to donate time. And I still think this is the best type of public board.

Odom: Has there been since you left office much reorganization of the boards along the lines you recommended?

Shivers: Well, mostly in the field of the Water Board.

Odom: You were particularly concerned about ex-officio members of the boards too, at the time, weren't you?

Shivers: That's right. That was a particular reference to the Veterans Land Board. The legislature had followed the practice for generations, of creating some boards such as the Veterans Land Board which was made the responsibility of Land Commissioner Giles. Creating it and naming two elected officials and those were the Governor and Attorney General as the ex-officio members of the board. All they could do was make policy. It was such a mammoth thing that you would inquire at meetings if that policy had been carried out or if certain matters presented were within the designated policy and the answer was always "yes." And like the cashier in a bank, the direc-

tor doesn't know that the bank teller or the cashier is stealing money until an auditor finds out about it. We had no suspicion of Giles in this. Often we attended one or two meetings a month, sometimes would send a representative, sometimes would go myself, depending on what else was going on at the time--whether the Governor was in the state or attending some other function. I'm sure Governor Daniel who was then Attorney General, and at the beginning also Attorney General Shepperd had no more idea about it than I did that Giles was conniving with some outsiders to steal public funds until it was actually exposed.

Odom: This had been going on for some time when you found out about it? When was that?

Shivers: 1954. He had been...

Odom: The investigation was in 1955, wasn't it?

Shivers: He had been re-elected by acclamation.

Odom: Do you recall how many of these boards the Governor was an ex officio member of?

Shivers: Quite a lot of them. I told the committee investigating him, that they ought to do something about it, and they have since done something about it.

Odom: You also recommended making improvements in methods and policies of public school financing. What did you have in mind there or do you recall on this matter what improvements you thought were needed? Also I wanted to ask you at that time did you have any inkling of the school segregation decision which was to come the following year? Do you recall?

Shivers: Well, on the financing, I think that was based on the idea that there ought to be a more definite approach of sharing the financial cost between the local school districts, the taxpayers of the local school districts, and the state. When the Gilmer-Aikin bill was first passed, it started off on about twenty or twenty-two per cent local contribution. Because of changes in the formula and so forth it decreases every year. I think that's probably what you have reference to. My feeling at that stage was that the local people vote the bonds, they spend the money, they hire the people and the state creates a Gilmer-Aikin system and everything else that goes with it and furnishes eighty per cent of the money. We ought to have the protection of the local people knowing that when they increase the spending of a lot of these funds that they are paying proportionately. Of course, you've got a responsibility on the local level for spending the state's eighty percent. I think that's what you have reference to.

Odom: I wonder did you have any inkling of the school segregation decision which was to come in 1954? Did you have any idea that it would come this early?

Shivers: Well, I think, of course, there were increasing indications that sooner or later we were going to have some real problems with it. I think at that time there were several colored people in the University of Texas, one in the law school, I know even before that--maybe in some of the other schools across the state--but there was an increasing awareness. I don't think anyone could have predicted when the courts were going to get around to making the decision

they did make in '54, but I don't think there was any doubt in anyone's mind but what someday it would come.

Odom: Moving back to state politics in preparation for the election of 1954, would you discuss the cross-filing situation from 1952, to 1954? You know the cross-filing of the candidates on the Republican ticket?

Shivers: I don't think we had any in '54.

Odom: In '54, it was not allowed.

Shivers: We didn't have an inkling of what we were going to do.

Odom: You finally opposed that in '52? The cross-filing? I know you did at one time.

Shivers: No, we cross-filed, everyone cross-filed in '52, except Agriculture Commissioner White. But see, this was in the legislative session of '51, when the legislature permitted cross-filing at the time and it was actually surprising to me that it would pass. But at that time, the legislature and the whole state was about one hundred percent Democratic. The splinter groups probably hoped to nominate somebody in '52, that would contest the Trumanism set-up and so forth. But I don't think any of us had any idea about being actually cross-filed in '52.

Odom: Why did the State Democratic Executive Committee refuse to allow cross-filing in 1954?

Shivers: No, the legislature later repealed the statute.

Odom: But I don't think they repealed it until after the 1954 election.

Shivers: I don't know the time, but there was cross-filing in only one election.

Odom: But, according to my notes the cross-filing law was repealed in

1955.

Shivers: Well, it might have been prohibited then but I don't recall.

Odom: Well, that was my note on it and I was wondering why the executive committee might have refused to allow it.

Shivers: Well, there was very little fanfare over the thing on either occasion. As I said a moment ago, all state offices were cross-filed in '52, with the exception of Agriculture Commissioner John White. In '54, I don't believe there was any cross-filing at all. You can check your dates on when that was repealed.

Odom: Well, I have it 1955, but there could have been some error made.

Shivers: Well, it could have been that in 1954, the Republicans were so enthused with their importance that they thought they could win some on their own. The fact is they didn't cross-file. They didn't request...No one suggested in '54...didn't even consider cross-filing.

Odom: I don't know...I thought there might have been some reason for the Democratic Executive Committee refusing to allow it.

Shivers: I don't think...I doubt very seriously if that was the decision of the Democratic Executive Committee.

Odom: Nobody made any move to do any cross-filing then?

Shivers: That's right.

Odom: Do you want to go into that first primary election of 1954, and your campaign against Senator Yarborough now, Governor Shivers?

Shivers: I think it might be better--I'm going to have to leave town very shortly--to continue this at another date, if that's all right with you.

Odom: I understand, that's all right.



Shivers: One thing I wish you would check. I don't recall whether we've discussed the visit I had with Stevenson but I'm thinking about the September convention in Amarillo and the details of that.

Odom: I actually don't believe we discussed that in detail.

Shivers: It was very important and I think it ought to be discussed in detail because it has some very important aspects.

Odom: We'll return to that then at the next interview.

Oral History Collection

Allan Shivers

Interviewer: Fred Gantt

Place of Interview: Austin, Texas

October 2, 1967

Dr. Gantt: This is Fred Gantt speaking from the office of Governor Allan Shivers in Austin, Texas, October 2, 1967, to record another interview for the North Texas State University Oral History Collection. Governor Shivers, in the last interview which you had with Dr. Odom, you indicated that there were certain aspects of the state convention that you felt should be discussed. In my role as a political scientist, I am very interested in the Governor's reaction to the state party organization, and before we get involved in the 1952 convention, which we want to thoroughly discuss, I'd like to ask your general views about the role of the Governor of Texas in the Democratic Party organization. Do you think this is a very significant aspect of the Governor's job?

Gov. Shivers: Yes, I think so. You may recall that when I became Governor in 1949, the State Executive Committee under Governor Jester had been rather recalcitrant, giving him a lot of trouble. Prior to that, Governor O'Daniel had lost control of the convention. Governor Coke Stevenson also had the same experience. I debated a good long while when I came into the Governor's office whether to become active in the Party. That is, to whether the Governor should become an actual leader of the Party, or whether he should ignore the State Executive machinery, the committee,

and the committee people, and their relationship with the national party. I finally decided that the Governor could not well afford to ignore the party machinery, and that if he was going to participate in it at all, he ought to control it. So that was what I set out to try to do. I inherited, of course, the Democratic State Executive Committee that Governor Jester had. And on that committee were several people who were not exactly unfriendly, but let's say they weren't overly friendly either. They had different views from my views. I decided that if we were going to have a State Executive Committee that they ought to be friendly to the Governor; and therefore, the Governor should participate very actively in the party machinery. And that was what we set out to do. If the Governor does not do that, then he has the political committeemen who are antagonistic and they're giving out press interviews criticizing the Governor at all times. Of course, they are newsworthy, particularly as far as the officers--the committee-members, the chairman, the secretary. I, of course, wanted a friendly committee, and set out to try to control it for that very reason.

Gantt: At the 1950 September convention, I believe that for the first time that the convention failed to put on the committee certain people that were nominated by the Senatorial district caucuses. Could you recall any of the background specifically of that particular matter?

Shivers: Yes, I recall it very vividly. I don't think that was the first time that that had ever been done. As a matter of fact, I know it was not the first time. It might have been the first time that...where the Governor and his supporters decided that they would have all friendly committeemen and would not approve committeemen who were nominated by

the district Senatorial caucuses if they were not friendly to the Governor. And we did set out and we did that very thing and continued to do it all of the time that I was in office. I think it's more important in a one party state, such as Texas, that the Governor have his own friends on the...in control of the party machinery. It's a little different in the two party state because of the activity of the party itself. But as you know in a one party state like Texas, the two parties are factions in the same party. Therefore, the Governor should not just be the leading office holder, but would actively participate in the...controlling the machinery of the dominant faction in the Democratic Party. To be probably a little more explicit in answering your question, the reason we did not in the 1950 convention accept all of the Senatorial caucus nominees was because some of them were not supporters and we did not want anyone on the State Executive Committee who had not been supporters of mine in the election.

Gantt: While we are talking about the Governor's relationship to the State Executive Committee, let me ask you whether you feel that the state committee is in a position to really help the Governor in carrying out his responsibilities.

Shivers: They can be very helpful and of course if, as we use them, if they are friends. If they are unfriendly, of course they can cause the Governor a lot of trouble. We used the Executive Committee and made it an active organization. They participated in...well in helping find suitable people to be appointed to various boards, commissions, bureaus, vacancies in office. They were not only leaders of the party machinery, that is Executive Committeemen and Committeewomen, but they were

representatives of the administration of the Governor's office and they would keep the Governor's office...keep my office advised of matters that were important in their particular areas. That is that they were more personal representatives than they otherwise would have been.

Gantt: Now you spoke of their helping in selecting or getting suitable candidates for various appointments. Could you be a little more specific about how the Governor's office uses the committee in this respect?

Shivers: Well...oh, let's just take for example, if you had, say a district judge vacancy in Senatorial District Number Nine represented by, say, committeeman X and committeewoman Y. We would normally...either I would personally call them on the telephone or someone in my office, on my staff, would contact the committeeman and committeewoman from that particular district and confer with them. Either get their suggestion for some person to be appointed to the district judges vacancy or if we had already had some recommendations maybe we could check that recommendation with the committeeman and the committeewoman to see if they were suitable, well-qualified and if they were friends and supporters. You say well, that's to the victor belongs the spoils. It isn't that as much...I always felt that your friends were a little better qualified, than your enemies were.

Gantt: Governor Shivers, in 1952, of course, there was a presidential election in the offing and this might have caused the state party organization to have a bit different role. Is it true that in a presidential election year the state party organization differs a bit from the off years, off presidential years?

Shivers: I think you can say that it becomes increasingly important really because you have the two conventions, what we call the May convention on Presidential election years, only occurs at that particular time. We have always called the September convention...the Governor's convention because it occurs every two years and theoretically sets the party platform for the general election and nominates officers and selects a committee and that kind of thing. It always had been thought that the Presidential election machinery was terminated with the May convention, but you'll recall that in the...one of the Roosevelt elections, I think Governor Allred lost control of the May convention. That must have been about '36, or '40...'40. I guess it was 1940. And they came back in, they nominated some electors, if you'll recall the history of it, who announced that they were not going to cast their ballots for President Roosevelt. So, the Allred forces came back in the September convention of that year and gained control of it and removed those electors that had been nominated...named in the May convention and substituted electors who were pledged to vote for President Roosevelt. That, as I recall, was tested out in the courts to see whether or not the September convention had any...could play any role in the national elections, and the courts held that they could. It was all Democratic party machinery, and they could do whatever...could undo what they had done or take any action that they saw fit.

That, of course, made the September convention more important in a Presidential election year because of the action that it could take. The May convention in 1952, was held in San Antonio. And at that we

nominated the delegates to the national convention meeting later in Chicago. Maury Maverick, Sr., was alive then, and when we won the... won control of the May convention in San Antonio, he led a bolt of his supporters out of the convention hall, and met at another location. He only had a very small group, but they held what's generally referred to as a rump convention and sent a contesting list of delegates to the national convention in Chicago. I think we have discussed all of the details that followed.

But that was, of course, a very important convention because of the controversy that was going on within the Democratic Party, both in the state and nationally. And the fact that it was a national election year in which a new nominee was going to be named by the Democratic Party, although it was generally thought that Governor Stevenson of Illinois would be the nominee. It was not certain that he would be. Maverick and his group were going to support Stevenson, and another reason, the group that my people named as delegates were supporting Senator Richard Russell of Georgia for the nominee. I think other matters in relation to that May convention have already been discussed, but as you say, it does take on increasing importance because of the fact that it is a Presidential year. And some of the actions that were taken there had a great effect upon which group of delegates was going to be seated at the National Convention in Chicago, and the action there, of course, will determine what the future of the September convention would be, and what it's principal activities would be.

Gantt: A press release dated March 14, 1958, indicated that you had suggested

the possibility of a Presidential primary for Texas. What is your view of that system of electing delegates to the national convention?

Shivers: I don't...I have never felt there was anything wrong with having an election on almost any kind of a subject, where you can get an expression of the people. Theoretically, that's the way we are supposed to run a democracy, anyway, and a great many states do have Presidential primaries as you know and legislation has been introduced in the Texas Legislature on several occasions for that. I don't know that it really accomplishes anything. It sometimes weeds out candidates who think that they ought to be nominated who can't win in the state Presidential primaries, as you have seen on several elections, in both parties. The candidate who apparently or might think he is a front runner gets defeated in some of the state primaries and then he couldn't possibly get the nomination. I think...I don't recall any particular circumstances surrounding the remark that you referred to which, of course, would have been prior to the May convention but it was probably just a suggestion that we ought to sometime consider the possibility of having a state Presidential primary.

Gantt: Now between the May primary...I mean the May convention and the September convention, you had a race for re-election against Judge Ralph Yarborough. I believe this campaign has been discussed in a previous interview but you won the nomination rather handily and this put you into the Governor's convention in 1952, in pretty good shape. Now would you recall for us the details of the 1952 September convention after your nomination for the position of Governor?

Shivers: Well, I think we could say that 1952 was probably one of the most unusu-



al political years in the history of Texas. Beginning with the May convention which we've already discussed and then the Chicago convention-- and I was in Chicago at the national convention in the last two and a half or three weeks of that campaign for governor, and I was not able to campaign--but as you say, did win the race against Judge Yarborough at that time. In the meantime, before the September convention, I had made a trip to Springfield, Illinois, to discuss the tidelands question with Governor Stevenson who, of course, became the nominee of the Democratic Party at Chicago and the history of that has already been discussed.

In leading on into the September convention and the events that were preliminary to it, there was a lot of agitation then, by even a good many of the members of the executive committees, a lot of strong political people over the state to keep Stevenson's name off of the Democratic ballot. And I had told the convention in Chicago that I would make every attempt to do all that I could to see that his name was placed on the ballot, not only as a matter of right, but as a matter of fairness, and I felt that if someone wanted to vote for him that they ought to be able to find his name on the ballot in the proper form and in the proper place, that is under the Democratic column, that they would be able to vote for electors who would support Stevenson and that those people should not be kept off the ballot. That was one of the main problems facing the September convention which was held in Amarillo in 1952, and the storm clouds began several weeks before the actual convening of the convention. Those conventions generally only last one day. This one

unofficially had started about a week in advance and all the delegates were, practically, in Amarillo were choosing up sides and a lot of my strong friends and strong supporters tried their best to get me to agree that...to let the convention vote on keeping Stevenson's name off of the ballot. I told them I thought they were making a serious mistake and it was not fair and tried to get them not to even make the motion. But the motion was presented. I believe Arch Rowan from Fort Worth made the motion and Arch was, of course, a very strong friend of mine and had been for a good many years, and still is, for a matter of fact. And I told him at the time, and trying to get him not to make the motion, and trying to get other people not to make it, that I would have to fight the motion on the convention floor.

Gantt: May I break in here just a minute. Was his position that Dwight Eisenhower should be put on the ballot as a Democrat?

Shivers: No, I don't...I don't think so.

Gantt: This was suggested, though, I believe by some...

Shivers: Someone did suggest that Eisenhower also be included...put on the ballot as a Democrat, which...I don't think you could do that anymore than you ought to try to keep Stevenson's name off the ballot as a Democrat. He was the Democratic nominee and it would have been just as unfair and probably illegal (unlawful, at least) to put Eisenhower's name on both of them...both the Republican and the Democratic column. I think that idea came up because, as you'll recall, the legislature had passed a law allowing cross-filing and most of the state candidates were cross-filed that year --all except one, I believe. John White, as Agriculture Commissioner, was not cross-filed, as I recall. But all

the others--Governor to Lieutenant Governor, Attorney General, all of the elected state officials--were cross-filed with the exception of the Agriculture Commissioner.

But getting back to the motion that Rowan made, with a lot of support. Wright Morrow, who was the national committeeman at that time, Hines Baker, who had been very active, and probably about oh, half of the Executive Committee were in favor of keeping Stevenson's name off the ballot. But when the motion was presented to the convention, I spoke against it and related the history of my position at the national convention in Chicago, and said further that I, even though if I had not made the pledge to do that, that I was still taking the same position at the September convention because I thought it was only fair and right, as I mentioned a moment ago, that if a person wanted to vote for Stevenson as a Democrat, that he should be able to find a place to do that in the Democratic column on the Texas ballot. And I'll have to say that it was a pretty hard fight.

A great many of the people who had been my strong supporters for a good many years were opposed to me in this position. But we won the fight before the...on the convention floor. And that ended that so that Eisenhower's name was on the ballot for the Republican electors for Eisenhower in the proper place, and Stevenson's electors were in the proper place in the Democratic column. That convention, however, later on it went into a real uproar after we won that fight. (chuckle) And they did pass...A resolution was introduced and passed urging all voters and office holders, Democratic office holders, to support Eisen-

hower and not to support Stevenson and saying that it would not be an act disloyal to the Democratic Party and I don't remember the exact wording of it; I have a copy of it somewhere. And probably it ought to be...that resolution ought to be copied and put in here just for reference if nothing else.

Gantt: That would be a good idea.

Shivers: It was unusual in that it instructed and requested voters, office holders, and everyone else to support the Republican nominee instead of the Democratic nominee.

Gantt: Well, this resolution was supported by your organization?

Shivers: That's right.

Gantt: Do you happen to recall about its authorship?

Shivers: No, I don't; I don't remember exactly. Tom Sealy had quite a lot to do with it. I think Hines Baker, I don't...I don't remember all the details, but probably the resolution--you can get a copy of it very easily--would show the author. I recall that they came to me after I had defeated them on the original floor fight to keep Stevenson's name on the ballot. They came to me and asked about this resolution and you asked if it was supported by my organization. In effect it was because my organization was in control of the convention; there wasn't any question about that, but at the same time the people who proposed keeping Stevenson's name off the ballot were also...my organization--and I had to fight that--and some of the same group then sponsored the resolution and they came to talk about the resolution to encourage the office holders and voters to vote for Eisenhower instead of Stevenson. They came to talk to me about it and I told them I would not oppose it.

Gantt: You did not originally plan to have such a resolution as that introduced?

Shivers: No, no I had no plans for such a resolution and would not have had one drawn by my organization as you refer to it. But as I say, this was a rather...maybe an unorganized convention. It was rather tumultuous and everyone was pretty...their tempers were right on the end of their sleeves at least and they were about as worked up as I think I had ever seen a convention of any kind. They were...while they were all Democrats, they were mad at the Democratic National Party and they were even madder at Stevenson as he had told me that he would not support Texas' position on the tidelands and there wasn't any question but what they were going to support Eisenhower at that time.

Gantt: Do you think the tidelands matter was the principal reason that the Democrats of Texas were unhappy with the national party organization?

Shivers: Oh, I would say it was the focal point. It was certainly not the only issue that caused Texas Democrats to vote for a Republican president. There was a lot of...had been growing dissatisfaction with the national party for a good many years, since Franklin Roosevelt's early years and then the Truman years, of course, were...oh...I think added to...A lot of things happened in the Truman administration, including the fact that he vetoed the tidelands bill twice, and a growing feeling that the national Democratic Party and the Texas Democratic Party were two separate entities. That is that the people in control of the Texas Democratic Party did not subscribe to the principal views of the National Party and a growing dissatisfaction on the part of the Texas Democrats with the control of the national Democratic Party. I think if you add all of those things together it caused the dissatisfaction. Of course,

over the years the tidelands was the rallying point...the center of all of it but not...but certainly not the only thing.

Gantt: I suppose that this resolution that you spoke of was completely unprecedented in party history, certainly in Texas where the Democratic conventions urged the support of the Republican nominee. Do you recall what sort of reaction you got to your position as the leader of the Democratic party when the convention passed such a resolution as this? Was the response to this unfavorable outside of Texas or what was your reaction to this resolution?

Shivers: Well, of course the people in the...who were active in the national party, were very much upset over the convention action in urging...in passing this resolution. And I think you're right; it was unprecedented and so far as I know it had never occurred, certainly in Texas, and so far as I know, anywhere else. It would not occur, of course, in a two-party state, it wouldn't occur at all. This unusual set of circumstances culminating in the--not only the September convention but the climax came of course when Eisenhower was elected nationally and when he carried Texas. The September convention was, I'm sure, one of the things that led up to that or caused or helped Eisenhower to carry Texas.

Gantt: At the time of this convention, had you more or less decided personally that you would support Eisenhower? I noticed in the press that at one point, they indicated that you said that you might vote against both General Eisenhower and Governor Stevenson or rather just not vote for President. Had you made up your mind at that particular time?

Shivers: No, I really hadn't. I had told Governor Stevenson that I could not support him and had announced publicly that I could not support him.

But it was a very difficult decision to decide to actually vote for Eisenhower although I was very fond of him personally and it...I just have to say, I think it was one of the most difficult decisions that I ever had to make during the time that I was active in politics. As the nominee of the Democratic Party in Texas (even though we did not feel that the national party was the same [chuckle] political party as the Texas Democratic Party). Yet, holding office as a Democrat and voting for the Republican nominee, even a man of the character of Eisenhower, was something...was a question that at least had to be weighed very carefully. And I did a lot of soul-searching on it before making the decision and really didn't make it until not too long before the election. And I conferred with a great number of people, close friends over the state and finally came to the conclusion that I couldn't fail to vote...the usual term is you go fishing on election day, you know. Certainly the Governor ought to vote and, as I said, I was not going to vote for Stevenson. And if I was going to vote there was only one other person to vote for and that was Eisenhower, and then if I was going to vote for him and then I would announce publicly that I would vote for him; and if I was going to vote for him, I might as well support him actively, which I did. But it was a difficult decision, as I say, and one that I spent a lot of sleepless nights over.

Gantt: While we are on this subject of state party organization and national party organization, it seems to me that this would be a good point to ask a few general questions about the relationship between the two as an active practitioner of government and knowing our party system as it is established, would you comment on what you think the relationship

between the state party organization and the national party organization appropriately is, or should be, and the control, would it be better to have some sort of strict party discipline in this country in your view?

Shivers: Well, I think the...basically the national party is entitled to have a strong organization in the state; but the difficulty in Texas or any other one-party state grows up because of that very thing. As I mentioned earlier, you get the two parties or factions of the same party locally. If you had a strong two-party state then you would not need the strict party discipline in order to have a strong organization representing the national party in the states. But when you don't have a strong two-party state (then if the factions, say in Texas, as we had then and to some extent it is the same today) the prevailing views of the national party are not the same as the prevailing or predominant views in the state. As evidence, in spite of the close personal friendship between Governor Connally and President Johnson, Connally very often criticizes some of the national actions of the Democratic Administration. And that's what we were doing during the Truman administration during the time that I was Governor. Governor Coke Stevenson criticized the Roosevelt administration. Always, I think, in a one-party state you are going to have that kind of thing. I would not say that you ought to have strict party discipline in the...in the sense that the national party could reprimand, or chastise, or discipline the members of the state party. I think that they ought to be put in a position of deserving the support and if they deserve it then they will have it. If you have a two party state they don't have any



choice. They either get...people that are disenchanted with one party  
get into the other one.

Oral History Collection

Governor Allan Shivers

**Interviewer:** Dr. Fred Gantt

**Place of Interview:** Austin, Texas

December 18, 1967

**Dr. Gantt:** This is Fred Gantt speaking from the office of Governor Allan Shivers, at Austin, December 18, 1967, for another interview for the North Texas State University Oral History Collection. Also present is Mr. Weldon Hart. Governor Shivers, I believe in the last interview we discussed the state convention of 1952, and you were, of course, re-elected for a second term in that year. In 1954, then, the problem was to seek a third elected term, which had not been done previously in Texas. Would you comment on some of the considerations that you made in deciding to actually run for a third elected term?

**Gov. Shivers:** Yes, I think it's difficult to recall the details but during the years that we served with the end of '52, and then the beginning of the second elected term, '53, serving '53, and '54, there was an increasing amount of difficulty in the legislature and the split in the party, a lot of it occasioned by my support of Eisenhower in the '52 election. Those things carried over and the conflicts of the national party, and personal consideration; I think I could say today looking back over it, that I had no intentions in the

early part of that term of running for a third term, and probably would not have made the race for a third term had it not been for the conflict in the--between my office and some of those in the national party, particularly the Rayburn-Johnson faction, not so much with Senator Johnson--and now President Johnson--as it was with Mr. Rayburn. I think probably what finally occasioned the decision to make the race for a third term was the fact that Mr. Rayburn continuously referred to me in rather uncomplimentary terms, mainly saying, the fact that I had supported Eisenhower as a Republican that no one would ever hold office in Texas who had supported Eisenhower and threatening what he was going to do to me--politically that is. And my only choice was to quit and let him and all those who had opposed me--the Yarborough liberal-loyal faction, the Rayburn faction, and all of the others--say that they ran me out and that I was afraid to challenge them again in '54, or to challenge them and run the chance of being defeated or being elected. Finally, making the decision that I thought it was better to make the race and risk the chance of being defeated than it was to let them forever after say that they had run me out of political office by their threats, and of course, as you know, we did make the race; it was a very difficult race from many standpoints but it was a successful race.

Gantt: Did you sense any public sentiment about the breaking of the third term tradition at that time?

Shivers: Yes, there was quite a lot of sentiment about it, a lot of trouble, even with some of our close friends and strong supporters. People

remembered the fact that Roosevelt had broken the two-term tradition of the Presidency and a lot of my strong supporters were those who were bitterly opposed to Roosevelt, his third and his fourth term. And they just didn't like the idea of voting for anyone, even a friend such as I was, or those who had supported me. They didn't like the idea of voting for anyone and I think stayed away from the election. They didn't want to vote for Yarborough in that election and I don't think they did. But they stayed away in the first primary and stayed out of the election, and I think that's what cost us the run-off in that race. It was not only with our friends but particularly with the opposition. One of the main points that they had against me and used very effectively was that I was breaking tradition and running for a third term which was the first time that any governor in Texas had ever--certainly been elected for a third term. I don't know whether anyone had ever run for a third term before that or not, but certainly no one had been elected and it was a very effective weapon in Yarborough's hand and with his supporters. But if I might emphasize it, I think the fact is that a lot of my own supporters were opposed to a third term and just really didn't vote in the election and caused the run-off in that particular race.

Gantt: I believe it is correct this was the only run-off you were in during your entire political career.

Shivers: That is correct.

Hart: As Lieutenant Governor, I believe you had a run-off against Boyce House.

Shivers: That's right we did, we sure did. I'm glad you corrected that.

Hart: The first time you ran...

Shivers: First time I ran for Lieutenant Governor. That was in a previous interview. Boyce House and Joe Ed Winfrey and I were the three leading candidates in the first primary. I led House by something less than a hundred thousand votes, I think, and he and I were in a very spirited run-off and I beat him considerably in the run-off. That was in 1946.

Gantt: In doing some research on this particular election, I discovered the fact that two former governors of Texas, Governor Miriam Ferguson and Governor Dan Moody supported you in that race against Judge Yarborough, and also the Hobby newspapers editorially endorsed you. I would like to ask you what do you think the effect of a former governor's endorsement might be on a political campaign in Texas, ordinarily?

Shivers: I think it's helpful. It certainly doesn't do any harm. I was, of course, highly pleased with the endorsement of former Governor Moody, Governor Ferguson--Miriam Ferguson--and Governor Hobby. I think you have to look at it in this respect. A former governor will always have, in my opinion, a lot of close friends as long as he lives. A diminishing amount of what's generally termed "political strength" that may be an influence in an election, but he does have a lot of close personal friends who would look at his endorsement favorably, at least. And I think that's helpful to the candidate.

Gantt: What about editorial endorsements by newspapers? Is this very

effective?

Shivers: I think it is, yes. It creates in the mind of people who read that newspaper, particularly, and people maybe who follow it who enjoy the newspaper. They think--well, a lot of voters will--say that this newspaper has maybe done some research on this matter, and their opinion is valued. I don't know that you can assess a percentage amount of the vote that is influenced by editorial endorsement, but the fact that it does have some influence is indicated by the fact that all candidates try to get as many newspaper endorsements, both the large dailies, as you mentioned the Hobby papers in Houston, as well as the country weeklies.

Gantt: Mr. Hart, as a campaign manager, what do you believe about endorsements of newspapers and former governors?

Hart: My opinion is that most endorsements are helpful. It would be hard for me to turn down one if I had a say so in it. You hear quite often the statement that I'd rather have them for me...against me than for me. This usually happens after you have lost the endorsement, and you're trying to make the best of it. I don't agree with that at all. I'd rather have the endorsement; I think it creates a sense of momentum and a sense of approval from people who, while they might have political angles, certainly are well thought of. I would say there might be some people you wouldn't want to have endorse you, and I won't try to name any right now. But most of the time an endorsement is helpful.

Gantt: Governor Shivers, I believe that this was the campaign in which you made political history by using the first state-wide television

network in the campaign. Would you comment on the introduction of television in campaigning and how this might have changed techniques, and so on?

Shivers: I think over the years, there had been a decreasing interest in the old type of campaigning...a big political rally. It was difficult for an average candidate to get out a large crowd for the old type of going into town and holding a rally. Radio had been used in an increasing amount and with the advent of television, I think most of the candidates and I'll include myself in it, were afraid of it. We didn't know what the effect was going to be, but it was an interesting mass media approach and had to be used. It was available, and you could not refuse to use it. I remember the first television broadcast that I made in Fort Worth over station WBAP TV. And the preparation that had to go into it, of course, the...not only the candidates were inexperienced, but the operators of the television were inexperienced in the field. They were afraid of political libel; they wanted to be sure that every word was carefully recorded. The mechanics actually of making the broadcast, those first few broadcasts, were very difficult both for the candidate and for the station. But as I got into it a little bit, and I think the people in the studios as well as the candidates became familiar and accustomed to it, then we realized what a great value it had, and that is evidenced, I think, by its use in current campaigns, both national and state.

You can see candidates for justice of the peace appearing on tele-

vision. (chuckle) People don't go to rallies any more; they sit at home and where they can turn the candidate off if they don't want to listen. (chuckle) You will find in one of the previous interviews when I first started in politics, in running for the State Senate in the 4th Senatorial District of Texas including Jefferson County--that was in the Depression--and I made the remark, I think, that at that time we had rather large rallies. Of course, that was before television, and even radio was not used too much at that time. But in the Depression people had little else to do except go to political rallies, and you had enormous crowds even for local races. Today you couldn't get a crowd for... much of a crowd even for a national appearance.

Gantt: Now one of the side effects of television, of course, has been to increase the cost of campaigning and both of you gentlemen have had considerable experience in state-wide races. I think it would be interesting to talk just a little bit about some ideas of what it would cost to run for state-wide office in Texas. What are some estimates that you might have for what it might take to get elected governor?

Shivers: You are talking about my personal campaigns? The cost has been increasing over the years. When I ran for my first elective campaign in 1950, the cost was nominal as compared with today's cost. Let's just say I'm speaking of today as 1967, and '68, and the current campaigns. I don't remember what we actually spent, and I don't know that a candidate can actually tell what is spent. You have to report what you spend under the election laws, and they've been



changed in recent years. You have to report what is spent through your headquarters and supposedly what is spent by your people scattered around the state. But to be perfectly frank about it, there's no way a candidate can be accurate to an exact degree, because there's no way for you to tell what some campaign manager spends locally or what some friends who just put an ad in the paper, or donate some money for campaign workers and that kind of thing. You can't keep up with it. You can accurately report what is spent through your state headquarters and through your campaign managers. Your finance chairman keeps up with that. But again, I don't know that you can say accurately. I would say in that 1950 race, we might have spent \$150,000. I don't know whether it was that much or not. It might have been a little more, a little less. In the 1952 race maybe a little more--\$250,000--in 1954, a considerably larger amount. As you mentioned a moment ago, television came in; there was more radio; and there was a much more hotly contested campaign...

Hart: And there was a run-off.

Shivers: ...a more detailed campaign and then the run-off expense also. And I expect we spent five...maybe \$600,000, and that I don't know... recall, but probably twice as much as we spent in '52 at least. Again the accuracy is...can only be what is spent by the local or state-wide campaign managers, and what is raised by your state-wide finance chairman. I think that you could say that another twenty-five, thirty-five percent maybe is spent by people that don't report it at all and don't report it to the candidate headquarters, and there's no way of checking up to see whether they

reported it to themselves or the candidate doesn't even know whether they spent it or not, or who spent it in many cases. Television in that '54 race, the stations didn't know at the time that they could make a state-wide hookup except on the down stream. That is...what I mean by down stream is the first state-wide broadcast we made, we had to go to Dallas so that they said they could then feed it to stations like Austin and San Antonio and further south through the telephone lines. They didn't know that you could make...at that time didn't know that you could make it in Austin and feed it to the right and the left and the north and the south and the east and the west and everywhere else. And it was very expensive.

During that campaign, Mr. Hart can correct me on this if it's wrong, but I think Jimmy Banks, who was then working for us and formerly had been with the Dallas News and is now back with the Dallas News, was handling that particular phase of the campaign, and I think he was the one that finally convinced the television people that they could make a state-wide hookup or different arrangement than they had been making. That was probably about the middle of the campaign, and it not only...he not only convinced them and showed them that they could do it, but that decreased the cost by fifty percent after that, as I recall. Is that about right, Mr. Hart?

Hart: Yes, they...well, I don't recall the details because I wasn't directly involved, but I know that what you say is correct that the television stations didn't actually know what they could do because

they hadn't done it before. But at first the cost of the telephone lines was the major expense rather than the time of the stations, and later on the microwave and other filters came in, and that cost was cut down a whole lot. I remember by '56, we were getting programs--state-wide programs--a lot cheaper than in '54, even, simply because they'd found better ways to distribute the programs.

Shivers: Staying on with your cost of campaigns, I think you can look at the 1962 campaign of Connally, Governor Connally. I think that was his first race, wasn't it, 1962? I don't have any idea how much he spent, but I'd say that in 1962, just judging it from my knowledge of campaign expenditures and cost, I would say that he spent at least three times as much in 1962, as I spent in 1954. The cost of television, of course, you had to have so much more, and they'd stay on television all the time. And he started running in the fall of '61, and had three real hard campaigns. There's a first primary, a second primary, and then Jack Cox ran against him in the...as a Republican candidate that year and got about forty-six or forty-seven percent of the vote. So he had...he was running for over a year all the time, every day, was extensive, and it naturally cost a lot more money. The cost is enormous; it's almost prohibitive. You might say it's even so much it's unconscionable, but I don't know any remedy for it. Various things have been proposed. You see on the national scene that they want the government to get into financing the presidential campaigns. I've never been in favor of that and wouldn't presently--my present thinking anyway--wouldn't be for it under any circumstances. I

don't think in a democracy you can have the government financing elections. If they do, they're going to control it eventually, and you can't have government control without having perpetuation. And if you're going to have anything approaching free elections, you have to have private contributions in order to finance them.

Gantt: Now that you've brought this up, would you comment a little bit on organizing the financial side of a gubernatorial campaign? Where do you go to get some financial support, etc.?

Shivers: Well, (chuckle) the easiest way to answer that is to say you go to the people who have the money. (chuckle) You naturally want as a candidate, and I'm speaking my own views, of course, but I think it's true of all other candidates, too--the candidate wants a wide distribution of his contributions. That is, he wants as many contributors to the election as he can get because if he can get... the man who contributes five dollars is going to have an interest in the candidacy, and he'll work, and he'll tell his friends about it. But you don't, particularly in modern cost of elections, you don't have enough money raised by the small contributor...from the small contributor to finance a campaign. So you necessarily then have to go to people who have the money and who will contribute it. And we always found the best way to organize a campaign for contributions was to have people...influential people, in the centers of population, act as local finance chairmen and to report to the state-wide finance chairman. But to raise the money on a, say, county basis or city basis and have someone who would really get out and work. In my opinion, the raising of the money to finance

the campaign is certainly one of the most important and probably one of the most difficult phases of the campaign.

Hart: I certainly agree with that. And in addition to the geographical approach, which is the most important, they could...certain things could be said for an industry approach. That is say an oil man, say, from Houston that's the head...might solicit funds for a candidate throughout the state among oil people. And this way would break down the strictly geographical picture. However, we all know that most of the so-called "big money" has to come from the big cities and I would estimate that Houston and Dallas together have to raise at least seventy-five percent of the money for a state-wide campaign, through, not only locally but through their connection around the state. In most of the places and I could name some of them, you're very lucky if they can finance their own local race and don't call for help from state headquarters. You just can't expect them to contribute any money into headquarters. This is true by and large of most of the cities of Texas, and the counties of Texas. It, of course, depends on how elaborate a local campaign they put on.

Shivers: One thing that might be mentioned there is that in organizing the financing, you do get with the finance people. That is the chairman and whoever's helping him and try to set a goal or a budget for each locality. As Mr. Hart mentioned, most of the money came from the centers of population and the finance chairman didn't always reach his budget or his goal in the smaller areas, and on occasions, as also was mentioned, had to help them finance their own

campaign.

Hart: I might inject something about TV which is not the entire reason for the vastly accelerated cost but it is a big reason. I have wondered how much money is wasted on TV. I think there is a great deal in that you're dealing here with non-professionals, amateurs in a strict sense, and a political program is not necessarily a very attractive program for most people. Especially if it's a candidate more or less unknown running for an office in which very few people have much interest. Worst of all knocking Gunsmoke or some similar program off the air, you can lose actually by spending a great deal of money to get on the air. Allan mentioned a few minutes ago that the Justice of the Peace, using this as an example, I often said this: that you take Bob Hope, or Bing Crosby, or Dean Martin, or some professional entertainer, and they wouldn't think of getting on the air and staying fifteen minutes even, much less thirty minutes without a lot of songs and dances, and guest artists and breaks and commercials and this, that, and the other. However, a candidate for Justice of the Peace will get on there and talk for thirty minutes dead on into the microphone and thinks he is making an impression. I doubt very much if he is. What happens is that his opponent has done this and his friends get concerned and tell him, "You've got to go on and do this too, or you're going to get beat." And this is a real good business for the TV stations. However, oddly enough, they don't like it. I've found TV stations have to go to so much trouble switching programs, arranging time, arguing with candidates. I think they are greatly

relieved when a campaign comes and goes, regardless of the fact that they probably make some extra money out of it.

Shivers: I might comment on this a bit further. Mr. Hart brought up the question of a candidate doing things because his opponent did something or because some supporter suggested it. That's very true and there's never enough money in a campaign to do all the things that supporters of a candidate want him to do. And on the other hand, the candidate is going to spend all the money he can get his hands on and probably more in some cases because, to use an extreme example, for instance, some local political man comes in from X county and says that he can swing a certain number of votes, with a certain group of people. You may think that he can't, and in your own mind you know that he can't, but you're afraid to turn him down, and you have him...He says, "Well, just give me a little gasoline money. I don't want any pay for this but I'll need a couple of hundred dollars to get gasoline money to buy coffee and things for these people and I'd be glad to do it. But I'll need a couple of hundred dollars." Well, he doesn't need twenty-five dollars for gasoline money.

Hart: They don't get much mileage on their cars when they are driving that way.

Shivers: The candidate, if it is a tight race, if it's a close race, contested, many candidates hesitate to turn down that kind of solicitation just on the hope that you may pick up a few votes out of it.

Hart: You're also afraid that if you don't accept his offer, he may go to your opponent, and it's just possible that he might have these

votes. It really keeps you worried.

Shivers: You might also add this that you know most of those people are soliciting both sides of the streets at the same time.

Gantt: Well, I think it would be appropriate now for us to talk about the issues that were discussed during this 1954 campaign. In your judgment, what were some of the main issues that were brought up?

Shivers: Let me say this in the...as a preliminary to the discussion of the issues. Getting back to the main question you say, "Why did I make the race for a third term?" I said, "Based to a great extent on Mr. Rayburn threatening me." You recall that I had said in a previous interview about my support of Eisenhower was not based entirely on the tidelands. When I made this race for a third term, I'd say that a majority of our strong supporters...my strong supporters and a lot of close advisors insisted that I play down the Eisenhower issue and say that I supported Eisenhower solely because of the tidelands thing and to recover that for the school fund of Texas. And that that was the only reason I did it and would never do it again and to sort of apologize for doing it. I finally decided I couldn't run that kind of a campaign, and I think it's been mentioned before but let me mention it again just for emphasis. From the first speech in that campaign to the last one, I went into details as to my support of Eisenhower and the reason for it and said that I was proud of it, and proud of the record that he had made and proud of the return of the tidelands to Texas. And I still thought that Eisenhower was the better choice for President, better for Texas, and better for the nation, and frankly,



that if I had it to do over again, that I would do exactly the same thing. So instead of apologizing for it and playing it down as many friends wanted me to do, I felt that I had to make a strong issue of it and did. It probably...it may have cost some votes, but on the other hand, I think it solidified the support that I had over the state and was really responsible for the election.

This was a very unusual race not only from the third-term standpoint, but the influence of national issues--not alone the election of President Eisenhower and my support of him--but the argument that the state Democrats, or at least the faction that I as Governor headed, its constant conflict with the national Democratic organization headed by various people as chairmen but represented, of course, in Texas by Mr. Sam Rayburn, the increasing influence or entry of the national government into state political life and state issues, the concentration...increased concentration of power in Washington, leading on up, of course, to the Supreme Court decision in the early part of 1954, on the segregation issue. Segregation...school segregation in Texas at that time was a very warm, you might say even a hot political issue. The usual state issues were, of course, in the campaign. But I think we might say that they were over-shadowed, to a large extent, by national influence.

And both Judge Yarborough, who was my opponent in the race, and I, probably talked more about national influence than we did on state issues, at least how the national issues effected the state issues.

Organized labor on the national front was a big issue because of Judge Yarborough's close connection with organized labor. The fact that he was largely supported and financed by them, and we heard rumors all during the campaign about large sums of money being sent in by Walter Ruether from the automobile workers and by the CIO-AF of L national organization. We were never ever able to find any evidence of large sums, although I think Judge Yarborough probably spent as much or more money than I did in that campaign. We did find some small checks...cancelled checks that were sent out of Detroit. It's hard to tell whether they were sent by the automobile workers or not, but that was a big issue in the campaign.

We had in the campaign also from the labor standpoint, the retail clerks organization--I don't remember the exact name of it, but they moved into Port Arthur, Texas, which had been my home town, where I graduated from high school, and was practicing law before the war...before World War II--and tried to organize all of the people in the retail area on what was generally termed "organization by intimidation." That is they were picketing retail establishments that had no labor problems in order to force them to join up with this particular union. And it developed into what was later called the "Port Arthur Story," and then Yarborough's headquarters were in the same building and actually manned and staffed by the same people who were running this labor dispute in Port Arthur. It became, I expect, as strong an issue as there was in the campaign. A group from Port Arthur, friends of mine, went

all over the state. They formed several teams of men and women to go over the state and to tell this...tell this story. They used it more than I did. I referred to it, of course, and to Yarborough's connection with it, but the people from Port Arthur themselves went over the state, showed films of what was happening, told the story. There wasn't any question about Judge Yarborough's connection with it because of the fact that the same people were running the labor campaign that were running his election in that particular area. We had also as an issue in the campaign, of course, increasing costs of government, taxation, higher education, help for the mentally sick, the usual things that are always in any state race. Water was becoming increasingly important, and I had emphasized that over the years. We talked about all of those things, but I think that we can say that certainly the influence nationally on state issues was paramount among the issues.

Gantt: Mr. Hart, do you want to add anything?

Hart: I'd like to comment a little bit about the so-called Port Arthur Story. I'll be as objective as I can about it. I think it's a very interesting development, and I don't think that the real story of it has ever been told very well. Believe it or not, I'm convinced that this was a genuine citizens' movement. The first that we knew of it actually was when some people from Port Arthur went up to Marshall--I believe it was Marshall--to appear before a local Chamber of Commerce meeting and tell the story of what was happening to them at Port Arthur. That's what the, I think you call it DPO wasn't it? Distributors...I've forgotten the name of it. Any-

way that this union was trying to do to Port Arthur, warning the business people up in Marshall, if that was the place, about what was happening. And there were a lot of melodramatic side issues in that some labor people from Port Arthur followed them to the hall where they spoke and were singled out as making threats against these citizens who were going out to tell this story. Citizens testifying who didn't want their names revealed because of fear of retribution back home.

A rather gory story, you might say, but actually the Shivers campaign had nothing whatever to do with this. This started because people down there felt this way and involved it in the campaign gradually because they were saying that, "If Judge Yarborough is elected, this is what you're going to have all over. And so in order to save this state, we've got to re-elect Shivers." Admittedly later on, after this thing was started, some of the campaign people on the Shivers side saw the value of it as a vehicle and did develop it to some extent. Incidentally in connection with this story, we also had a Communist angle in a sense that the international president of this union was an admitted former Communist. So we had all sorts of stories. I'd like to tell you this very brief though rather ironical story. In the second primary the Austin public relations firm of Syers, Pickle, and Wynn, were working in the Shivers campaign. And the Pickle in this firm is now the present Congressman Jake Pickle. However, during the second primary, he was, himself, active in another campaign and did

not participate in the Shivers campaign. His firm did pick up this Port Arthur Story and develop it and use it rather effectively in various ways and to the extent that the Yarborough people, then and now, contend that it was a determining factor in the race and further that we took undue advantage of them and told a lot of falsehoods and made a lot of false statements and created a lot of false impressions. The thing I wanted to say was that while Pickle didn't have anything to do with this, he was immediately blamed for it, and even today to this day, he will run into...probably run into people who claim that he originated, manufactured, and put on the Port Arthur Story out of whole cloth.

I think that Governor Shivers would agree that Pickle was singled out simply because he was a friend of now President Johnson, who was in a political alignment to which these same people were opposed then and now to a great extent and that Pickle was deliberately singled out as a sort of fall guy and blamed for a lot of things he had nothing to do with. However, I am fully convinced a great many of the people who have maligned Jake about this aren't sure in their own minds that he did originate the Port Arthur Story.

Gantt: Governor Shivers, I believe in 1954, you were a representative of the national governor's conference on a trip to Korea. Did this trip play any part in your campaign of 1954?

Shivers: Yes, it played some small part, I guess you could say. President Eisenhower asked several of the governors to make a trip to Korea for the purpose of inspection and filing a report on recommenda-

tions, and I went along with the group. While there we toured the then front lines, visited with the troops...American troops in several locations. One day I remember and this is about the only part it played in the campaign. We had lunch at one of the forward posts with a group, and as whenever we were seeing the troops, of course, as far as I was concerned trying to get the boys from Texas. We were eating lunch one day, and I ate lunch with a group from Texas including two colored soldiers. As I told you a moment ago, segregation or desegregation of schools was one of the real big issues in the campaign at that particular time. And these pictures were published of me eating with the troops there, including the colored soldiers, and Senator Yarborough...now Senator Yarborough--then Judge Yarborough--and his followers were making a great play to the colored people that I was against them going to the white schools, but when they saw this picture of me eating with colored troops, they circulated that in strongly segregated areas of Texas, the geographical areas like Fort Bend County, for instance, and East Texas. And they did it rather...oh, sort of undercover. They didn't want the other side--they were playing both sides of the fence--and circulating these pictures where they thought it would do me a lot of harm, and on the other hand, they were telling the liberals and the colored people how strong I was for segregation and just point blank against the colored people.

It had its effect. I lost the Fort Bend County area and some of those sections...counties surrounding that by an overwhelming ma-

majority, and I'd never lost them before that campaign. I think it was due to the...this type of campaigning by Yarborough and his friends. Getting back to the segregation issue, I'd like to say this: the Supreme Court decision calling for desegregation of public education came out in May of 1954, and it had been expected. The press immediately wanted to know what I thought about it. As I recall--it'll be recorded in the newspapers--but as I recall, what I said was that we were not going to close down the public schools. That public education was too important, that we would meet the issue as best we could. We'd have to have time to study its effect. And the reason for my saying we would not close down the schools, several of the southern governors of southern states had made the statement that they'd close down the public schools. Later some of them did in some sections as you recall.

But to my way of thinking, public education was more important, and in some places I was criticized for saying this. But I don't think any right-thinking people felt that way about it. My own personal feeling was that this was just another interference by the federal government in local administration, and my feeling that there is nothing any more local that is connected with government or connected with the lives of local people than their public schools and that we should allow the local people to run their schools. If they wanted to have segregation, all right. If they wanted to have desegregation, that was their business, and that I was personally against forced integration, not against integration as such if the

local people wanted it. Although I'd have my personal opinion, but as Governor of Texas I wanted the local people to run their local schools. And that was an issue in the campaign of 1954.



Oral History Collection

Governor Allan Shivers

**Interviewer:** Dr. Fred Gantt

**Place of Interview:** Austin, Texas

**Also Present:** Mr. Weldon Hart

April 18, 1968

**Dr. Gantt:** This is Fred Gantt speaking from the home of Governor Allan Shivers in Austin, Texas, April 18, 1968, to record another interview for the North Texas State University Oral History Collection. Also present at this interview is Mr. Weldon Hart. Governor Shivers, after you were elected in 1954 to a third term to the office of governor, a news story broke about some irregularities in the Veterans Land Program. And I wonder if you would talk a bit about your recollections of that incident?

**Gov. Shivers:** I'll be glad to. I think it would be well to go back to the history of the Veterans Land Board, its creation shortly after the end of World War II. Land Commissioner Bascom Giles came to the legislature with a proposal for a constitutional amendment to do something for the veterans. And this included a proposal to have the state form what was called a Veterans Land Board under a program of buying tracts of land and reselling them to veterans, or at least financing the land that the veterans might find themselves, with limitations on the amount and certain other restrictions.

And the money was to be floated by a bond issue. The veterans would be charged only a fraction more than the state paid in order that it would not be a losing program, but that it would benefit the veterans by letting them buy on, I think, forty-year payments, very low principal and very low interest, to give them something rather than giving them a cash bonus as some states had been doing.

This met with varying amounts of favor and disfavor in the legislature, I believe in the '45 session, 1945. Finally it was passed and submitted to the voters, and the people of Texas adopted it and it became the law. The enabling act had been passed, and Commissioner Giles, under the constitutional amendment and the law, Commissioner Giles as State Land Commissioner, became the administrator of the act and the provisions of the law, of the entire program as well as...or in addition, I might say, to his duties as State Land Commissioner, and he also became Chairman of the Veterans Land Board. In addition to the State Land Commissioner, the law provided that the Governor be an ex-officio member, and that the Attorney General of Texas also be an ex-officio member. The first members of that Board, in addition to Land Commissioner Giles as Chairman, were Governor Beauford Jester, and Attorney General Price Daniel. They set up the original policies under which the Veterans Land Board was supposed to operate.

Under the law, Commissioner Giles had the sole authority to hire

personnel, and to administer the act; the Governor and the Attorney General were, along with the Land Commissioners, to set the policies of operation. When Governor Jester died in 1949, I, of course, under the law succeeded him as the ex-officio member from the governor's office to the Veterans Land Board. We changed some of the policies from time to time--Attorney General Daniel, and I as Governor, and Land Commissioner Giles. But most of the routine work and all of the administration, handling of the employees, was handled through Commissioner Giles' office. On many occasions Mr. Hart in my office, or Mr. Akers in my office would represent me at the meetings, and Attorney General Daniel's assistants in the Attorney General's office would represent him in these hearings. On a great number of occasions both he and I were present; sometimes one of us would be present and the other not. Commissioner Giles was generally always present, as I recall. About the only thing that we could do in those hearings, sometimes there'd be a hundred or more applications of veterans to be passed upon. As I recall in these hearings, when I was there personally, I would say to Commissioner Giles, "Do these fit the policies? Any variation from the policies? Are any of these exceptions to the general policies which we have set?" The answer was always "no." Sometimes if there was an exception, it would be specially presented to the Board. But by and large, the answer was always that they did fit the general policy that had been established by the three-member Board.

This went along in that fashion for some time. John Ben Sheppard succeeded Price Daniel as Attorney General, and became the ex-officio member of the Board from the Attorney General's office. I continued as ex-officio member from the Governor's office. The same general procedure of holding hearings continued as it had when Governor Jester and Attorney General Daniel had been the ex-officio members.

In the fall of 1954, I believe sometime around the first part of December--I don't recall exactly the date, but I would...I would guess it was approximately the first week in December, anyway--the story broke through the newspapers and rumors had been around for several days, maybe a week or ten days, that there was something wrong in the Veterans Land Board. You must also emphasize, or I should, at this point that in this election which you mentioned in 1954, in which I was re-elected governor, Land Commissioner Giles had been re-elected to his ninth term as State Land Commissioner. That's a total of eighteen years, and he had served sixteen of those years, and was elected for an additional two-year term beginning in January of '55. Each one of those years that he ran for re-election as Land Commissioner...I say each one of them. I can say positively almost every one of them, he threatened to run for Governor.

He was always a perennial candidate for governor and a name apparently well-known in Texas. And he came over to see me at the governor's mansion; he had his lawyer, former state Senator Clint

Small. Senator Small called me and asked if they could make an appointment. This was after at least a good portion of the story about the irregularities in the Veterans Land Board had broken out in the public print and in the news stories. Senator Small called and asked if he and Commissioner Giles could make an appointment to come over and discuss the situation with me. And they did. As I recall, they came over to the governor's mansion and discussed it in great detail. At that time Commissioner Giles was protesting that this was all political. There was nothing really wrong--this was the first conference--and that he was going to go ahead with his oath taking, assume the duties of his office, and quite a number of other things, and that he could straighten out any irregularities, and that some of his friends had taken advantage of him and a lot of other things that were said along that line.

I listened, of course, with a great deal of interest and these things brought to my mind several occasions on which Commissioner Giles and some of his people had tried to pressure the purchase of large tracts of land. You can always do some Sunday morning quarterbacking and say, "Well, that should have made you suspicious." But it didn't. As I say, we...about the only thing we could ask was if they were following the regular policies. I had, before the opening of the legislature--the session of the Texas Legislature that met in the first part of January, 1955--had several other conferences with Senator Small and Commissioner Giles and with several members of the legislature, with the speaker and lieutenant gover-

nor and the attorney general, who was then John Ben Sheppard, and various other state officials and other interested people around the state. More of the story was breaking out in more of a pattern of what Commissioner Giles and his friends had been doing in swindling or stealing from the Veterans Land Board came out and was made public.

The pattern is in all of the news reports which I'm sure will be in your files, but I might just mention it in the way of reference. What they actually did was to get some cohort or co-conspirator friend of Giles to buy large tracts of land, and then they used veterans' names without even contacting the veterans as purchasers. They would pay...make the down payment for these veterans at prices several times the purchase price, which they had paid. And the way all of this came to light was the fact that some of the Negro veterans in the, I believe it was Cuero, area went to the local newspaper or to some local lawyer, friends, and acquaintances and wanted to know why they were getting statements about either deposits or lack of payment on the purchases they had made. When they got to inquiring into it, why, someone in the Cuero area came up to see then State Adjutant-General, K. L. Berry. I believe he was probably the first state official that knew anything about it at all. But their pattern was to buy these large tracts of land and then subdivide them up, and to falsify the signature and the contracts and everything else involving veterans. It turned out that most of them were either of Latin extraction or they were Negroes. And they

handled the whole thing through Commissioner Giles and through his co-conspirators. All of the names of these parties are in the records; they were all indicted.

But shortly before the opening of the 1955 legislative session, former State Senator Small himself came to see me, and he said, "I'm trying to persuade Commissioner Giles that he should not take the oath of office because I think he'd be impeached if he does." And it was my...I agreed with him on that, that there would certainly be impeachment proceedings filed; and under the circumstances if any of the reports were true, there would be no question about the House voting the bill of impeachment and in my opinion the Senate voting to convict him, and therefore, impeach him. They finally decided that...and Giles made a public announcement either personally or through Senator Small--I don't remember which--that he would decline to take the oath of office for his ninth term as State Land Commissioner. The investigation continued. We thought about hiring a private investigator and using the attorney general's office, using the D.P.S. intelligence unit, trying to gather all the facts that could be gathered, the local district attorney's office here in Travis County--Mr. Les Proctor was then district attorney and a very able one--the Travis County Grand Jury, and I'm sure the grand juries in Cuero, Victoria, Goliad area where most of this...South Texas. Most of it had occurred in South Texas. I'm sure they were very active in it, too; as I recall, they were.

Commissioner Giles was indicted on multiple indictments. I don't recall how many but quite a number. He was tried, convicted, sentenced, and served a term of, I believe, six years in the state penitentiary, served the full six years. Former attorney general Price Daniel became Governor of Texas, and I do know that great pressure was put on him to pardon the former Land Commissioner Giles after he had served the required time in order to be eligible for a pardon, but Governor Daniel as governor took the position that this had been the wrong doing by a state official who was in a trusted position, and he violated that trust and should serve his full term, and he did. He served most of that time, all of it, I think, at Huntsville; and when he was released, he returned to Austin briefly and then moved to Minnesota. I believe it was Minnesota, maybe Wisconsin, but one of those states where he had purchased a large farm. And apparently some of the funds that he had gained out of the veterans land board irregularities had been used to buy this land up there. But anyway he did move up there, divorced his wife here, who'd been up to that time his first and only wife, had lived with him through all of his troubles. He divorced her and married some lady in the state that he moved to and has lived there ever since. As far as I know he never comes back to Austin or hasn't been back since that time. His...part of his family still lives here. The attorney general sued the land commissioner for recovery of a lot of the money that the state had lost through these thefts and swindles, defalcations, whatever they were termed in the indictments, and recovered a considerable amount of money from Commissioner Giles and, I think,



also from some of his co-conspirators. At least a money settlement was made by the attorney general and the former land commissioner's attorney.

The state recovered the land that had been involved. It's interesting to note actually that most of those lands throughout the years have been sold at a considerable profit to the state. The state actually didn't lose any money profit-wise in this thing. They say they would have made more money out of it if the irregularities in which the land commissioner participated had not occurred. But the state still made money out of the purchase of these lands and the later sale of them. Several other co-conspirators were tried--I think maybe half a dozen, six, four, five, or six of them. I believe only one additional one went to the penitentiary, and I don't recall his name. He probably pleaded guilty. The juries of South Texas tried the others, and as I recall, didn't convict any of them. They laid the blame entirely on Commissioner Giles and he had already been convicted and had pleaded guilty to some of the charges and had worked out after the first conviction, as I recall, had worked out a plea of guilty to the other charges and the court had given him what is called concurrent sentences, the total being six years which I mentioned he had already served. Then, of course, the legislature also became active in the investigation. How this occurred, why it occurred, to try to prevent such things occurring in the future.

In the meantime, I had appointed Earl Rudder, of Brady, Texas,

as state Land Commissioner to succeed Commissioner Giles. Rudder was a well-known hero of World War II, an outstanding public service man, had been mayor of Brady, a very fine citizen of the state, well-known. He is now serving, as you know, as President of Texas A&M University and I might say doing an excellent job. He resigned as land commissioner to go with A&M and he's one of those dedicated Aggies that wanted to go. I tried to get him to stay in the land commissioner's office. I thought he could sometime in the future be elected Governor of Texas and I still feel that he could have and would have made an excellent one. He re-organized the state land office, did a fine job of it and continued on until he went with A&M.

To get back to the legislative investigation, both the House and the Senate had investigating committees. They went into all the irregularities, tried to, as I say, to find cures for whatever did occur and to try to take steps to prevent them occurring in the future. I testified at the request of the committee--before the House investigating committee. And my testimony there was--that the attorney general and the governor, as ex officio members, in the first place shouldn't have been ex officio members for something that important. The Board should have had probably full time members or at least people with nothing else to do as far as the government was concerned because the governor and the attorney general both are called on so many times to participate in matters outside their own office and when the affairs of their

own office keep them busy more hours than there are in a day, at least, that they should not be placed in the position to serve on the so-called ex officio boards particularly one of this magnitude. We had no investigative powers so that we could determine ahead of time that the land commissioner was engaging in irregularities that in my opinion, we were somewhat in the position of a bank president who finds that his cashier--suddenly finds that the cashier, a well respected church-going citizen in the local community, had been guilty of defalcation in his accounts or had falsified certain bank accounts and therefore had stolen a lot of money out of the bank, to everyone's great surprise. I'll certainly say that I was surprised at the time. I told the committee that I was, although I knew that Commissioner Giles was very ambitious, not only to run for governor, but he was very ambitious; engaged in lots of business enterprises, and very ambitious from that standpoint. I never did feel that he was the type of person who would do what he later admitted to having done and particularly to engage in a conspiracy to swindle the state and the veterans land program.

As I mentioned earlier, you can always look back on certain things and say, "Well, this should have been a warning signal." And yet, I'll have to say also that I didn't consider it that at the time, and probably without any information at all I would look at it in the same way. Commissioner Giles had some people try to pressure me into voting for...I raised a question about a pur-

chase...an approval of a program that they were making one time and had it delayed and investigated and finally prevented it from being consummated. Having been politics as long as I had and knowing the pressures that were put on, I...after I looked back on it I could say...well, now this...I should have known that all the pressure from outside lawyers, from land people, and from the commissioner himself--Commissioner Giles--trying to pressure me into withdrawing my objections to this particular program and it was a sizable one. After all of the pattern developed I could look back and say that the program that they tried to pressure me into approving or withdrawing my objections to--they never did get it approved because of my objections. And it was the only one that ever came to light. And it only came to light because I was familiar with the area in which the land purchase was proposed down in South Texas. And I knew after the pattern was publicized that the pressure that they tried to put on me at that time should have at least warned me that there was something of a little more than average interest in this that was causing the commissioner to have such a deep interest, and he'd get mad as he could be at some of the meetings when I wouldn't approve this and kept asking questions about it. And the attorney general sided...Attorney General Sheppard sided with me on it, and we just refused to let it be approved.

But on 99% of the cases that came before the board, as I said earlier, the general procedure was that when the land commissioner who you'll

have to remember under the law, was the sole administrator and the chairman of the board. We could only set policies. And then we had the meetings of the board, we could only ask him if these particular projects or purchases complied with the policies that had been established. And if he said, "Yes," then we had no way of investigating behind it to see if he was telling the truth or not. It turned out he wasn't in a good many cases (chuckle), but he did go to the penitentiary over it. It's one of the regrettable incidents in the history of state government, and I certainly regret that it happened particularly during the time that I was serving.

My political enemies and antagonists, the so-called Yarborough people, tried their best to connect me with some of the irregularities. One of them became through some hook or crook...he got himself named as foreman of the Travis County Grand Jury, and he and some other members of the grand jury at his request went down to interview Commissioner Giles in the penitentiary. They hired special investigators because they thought the district attorney was not doing his job properly because...and their idea of how to do it properly was to have both me and the attorney general indicted. But although they tried for several years to find some irregularity that they could connect with me or with the attorney general, they never were successful. Commissioner Giles was the only state official that was ever officially connected with any of these irregularities. As I say, I...I deeply regret it.

The Veterans Land Program has, in my opinion, been a good program, and has served the veterans well, has not cost the state anything. Actually the state made money out of it, at least enough surplus in the fund from time to time. The fund has financed itself. It's a turn-over fund, a roll-around fund, and the people of Texas have voted additional bonds to enlarge the program on two different occasions since that time. And it is still working well, although land prices have become so high now in Texas that, generally speaking... the limitations on the amount that they...the veteran can purchase very little. I think, Dr. Gantt, that's about all I can recall or say in this unfortunate affair at the present time. If there are any questions you or Mr. Hart either one have, I'll be glad to try to expand on them.

Gantt: I have just one or two general questions. I think you've covered your views about the governor being a member ex-officio of a board. Do you think, as a general rule, that the governor and other elected officials should not be ex-officio members of boards, particularly at this time?

Shivers: I don't think the governor ought to be an ex-officio member of any kind of a board. I think on policy boards, the governor ought to appoint representative citizens who have the time and energy and desire to serve. That is now even the policy on the Veterans Land Board. But the governor just does not have the time, and his office is considerably busier today than it was when I was governor. Our state has become larger and more complex, and it will be more so in the future. I don't think the governor ought

to be required to serve on such boards. Now the attorney general's in a little different position. But again, he ought not to be, in my opinion, a member of the board because he has to represent the state government. He's in the position as a voting member of the board in, say, the Veterans Land Board irregularities. If he's a voting member of that Board, then if irregularities occur, he is also in a position of having to represent the state officially. And there might be some conflict between his actions as a Board member and his actions as attorney general. So, I...I would say that neither ought to be members of...ex-officio members of boards...commissions.

Gantt: There's another general question that I have. Of course, Commissioner Giles was elected by the people and responsible to the electorate rather than to the governor. I believe you've gone on record several times as favoring a system of reorganization of government where at least some of the department heads would be appointed by the governor and member of his cabinet, so to speak. Do you think the Commissioner of the General Land Office should fall in this category?

Shivers: No, I doubt it. I look on the State Land Commissioner's office as...purely as an administrative office, by and large. It has some policy-making functions. The Comptroller's office is about in the same category; so is the State Treasurer's office and the Railroad Commissioner's. Those are operating offices, administrative offices, by and large. And I see no objection to them continuing to be re-elected...I mean, continuing to be elective offices, rather than appointive offices. What I have reference

to in making the statement about streamlining state government is that various boards and commissions now, once appointed and confirmed by the State Senate, become state officials and cannot be removed except by impeachment. I think those people ought to serve by appointment of the governor, to be removed by the governor. They serve with the governor, and therefore, that strengthens his position. As governor, he has his own program that he's trying to put into effect, and he needs...needs to have the cooperation of those people, if the electorate has elected him as governor on a program.

The strange thing about Texas government, particularly the governor's office...back to the Land Commissioner, the State Treasurer, or any of these boards and commissions that are located here in Austin, more in particular. Anything that happens in state government that the people don't like, they blame the governor, the governor, for it, regardless of whether he had any control over it at all, because of their general lack of knowledge, in my opinion, of how the government is set up. That's my main reason for saying that if the governor's going to get blamed for all the things that people don't like, then he ought to have authority to have control of these situations so that if he doesn't prevent trouble, then he is officially to blame for it. But he shouldn't be saddled with people that he...that are not responsible to him, who can do acts or commit errors which the governor has no control over and yet gets blame for. It's



not amusing, but it is a...of side interest in the event of Land Board affairs. After all of the irregularities became well publicized over the state, while I was in the governor's office for an additional two years--'55 and '56, until January of '57-- I expect I received three or four, maybe five thousand letters-- quite a number, anyway--from people all over the state bitterly criticizing me and asking questions why I ever appointed a man like Bascom Giles as State Land Commissioner, and had him on my staff. (laughter) I mentioned earlier, here's a man who had served sixteen years, being elected every two years. And in addition to just having his name on the ballot, he threatened to run for governor every two years, also. He was always in the public...case of getting his name in the paper about something. I think he sponsored this Veterans Land Program in order to try to build himself up to run for governor. But although he participated in a lot of political "brinkmanship," he never did quite get over the "brink." But people thought the governor was to blame for appointing a man, having a man like that in office. I think if the governor is going to be blamed for those things, he ought to have power to control them.

Gantt: Well, you've anticipated the next question that I had. I was about to ask you how this particular incident affected your last term of office. I believe you've already commented on that, that you got a good deal of the blame.

Shivers: I think I covered it; I don't believe there'd be anything to add to it.

Gantt: Mr. Hart, do you have anything to add in this?

Hart: Yes, I have several things, Fred, if I may. In the first place, back to Governor Shivers' opening statement about how the board was set up, and the position of the Land Commissioner as contrasted with that of the Attorney General and the Governor, being the administrator of the program, thus being considerably different-- in fact altogether different--from the School Land Board which was composed of the same three officials at that time. I recall that I was working for Governor Jester at the time this Board was first set up, and I was assigned to read the law and to inquire into it, and inform Governor Jester and Mr. Bill McGill, the executive secretary of the Governor, as to just what the Governor's duties were. And a few years ago in going through some old files, I came across a copy of the memo I wrote and I showed it to Governor Shivers. It said in effect that...that this Veterans Land Board apparently was going to be administered entirely by the Land Commissioner, and I think that I said something like this: "Apparently, this will be no problem, no worry, no concern of the Governor's office in particular." And I told Governor Shivers that should go down as the understatement of the decade. (laughter)

But it was true that I attended a number of these board meetings. These always started as School Land Board meetings, which, as I say, the School Land Board being composed of the same officials. Governor Shivers would be out of town or tied up some other way, he would send a representative. And on several occasions I did

so represent him. And the contrast was like he said, in retrospect very sharp between the two boards. We went into all the problems related to the School Land Board in vast detail almost meticulous detail, individual problems that had arisen, reported, of course, by the land commissioner who was on top of the situation. But we did study those very closely, and although the representative couldn't act on the matter, he could make a recommendation to the governor who would approve or disapprove as he saw fit. Then at the end of about two hours' discussion of the School Land Board program Mr. Giles would usually say something like, "Well, we also have a meeting of the Veterans Land Board, but there's really nothing to talk about," and there wasn't in effect. He might make some general statement or some general report about the situation, but we never examined this very closely because as he pointed out, from time to time he was responsible under the law for the conduct of this program. I was a little bit surprised later on when the Veterans Land Board minutes were gone into in connection with the investigation to find that I had attended a great many more meetings than I had remembered, and we had done a lot more business than I had remembered. But I'm unable to comment on that any further that apparently these minutes were written up as the school...as the Veterans Land Board saw fit. Since I had attended the School Land Board meetings, I was represented as being at the Veterans Land Board discussion. There was a good deal of, let's say, elaboration of actions that we never really took in that connection.

I'd like to just mention two or three things about what Governor Shivers said. I think in speaking of the time that Mr. Giles spent in the penitentiary on the six-year concurrent terms, should've noted probably that he didn't actually spend six calendar years. He got credit for good time, and I think double credit in most occasions. And also they give thirty days credit for a blood donation. He was very active in this regard and from all reports Mr. Giles conducted himself very well at Huntsville and was a model prisoner and got out in a minimum time with the credit he got for his various activities. I forget how long his calendar period was, but it was nowhere near six years...I believe that's right...I don't remember..

Shivers: He did get a lot of time off for good behavior and for his blood donations but the point I was trying to make on that was that Governor Daniel refused to pardon him.

Hart: He was not pardoned or put out ahead of time. Now as to where he's living now if that's...don't guess that's important. I think he is...I don't think he is in this country now. I believe he is somewhere in the Virgin Islands or some such place. The last report I had he still has some property in the northern part of the United States because I recently (more or less incidentally) had a report that one of his members of his family had spent some time at one of his places in North Dakota. Now one other point that I might mention in connection with unearthing of this matter. I believe that was Representative Tom Cheatham of Cuero, who was the first official of the state to report this incident. This...

a Negro man in Cuero, who was someone he knew, came to Tom, a member of the House of Representatives with I think there was a mistake made of some kind, and he got a check that he shouldn't have gotten. He didn't know why he got this money until he asked Mr. Cheatham. And this is there the thing started developing. And Ken Towrey, who was working on the Cuero paper at the time, wrote a series of articles about the investigation which won him the Pulitzer Prize, if you remember, Fred. Ken spent a good deal of time himself at the land office investigating this problem, and his verdict was that the way this all came about it would... it had been...I believe his words were that if J. Edgar Hoover had been sitting in the land office every day, he probably would never have caught on to what was going on by the way it was handled.

Shivers: In that connection I think it would be well to also mention that the records were audited by the state auditor's office every year.

Hart: Yes.

Shivers: And the state auditor never, never found any indication of the wrong doing.

Hart: That's right. The...I believe the ex-officio board situation was...ex-officio service by the governor, attorney general has been changed. It was changed under Daniel's administration to appointees of the governor and the attorney general. I believe that's the way those get appointed now. But that's about all I have except that from my experience of having seen the bill passed in the legislature, having had a part--a small part--in seeing it set up, then having served as I indicated from time to time,

I'm, of course, like Governor Shivers. In retrospect you can put your finger on some things there. At that point something... we should have known that something was going on. But I honestly can't say that if I had to do it over again with no pre-knowledge that this would ever occur to me because I was like nearly everybody else. Governor Shivers and the attorney general had reasonable confidence in Bascom Giles, but then...well, we had an odd situation actually, and this is another argument against the ex-officio board service. It had three potential candidates for governor serving on the board--Giles, Daniel, and Shivers. And this was not...I mean not Shivers but Jester. But later on when Shivers became governor, it was the three people who might have run in the race in 1950. And so there was some little tension, not exactly a disagreement, but it was interesting. I attended some of those meetings, too, and this was before anything wrong developed. And I do...I'd just like to throw this one in. I recall the first meeting that was had of this group after Shivers became governor. The purpose was to try to write a policy on the Tidelands situation--what the official attitude of the School Land Board, now, which was the same thing as the Veterans Land Board. And this was a long discussion that lasted all afternoon because each of the three people had a little different idea about what position Texas should take. And I recall that it was finally ended by Governor Shivers announcing that he was going home, and, "If you two fellows can agree on anything, I'll sign it." (Chuckle) That's the...that's the situation on that board

at the time. There's just one more thing. Mr. Giles had been a very prominent man, not only in the government, not only in business, but in the Masonic order, in various other...I believe he's been Grand Master, had he not?

Shivers: Grand Master of the Grand Lodge of Texas.

Hart: And he was just not a man that you would have put your finger on as getting in this particular kind of a situation. And the... even if you had it to do over, I doubt if you would...if it would come out much different. That's all I have to say.

Gantt: Governor Shivers, during your last term in the governor's office there were a number of failures of insurance companies, and this led to a good deal of publicity in the newspapers. Would you comment on that situation?

Shivers: Yes. I think again you have to go back to a little history in order to bring it up into the proper focus. For a great many years in the growing economy of the state of Texas the insurance laws had not been brought up to date in order to keep pace with the economic growth of the state. By that I mean the insurance laws allowed insurance companies to be very easily formed without sufficient capital, and many of them were operating only on their income without any capital backlog or without sufficient capital structure. That is, you could always...for \$25,000 you could organize a life insurance company and start insuring the lives of many thousands of, even millions of people depending upon the number of policies it could write.

When I came into the governor's office, this...the number of insurance companies that had been formed in the last five or six years, or let's say since World War II, since the end of World War II had risen by almost astronomical figures. A former member of the state legislature, George Butler, was chairman of the State Board of Insurance Commissioners at that time, and he was also the Life Commissioner. The life commissioner under the law was the chairman. He had one appointed man who was the Casualty Commissioner, and one who was the Fire Commissioner. They formed a three-member board. They were appointed by the governor and confirmed by the State Senate. Commissioner Butler died during my term of office, and I appointed at the request of a great many people in the insurance industry including Mr. Gus Wortham who's head of probably Texas's largest insurance empire, The American General...I appointed Garland Smith who was then my...one of my administrative assistants. And later on another vacancy occurred on the commission in the casualty field, and I appointed Byron Saunders who was a lawyer in Tyler to that post. The position at the time I appointed Commissioner Smith I believe paid \$7200 a year. It had been increased a little by the time that Commissioner Saunders was appointed. I think the salary was about \$8400 a year. You can imagine how difficult it was to obtain really qualified people, people with experience to serve on a board of this kind at these low salaries. We've always tried to get the legislature to raise their salaries. And they were raising them but only gradually. I give you that



information merely as a preface to some other remarks that I want to make about the insurance industry and its regulation by the state board of insurance commissioners.

Various irregularities began to develop, weaknesses in some of the companies--a good many of them had to go into receivership. At this time, a promoter by the name of Ben Jack Cage, during this same period of time when Commissioner Butler was chairman of the commission had organized...Ben Jack Cage had organized an insurance company called I.C.T., and he developed quite an insurance empire out of it and did it very speedily and, therefore, was weak financially. And it was oriented toward the labor unions. That is, he was using labor unions to help him sell insurance. He was selling it, I would say, by the bundle. The I.C.T. insurance group probably had the fastest growth of any insurance group that the Texas insurance industry had ever known. And Cage was a very flamboyant type of person. He was a real promoter and an expert salesman. As far as I recall, I never saw the man but one time in my life but he was in the public press almost every day, and was well-known publicly, and later on--I don't remember the exact date--seems to me it was in the middle of probably 1955, it could have been later than '55--some weaknesses were rumored in the I.C.T. empire. It had been in existence ten or twelve years--ten years, something like that, but rumor got around that they were in real deep financial trouble.

We called in the Texas Life Convention people who have an agreement among themselves that if any of their companies get into what they call "bankruptcy" for an ordinary business concern, an ordinary receivership under the state liquidator for the insurance concern that the other members of the Texas Life Convention will come to their rescue and absorb the company, take over the policies in existence, and, therefore, see that the policyholders do not lose anything on their insurance policies. I.C.T. people were not members of the Life Convention of Texas, but we called them in to try to investigate, and if something was found wrong, to save this company. They found it to be in such bad shape that none of them wanted to undertake to try to save it. They did make several proposals or attempts to try to solve these...the company to keep it from going into a receivership with a loss to a lot of investors as well as to a lot of the policy-holders. As a result, the company did go into receivership, and the entire I.C.T. empire collapsed; Cage fled to Brazil; was indicted by the Dallas County Grand Jury for embezzlement, manipulating the funds of the I.C.T. insurance company among his... between his investment company and his general agency, and two or three other concerns that he had. He had invested funds in almost any kind of enterprise that was available to invest money in and some of them were not good investments. And in maneuvering his general agency around, he had evidently gotten his own funds mixed up...the company's funds mixed up with those that were supposed to be his and that's where he was indicted for embezzling

funds of the company into his own personal account.

As far as I know, he's never been tried; I think he's still in Brazil. But because of the investigation of the I.C.T. and its various ramifications, Commissioner Saunders was indicted for perjury before a legislative investigating committee on the premise that he had told the investigating committee that some money that Ben Jack Cage had given him was for the purchase of an oil and gas royalty interest and was not a retainer fee or not money, bribery or otherwise, that Cage had paid him for some favor when he was insurance commissioner. He had, in the meantime, resigned as insurance commissioner and had gone to work for the Republic National Insurance Company in Dallas in a very fine job. As a result of this investigation and his subsequent indictment, he was forced to resign from the job in the Republic National, and later after his trial and conviction in the trial court, the Court of Criminal Appeals reversed the case on the theory that the legislative investigating committee did not require his testimony under oath--the rules did not require it to be given under oath although he was sworn. And therefore, he could not be liable for perjury, a rather technical point. But anyway, he was freed of indictment and was never re-indicted or tried on any other charge. He is now practicing law in Tyler and I understand, doing well.

Commissioner Smith was also indicted because, I believe I remem-

ber the facts, his son-in-law had been retained by Ben Jack Cage as a public relations expert, and the allegation in the indictment, the best I can remember was that this money was really channelled to Commissioner Smith, again, for favors that they-- that he had given or had voted to give to Ben Jack Cage. After the history of Commissioner Saunders indictment and trial and so forth, Commissioner Smith was never tried. I don't know why the District Attorney decided not to try him except that he probably felt that, although it was a different type of indictment, he had a weaker case against Commissioner Smith than he did against Commissioner Saunders. I don't know whether the indictments were ever dismissed or not, but he was never tried, and as I recall, he was only indicted on one offense. And that's been ten years ago, so I assume that the indictment was probably dismissed. Neither he nor his son-in-law were ever tried on any offense.

This, of course, out of all of that...I appointed about 2500 people to public office of various types while I was in the governor's office, and only these two, and one other which I will not name, out of the 2500 proved to be serious disappointments. These two were, I would say, my saddest disappointments. Commissioner Smith had been associated with me a good long while. I'll have to say in his defense that I felt at the time that he was not the best man in the world for that position--pretty smart boy, but he's had no experience in that kind of a field, although

you had the regular employees of the insurance commissioner who really ran the day-to-day operations of it. He was not the strongest man intellectually or business-wise that I had ever known. As a matter of fact, he was slightly weak on that side. I mentioned this to a good many of the insurance people who asked me to appoint him. And I told some of them, I told Gus Wortham of the American General group exactly what I mentioned a while ago. I doubted if Smith was intellectually capable of handling this kind of a job, and I was not speaking of dishonesty at that time. I was speaking merely of ability. And he assured me that if I would appoint him, they would help him and see to it that he made a real good commissioner, which they failed to do. Commissioner Smith had worked for me when I was Lieutenant-Governor, and then when I became Governor, why he moved over to the Governor's office with me, and traveled with me over the state a good portion of the time; I was very fond of him personally and of his family. His father-in-law incidentally served in the state senate just ahead of me. Senator Bowers from Caldwell and I had known him for...and I had known him and his family for many, many years. But that's one of the disappointments in life, and it can occur in business just as well as it can in government; this just happened to be in government.

My main disappointment was in Commissioner Saunders. He and I had been in law school together. He didn't finish his legal education in the University of Texas, mainly because of financial

difficulties. He worked as hard to try to get an education as any young man I ever knew--held down three or four different jobs, trying to earn enough money to stay in the university. I remember calling him and asking him if he would be interested in this appointment in the insurance commission. And his first question was, of course, "How much does it pay?" I told him, I think, about \$8400 a year. And he said, "Well, I'm making a good bit more than that practicing law in Tyler now." And I said, "Byron, I would say this to you. If you can come down here and live on this salary, whatever you have saved up, and if you do a good job," and I used an old East Texas expression, "'if you keep your nose clean,' you can leave the insurance commission after a few years, when you finish the end of your term, you can go into practice of insurance law and be well qualified. You're a good lawyer. Or you can go into employment in an executive position with some company in a real good job." And he and his wife both came down and talked to me about all of this, and I repeated the story to the two of them--what I thought they ought to do and what they could do, and again repeating the statement that they had to keep their nose clean, not get into any trouble or yield to great temptation. He finally took the job, and, as distinguished from Smith, Saunders was capable, had the ability to make a real good commissioner. And, in a good many ways, did make, by and large, a good commissioner; he had the respect of the insurance fraternity, and the people generally, and also the

employees in the department as a knowledgeable man, as a lawyer.

And, as I said a moment ago, he had resigned from the commission shortly before he was indicted, and before the legislative committee investigated the I. C. T. failure of the Ben Jack Cage empire, and found that he was involved. He had resigned from the commission and gone to work for T. O. Beasley as general counsel of the Republic National Life Insurance Company of Dallas, which is one of the stronger companies in Texas, and is still a very good company, and with the promise that if he did a good job as general counsel and vice-president which they appointed him to at the salary of, I think, about thirty-five thousand dollars a year--maybe twenty-five--that they would raise him within a couple of years to fifty and make him president of the company. Beasley told me that himself. They arranged, in addition--to show what they thought of him--they arranged for him to buy his house in Dallas, moved his family to Dallas, arranged for him to make a hundred per cent loan on the purchase of his home in Dallas. I give you this history and detailed background. It's a part of my administration; and it's a part of the history of Texas--the insurance commission regulations, and the industry, and the people involved--although, it is, of course, very personal as far as I'm concerned. And those two men, two of the three...great disappointments of all the twenty-five hundred, approximately twenty-five hundred, people that I've appointed during this time.

The so-called scandals or irregularities that grew out of all of this caused the reorganization in the following administration during Price Daniel's administration as governor. The legislature passed laws reorganizing the insurance commission completely, appointing three men as policy-making...as a policy-making board, calling for the appointment, and having an executive who would carry out the policies adopted by the board. These were supposed to be part-time board members, and were going to be paid on a basis of part-time. It wasn't long until they were spending all of their time at it, and they have been since then made full-time, year-around, and fully paid employees. They still have a chief executive who carries out the policies under the current operation of the insurance commission.

I think you have to go back also to the fact that during this time the growth...not only the growth of insurance companies but the sale of insurance stocks, and as a matter of fact, the sale of all kinds of stocks. There was lots of speculation and investments during this particular time. So much so, that a year or so prior to this I had recommended and gotten passed through the State Legislature a State Securities Act. It was supposed to try to regulate the sale of securities in the State of Texas--and I think it helped a lot. We did pass that act to set up the State Securities Commission, and it's still operating and still doing a good job. All of these things blended together, I think, resulted...The I. C. T. was not the only one that failed; there



were several other ones that failed, some very small companies. One over at Waco that was one that was not an insurance company but was regulated...supposed to have been regulated by the insurance company, people thought, turned out that it was a type of company organized under a special statute that had been on the books for a great many years, that neither the Insurance Commission nor the State Finance Commission had any authority to regulate, although the Insurance Commission had prescribed some regulations. And this is an interesting thing in the history of financial operation. I don't remember the name of this man, though, that was at Waco that operated this...Mr. Hart may remember it.

Hart: Shoemate, wasn't it? A. B. Shoemate.

Shivers: Shoemate. S-H-O-E-M-A-T-E.

Hart: Something like that.

Shivers: He organized a...an investment company under this special act that had been on the statute books of Texas for many years, and he sold certificates. He advertised extensively on radio, and TV and in the newspapers, and even had Drew Pearson, the noted columnist, advertising for him and helping him promote the sale of certificates earning five per cent interest. Well, today a five per cent interest certificate is not too attractive; it's just passingly so. Then it was almost a bonanza because of the government regulation of interest...the government bonds were bringing interest of one and a half per cent. And the banks and the savings and loan companies were paying one and a half, one and three quarters per cent on savings.

So this fellow comes out with a certificate where he guarantees, so his publicity says, he guarantees a five per cent return on the investment. And he was selling these five per cent certificates just about as fast as he could print them. It developed later that he had been investing this money in some very unsafe investments, and that he was using the money that he obtained on selling certificates to pay the interest on the certificates that he'd already sold (chuckle) in order to keep the thing alive.

This is another thing that involved the Insurance Commission to some extent. As I said, there were a number of smaller companies that also failed during this particular time, went into receivership. But I.C.T. was...was the largest one, and the one with the most publicity, and it was the one that involved the two commissioners. I...I think that's about all I would have to say.

Gantt: I might ask you how this affected the administration generally-- your service as Governor. Did you have to take the blame for a lot of this?

Shivers: Oh, yes, of course. Naturally, all of the people who had opposed me, and again the Yarborough people mostly, said that this was entirely my fault...the Governor's fault, because I had...there's no question, I had appointed both of these commissioners. I had also appointed a third commissioner but he was not involved in any of this, and no one ever attempted to involve him. And the investigations all showed that he was not involved. Only Smith and Saunders were involved. But naturally, they blamed me and I...I think probably the Governor ought to, if he appoints

people to office who get in trouble, then he is somewhat to blame. As I say, I...(chuckle)...in my own defense, I have to say that the percentage record is fairly good. It was only two or three out of approximately twenty-five hundred. But that's two or three too many. But, again, human nature being what it is, you're just going to find some bad apples in the barrel now and then. They have to be weeded out, and this was a case where that was done.

Gantt: Was this situation very comparable to the Giles situation so far as impact on your administration was concerned?

Shivers: I think probably this had a little more impact because it was a little more personal officially. Although these people were state officials, confirmed by the Senate, they were appointed by me and they were both personal friends of mine. And although the Governor couldn't tell them what to do, couldn't make them do it if he told them, and although I had, in conference with both Saunders and Smith on several occasions, told them that I was hearing rumors about Ben Jack Cage and I.C.T., and I wanted them to investigate it carefully, they would assure me there was nothing wrong. They were on top of it; they were staying close to it. And the sad part of it is, I found out they were staying a little too close to it, and that they were not regulating it as they should. Whether they could have prevented it or not is another question. I doubt that they could have, but they could have stopped a lot of the things that were going on. No question about that when you look back on it.

Dr. Gantt, let me make one correction in my reference to the appointment of Insurance Commissioners Smith and Saunders. I appointed Saunders first as Casualty Commissioner, and then later on when Commissioner and Chairman George Butler died, I appointed Commissioner Smith. So although they did serve together, and got in trouble together, Saunders was appointed first and Smith second. And I believe I said earlier, that I appointed Smith first.

Hart: I'd like to inject something here. I was very much interested in this whole deal because both of these people were friends of mine, and also I had, as a newspaperman, had covered the insurance department and knew a little bit more about that department than I did some of the other state departments. And this is not a justification; it may be a relationship, let's say, between the Insurance Commission, at least part of the members thereof, and the insurance industry in that they might have been a little bit too much "buddy-buddy," to use an expression. They were...I'm not saying anything was wrong, but there was a...sort of a...of a relationship there that you might not think should exist in a...between a regulatory body and a group being regulated. The insurance industry, more or less, was the sponsor of the Insurance Commission instead of vice versa, I think would be the way I'd put it.

And I'd like to say this about Saunders and Smith. As best I can find out from either experience at the time or in retrospect,

I really think that the things they did were what you might call "peanuts" if they were in this business to make money. They sure did a sorry job of it because the only things that ever came out were relatively small things. Like Byron Saunders told me...about this incident after it came to light, about this connection with Ben Jack Cage. I'm sure this was correct. He was on a trip for some convention, and Ben Jack Cage took him and others in his airplane...an airplane, and Ben Jack asked him how much he was making. And he told him eighty-four hundred or whatever it was, and Ben Cage...Ben Jack Cage thought this was terrible, and that he didn't see how a man could get along on that and wasn't there some way he could help. He wanted to help. And well, (chuckle) Byron told me and he told the grand jury, I suppose, that he sold Ben Jack some oil leases that he owned.

Well, really I think it came out later, and this was the basis of the charge against him, that he actually was on a retainer for some of the time from this I. C. T., after he became Commissioner, which was certainly a mistake in judgment if nothing else. But the amount of money involved was very small. The same thing applies on Chink Smith. His son-in-law was hired by Ben Jack Cage in some capacity and the story was that Ben Jack Cage was going to open up a company in Austin, and he wanted this young man to run it. And so he was willing to pay him his salary before the company was ever formed. It was sort of a deal which you would not expect every day, and...if your father-in-law was

Chairman of the Insurance...Board of Insurance Commissioners, it wouldn't look just right. So...But my whole point is that if you're thinking of people making a big rake-off out of the insurance industry, I don't think either one of them got their money's worth out of it.

I think that really what happened, which was more important and it relates to this, at this particular time some of these companies which had been formed, as Allan said, with inadequate capital base were beginning to have trouble--they were beginning to fail. And the Insurance Commission, the Board of Insurance Commissioners, was in an unhappy situation. If they closed up a company, they were criticized for closing it up before they had a chance to work out of it, and if they didn't close it up and if the company went busted, they were criticized for not closing it up quick enough. And it was a pretty bad, hard case there of deciding just when a company was hopeless and should be closed. And the fact that these people had associated themselves in any way with...with people in the industry, naturally was held to be a handicap to their judgment. And I suspect that's the whole... the most critical thing I can say about them is they handicapped themselves in carrying out their jobs by getting too close to the people in the industry. And...but I never believed that they deliberately went into this business any more seriously than just saying, "Well, I...maybe I am not getting enough money, (chuckle) and maybe it would be proper for some of these industry

people who are so willing and helpful to come to my rescue a little bit." I know this happened.

Gantt: I guess the whole point is that regardless of the amount involved that a person in public service has got to be extremely cautious about...

Hart: This is one of the handicaps of public service.

Shivers: One of the best examples of that are recent occurrences in the United States Congress--the Senator Dodd investigation, and the Adam Clayton Powell investigation. And the House and the Senate are now trying to pass ethics control bills. The Texas Legislature does the same thing. They find some irregularities practiced by some of their own members. During this investigation surprisingly it has come out that United States Senator Yarborough has a slush fund that people collect and give to him for office operations, supposedly. Representative George Bush, who's quite a wealthy young Congressman from Houston, Texas, has one, and Representative Bob Eckhardt, who's on the liberal side as is Senator Yarborough, also has one. It hasn't come out about many others, but I'm sure a lot of the others have these funds. It seems to be a way of life in the United States Congress.

Hart: I believe Senator Tower has...

Shivers: Tower have one, too? I didn't...

Gantt: Percy from Illinois...

Shivers: Senator Percy's gotten a lot of publicity.

Hart: I'm not sure about Tower, but he...

Shivers: Nixon was the first one to get any publicity on this in the

1952 campaign, if you'll remember. But the Congress and the State Legislatures have both been trying to pass these ethics laws. Any state official, as Mr. Hart mentioned--and this ought to be put in the record--any state official from the governor down to the person who's lowest on the totem pole in the state capitol, particularly one who has some regulatory power, whether it's Insurance Commission, Department of Public Safety, State Highway Commission, the Health, Food and Drug Act...Regulation... anything else...Railroad Commission, any of them that have some regulation over economy and the economic life of the community are going to be under pressure to do favors for people they regulate. Lobbying, if you want to call it...members of the legislature under the same thing. You can't reform human nature. You can try to regulate it.

Gantt: Thank you, gentlemen.



Oral History Collection

Governor Allan Shivers

Mr. Weldon Hart also present

Interviewer: Dr. Fred Gantt

Place of Interview: Austin, Texas

Date: August 13, 1968

Dr. Gantt: This is Fred Gantt speaking from the home of Governor Allan Shivers in Austin, Texas, August 13, 1968, for another interview in the North Texas State University Oral History Collection.

Governor Shivers, in a previous interview we discussed your decision not to seek another term as governor. This put you in the position of being a "lame duck" for the last several months of your administration. I wonder if you would comment on the effect that such a position might have had on your service as governor.

Gov. Shivers: I think, Dr. Gantt, that it does have a very marked effect. I don't know that you can define the extent of it, but naturally when members of the legislature, other state officials, and even the layman help--if you want to call it that--from over the state that have been friends or supporters, co-workers, find out that an incumbent governor is not going to seek re-election, it's just human nature that they are going to start in building their fences with someone else that they think is going to be governor, or

have a possibility to be governor. They're going to begin choosing up sides. They're looking--common term--to feathering their own nest. It's not exactly accurate. They just want to be friends with the one who's going to be in office. The fact that I was going out of office--I don't think it caused me to lose any friends, particularly; it caused me to lose some support.

One of the best evidences of that, I think, would be the 1956 convention, Presidential convention, held in May, at that particular time. A contest between Senator Lyndon Johnson and me to head up the Democratic delegation. We have talked about it in a previous interview but might elaborate on it just a little here. At the time, Sam Rayburn was Speaker of the House and he was one of the most powerful men in Washington and, certainly, one of the most powerful in the Democratic Party. He wanted Senator Johnson to be both chairman of the delegation and favorite son. Senator Johnson and I discussed this on several occasions, and I told him that my supporters would agree for him to be favorite son but not chairman of the delegation. Well, I was going out of office, and he and Mr. Rayburn had always been closer than he and I had been; and I was not close to Rayburn at all. So they continued to promote Mr. Johnson for both chairman of the delegation and favorite son. As discussed before, it was rather long and at times a bitter campaign. And he won that campaign. I had been to discussions--to talk to him about that. This fact is well known, and he and I could discuss it because we were friends. I said, "Lyndon, you have...switched back and forth in making trades over the years between the so-called liberal elements of the Democratic

Party and the conservative elements. In your legislative approach in the Congress you have been liberal at one time, conservative at another, whichever suited the particular moment. And I want to call your attention to one thing that's been bothering the convention fight. You know we have a May convention, and we'll have another convention in September which is generally called the Governor's Convention. But you're going to need someone to help you control that, and you're going to make a trade with the liberals here in order to beat me in this May convention, if you do. Because you are not going to get the conservatives to pull it, and if you make a trade with the liberals, they're going to beat you in September. They'll take you over later if you trade with them now. On the other hand, (chuckle) if you join forces with us, we can control both the May convention and the September convention."

Well, he...I don't know whether he made the decision himself or went back and talked to Mr. Rayburn about it. He indicated that he agreed with my analysis of it. Price Daniel was coming in as ...as governor, or did--it was a difficult race between him and Senator Yarborough. Normally the person who is elected governor at that particular time is entitled to control--can control if he tried hard enough--the September convention after he is first elected. Some of them...there are some exceptions to that, but generally that is true. Price Daniel was coming in and...I had the impression that...whether it was Daniel who was elected or Yarborough was elected, that we had sufficient strength over the state to control the September convention. And certainly Johnson wouldn't

unless he had the Daniel supporters as well. But we had the organization. As it was, he and Daniel did join up in the September convention. I had no part in the September convention, of course--wasn't even a delegate to it and was not invited because I had been defeated in the convention procedure and machinery. But ...Price Daniel, the governor-elect, and Senator Johnson...who was, I believe, Majority Leader at that time and a very powerful person were allied to control the convention. That was his first attempted campaign for the nomination as President, the first time he was proposed, at least, and was favorably projected as favorite son. They came back to try to control the September convention and lost it to Mrs. Randolph and the doctrinaire liberals. They named Mrs. Randolph as national committeewoman.

That's far and apart from the question you asked me about the governor losing influence or effectiveness after he announces that he is not going to be a candidate for re-election, but I think it does fit in the picture. If I had been running for office with the hope of being elected, and certainly if I had been elected I'll underwrite, as of now, twelve years later, that I would have won both the May convention and the September convention. As I say, I don't think, I hope I didn't lose any friends during that particular period of time. But I think it is just a matter of human nature that people who are interested in politics, whether they are in office themselves or whether they are just supporters of candidates, begin to look for someone else that they can be close to, not that they feel unkindly toward the man who is going

out. But if you had to call a special session of the legislature you have the same situation, as evidenced by the one Governor Connally has just completed recently. He had all kinds of trouble with it after he announced that he was not going to be a candidate for re-election. And just by a hair's breath, as you know, did the session achieve the success it started out to try to achieve. Now, in my opinion, if Governor Connally had been running for re-election at this particular time and a candidate, he would have had much stronger support in the legislature than he had in this case. That's one reason that I have always proposed that the governor have a four year term instead of a two year term--that there be no limitation on the terms that he has. I think we need a stronger executive branch of the state government than we have in Texas in order to solidify the governor's strength.

Gantt: Now you mentioned the September of 1956 convention. Let me ask you whether or not you had any part in that convention as an outgoing governor?

Shivers: No, no, I didn't. As I mentioned a moment ago, I had been defeated in the May convention. And Governor Daniel had been nominated as the governor to succeed me in office. And he was getting forces to try to organize and control the September convention. Maybe I didn't make myself clear. In the May convention of 1956, after Senator Johnson and I couldn't agree on methods and procedures and so-forth, he traded out with the liberals. Mrs. Randolph was really the head of them, labor and so-forth, at that time in order to defeat me and my supporters in the May convention. Then in the

September convention these liberals that he brought into his camp decided they wanted to control the September convention. Well, they weren't friendly to him, they were like he was in the May convention, they wanted to defeat me. So they joined with him, and he joined with them--they both had the same purpose and that was just to defeat me. In the September convention, he wanted to control it and they wanted to control it, and my friends were mostly out of it, except a few who they supporting...Governor Price Daniel who had been nominated governor. But the liberals had the organization and they controlled it, so I didn't have anything at all to do with it. I was not even there. Several people called me from the convention to keep me advised about what was going on. But I had no people there at all except as observers.

Gantt: We've reached the point where you have decided not to run and are going out of office. It seems to me this might be a good place in these interviews to talk a little about your philosophy of government. I've read that you became more conservative during your administration. And I'd like for you to more or less summarize what your political philosophy is as a political conservative.

Shivers: Of course, the proper answer to that question today is, I hear the presidential candidates saying it all the time, "Don't label me as anything." I don't like labels. I never liked hearing them applied to me or anyone else. And I think that is generally true of politics. It was maybe true when I was in state government. I don't think there's any question but what I did become in the true sense of conservative approach to the theories of government to become more

conservative than I was when I first entered state government. One reason for that is I was extremely young for someone coming into the State Senate, for instance, as my first office. And I think younger people are generally inclined to be more liberal, if we are going to use those terms. I had been elected from a labor district and had lots of labor support. Again it was a question...a case of them supporting me in order to help defeat a man who was in. And I helped them with lots of their legislation. Later on, they became bitter toward me because I voted for two bills while I was still in the state Senate that they began to oppose me, almost viciously at times, on the old theory that you didn't vote for them a 100 per cent of the time you weren't their friend. And I think that might have influenced the idea that then if they were going to fight me on all occasions that maybe...they were forcing me to become more conservative...I say again using the term liberal and conservative in what we generally consider the accepted sense. In the 1950 campaign that I ran for governor, the first campaign, Caso March, who was the professor of law at Baylor University, ran against me and no one gave him a 10 or twenty per cent chance, and yet because of the fact that labor was mad because I had voted for these two O'Daniel Bills, sponsored by Governor O'Daniel and members of the Senate but that I thought were good, needed the regulation. And they haven't proved to do any harm as far as I know. Anyway labor supported Caso March in that 1950 race for governor and very few other people were for him. I don't remember how much... how many votes he got but, I'm sure he didn't get over 23 or 24

per cent and maybe not that many.

Hart: You carried 253 counties and he carried one which was Duval. (Chuckle)

Shivers: Well, I...

Gantt: How do you account for that?

Hart: That's easily accounted for.

Shivers: The Duval vote? Don't waste my time. Do you really want me to answer that one now?

Gantt: It's fine.

Shivers: In the middle of this? The reason he carried Duval...before that race, after I succeeded Governor Jester in 1949, there was a vacancy in the District Court in the...in the district that Duval is in. I think it covers maybe Jim Wells and two or three counties there. George Parr, who is the boss...political boss of Duval County as well as boss in every other way, who counted the votes, contacted me and wanted me to appoint his lawyer, I think his name was Jones, as the District Judge. And I refused to do it, and appointed someone else. So when the votes were counted I didn't get any in Duval County.

Hart: You might just correct the record there, Allan, and this vacancy was actually in the Court of Civil Appeals, as I recall it. And the question was, were you going to appoint the District Judge at Corpus Christi to the vacancy on the Court of Civil Appeals, thereby creating a vacancy on the Corpus Christi District Court. That was actually the question. And when...this was the agreement that Governor Jester had made, and you were asked to honor this agreement. But, and you intended to do so, but you fell out over



who you were going to appoint to the vacancy that would be created.

And what you did, actually, did not create a vacancy but you appointed a judge from some other district to the Court of Civil Appeals vacancy and left the Corpus Christi judge on the bench; therefore, there wasn't any...actually wasn't any vacancy to contest over when you got through with it. But it created the same...

Shivers: Yes, it was over the appointment of a judge. I've forgotten the exact details of it. But getting back to the question of the labor opposing me in the Caso March race. To me it appeared as an insult. I would have thought that labor would have had more sense than to do it, as a matter of fact. They were just protesting. But I think there's something to the fact that those who are your political antagonists, opponents, and so forth...Of course the candidate and the incumbent in office often take the opposite view, a more moderate view in some instances, because of the opposition. I know there are a lot of times in campaigns that a candidate is running against an incumbent and will take positions that are almost diametrically opposed to the incumbent's views. I think, as an incumbent governor the opposition of labor was uncalled for in my opinion; and I still consider it my opinion; and I still consider many of them my friends and myself a very firm friend of labor. But the fact that they opposed me on any and all occasions probably did make me feel a little more conservative.

People generally think of a conservative, and back in the days when I was in office conservatism in state government was pretty generally states rights, the relationship of the state with the

federal government. A lot of people equate conservatism with the spending of money. They're both right about it, I think. All the years that I was in office I voted for many millions of dollars-- I don't know how many but quite a few of them--to support needed state services and spent more money, probably, than two or three previous governors had spent, because the war...World War II had been going on not too long before that. And in Coke Stevenson's administration they couldn't spend a lot of money. So state services were far behind; we needed to spend a lot of money to get them up to par. And I didn't hesitate to recommend the spending and also recommend the taxes. A number of students of government have said that I should have been labeled a liberal, especially in the field of spending. But I was spending for state services. On the other hand, I think people who look back at my general record will probably say, "Well, he was a conservative, maybe an extreme conservative, liberal and then conservative."

Because of my activity opposing the federal government as related to taking the powers away and absorbing the powers of state government. One of the best examples I can give you of...of that, would be this. When I was in the governor's office we were opposing federal aid to education, at least the control that went with federal aid to education. And the theory was, that those who furnished the money were going to control the activities. That is, if the federal government furnished the money for the schools they were going to substitute their control and their judgment, even to the extent of courses of study. Not all these people who were in...

certain percentage of colored students in every school in the Austin Independent School District or they're going to cut off some \$8,000,000 or \$12,000,000 in federal funds. Well, now, I'm not going to be in a position to say...of saying "I told you so," but, and I think I said to you in a previous interview that I think if they're going to furnish the money they ought to have some control over it. I think this is the silliest sort of argument that they're having...that is going on in the city of Austin, here, now, in this year of 1968. Of course, they now have the right in the city of Austin, a colored student in any section of Austin can go to any school in the city of Austin, in the Austin Independent School District, that he wants to go to and they have to provide bus transportation for him to go. A white student can't do that. Well, H. E. W., in this instance, is demanding that the Austin Independent School District increase the percentage of colored students in all of the schools. It's what...it's evidently what they're going to do because they were giving them free choice to go anywhere they want to. But what they're going to have to do is ...is now to force these colored students to go to other schools, even if they don't want to. Well, how silly can you get, as far as I am concerned.

Let's get back to what I call the theory of running the government. When I was preaching states rights as a theory of state government I think I told you, personally, probably in some of these interviews, that the democratic form of government is built upon the states becoming the nation. The nation is a

confederation of states. We must have strong local and state government in order to have a strong democracy or a republican form of government. As we concentrate this power through money or otherwise in a central government, we increase it to the possibility of dictatorship. They began to control...now they control things that we would have been shocked about just...less than ten years ago--five years ago. But things ten years ago that you would have said never could have happened under the expansion of the commerce clause of the Federal Constitution, even five years ago that you would have been shocked that anyone even proposed, are today proposed just as a matter of course. Laws could be passed by the federal government, rules and regulations, guidelines, where they would name the moratorium. There is very little, if anything, today, that the...under a federal executive order or under an interpretation by the federal courts can't be controlled by the central government on a local level. And I say that's bad government.

Gantt: While we're on the matter of intergovernmental relations, would you comment on what you think the appropriate relationship between the state government and local government. For example, the state government giving aid to education in the local school districts and so on.

Shivers: Well, I think you have to have certain standards. You must have certain standards to go by. And let's talk about the Gilmer-Aikin law in the state of Texas in that connection. You may recall that when I was in the governor's office one of the things that I fought

for and got in real political trouble with the school teachers' over was that local government ought to contribute a certain percentage out of this. And all the money ought not to come from the state and, therefore, all the control; but I wanted the local school districts to furnish a good percentage of their local cost so that they could set these rules. And I followed that policy all the way through, local people, generally. That's one reason you have continuous weakening of state and local government. Local people, in this particular instance, do not want to pay their fair share of local taxes in order to have the money to do these things. People in the state and in the localities will vote against bond issues; they will defeat people who vote for taxes and appropriations, to do, by state services, what they then go to the central government to request in aid. And with the constant erosion of state and local authority.

Hart: Could I inject an observation on this general subject of Governor Shivers' philosophy changing from, say, more liberal to less liberal, or less conservative to more conservative. I question that this actually happened, having been in position to observe and know of his activities and have a pretty good slant on his philosophy over a period of seven years. It never seemed to me that his philosophy changed any. I might make a somewhat absurd statement to support it. If anything, he became more liberal, especially since he got out of office. What actually happened was that the manifestations that we go by in judging conservative and liberal changed. He was talking about the support that he lost on the so-called liberal side.

It seemed to me that the liberals and conservatives insisted upon a public official lining up one way or another. He may honestly want to be fair. He wants to be honest and wants to be in the middle, but his friends won't let him, nor will his enemies. It is a pressure...it is a push on the part of his enemies, part of his enemies, and a pull on part of his political friends to get you definitely on one side or the other. And it's a matter of self-survival with a political officeholder that he must do this thing. Middle-of-the-road people are utterly useless in a political campaign. They're too fair. Or they...actually they're not interested. It doesn't mean enough. It doesn't matter enough to them who's in charge. They can't decide which side they're on; therefore, they never line up anywhere. The people who are elected to office are zealous, and even the extremists if they're mad-- evoke the shades of Goldwater--they're people who have strong feelings one way or another; and, therefore, I think that it's a matter of, at least in this case, of conservative and liberal transition, with a matter of political approach and not a basic philosophy. I repeat, I didn't notice any change whatever; that is, basic philosophy during the seven or eight years that I was associated with him. I did notice that his friends became more conservative. He ran with a more conservative crowd; but this was a matter of political self-survival or evolution in political sport.

Shivers: Let me comment on one thing Mr. Hart said from a personal experience. And this campaigning is not theology of any kind. There is nothing truer in what he said about working in campaigns. These moderate,

middle-of-the-roaders, and so forth--the real, true, moderate middle-of-the-roaders--have a hard time making up their minds whether to even vote or not, and a lot of them don't vote. That's where you get the small percentage of voters. The people who get mad about elections are the ones who go vote and who take part; who'll work in a precinct; who'll help raise money; and who care about the fellow that does get elected. So you have the fellow in the middle who gets...he has to put up with whatever one extreme or the other does elect. You say, well, you're trapped. The presidential race going on now...the commentators all saying that each one of the candidates is going to try to appeal to the independent voter. Well, the independent voter is the fellow I'm talking about. He's the fellow that has a hard time deciding which side he's really on or whether he's on any side. But he's certainly no good in a campaign because you couldn't depend on him.

Gantt: The noted columnist, Samuel Lubell, in his book called Future of American Politics had made the observation some years ago in it that the future of American politics would be in this moderate approach to politics not conservative or liberal, particularly. Would you disagree with that theory?

Shivers: I surely would, for this very reason. I...what I think he probably meant was this: every candidate you see running for office, take the presidential candidate, take Governor Connally's three campaigns, Governor Daniel's, take all mine, as a matter of fact, in announcing for office and putting out copy about it, how you stand on certain issues. You say that you are a moderate, your

views are moderate on this; you certainly are not going to label yourself as an extremist. I don't know of any candidate that...well, some of them do--but the tried experience in Texas has been generally moderate. Governor Jester, for instance, who preceeded me in office had a platform called "The People's Path" and that was supposed to be right down the middle of the road. There'll be certain views; you'll get over on the conservative side to try to please one group a little more than another, whatever your views are. But then there are others which ought to please the other end of the spectrum more than the people who label you one or the other. But I think Lubell is probably, I remember that, and as I recall he's talking about what the candidates actually ran on, their own platforms and their own views. I've said this before to you, President Johnson used to always have a saying that a man had to be elected to office before he could become a statesman. So your views are going to have to be at least classified as moderate as Lubell was talking about, middle-of-the-road and so forth. But his actions have to... after he gets elected his actions, in order for him to stay elected, have to appeal to a majority.

Hart: President Johnson calls this a consensus.

Shivers: (Chuckle) That's right. It was Isaiah, "Let us go reason."

Gantt: Well, now that you've brought it up, would you care to comment on that approach that he uses.

Shivers: That President Johnson uses?

Gantt: Right.

Shivers: Well, I'll make this comment. Quite a number of people over the



years have asked me if Senator Johnson, in his position as Majority Leader, Vice-President, and so forth, asked me, if he was a wind-rider. And that's a term that I know you understand--if he swayed with the wind in his political opinions or did he have firm views on questions. And my answer always was, that he was smarter than that; he was ahead of the wind. (Chuckle) He could smell the change coming and was more...he changed to conservative when he knew that the trend of time was going to come. And I'll use the example of the Taft-Hartley Act, for instance, when he was in the House. Now when they passed the Taft-Hartley Act, originally, in ...if anyone was ever elected on the so-called liberal platform, then his first election to Congress was, his strong support came from those people that were elected on Franklin Roosevelt's coat-tails. So, if anybody has ever been classified as liberal, I guess Johnson as a member of the House would have been. So when the time was beginning to change because of labor abuses in the past, he voted to override President Truman's veto of the Taft-Hartley Act, as you recall. And, as I told you before, I think his strong stand on that, in the absence of Governor Stevenson taking any stand, trying to ride the fence and take that so-called middle-of-the-road, put Johnson in the position to obtain the 87 votes and to elect him as United States Senator.

Hart: You might just throw this in, Fred; in the 1948 campaign Booth Mooney, whom you probably know, worked for Governor Stevenson as one of his speechwriters. And in that campaign Governor Stevenson attempted to stay out of the labor fight in that he never endorsed

the Taft-Hartley Act. While, as I recall, Mr. Johnson did make this a very strong element in his campaign. Booth Mooney later went to work for Johnson, but he told me in later years he said-- and commented on it--he thought this was the point upon which the election actually turned--one of the points on which it turned-- and he made the remark that "I still have a speech in my files that Governor Stevenson refused to make. I think that if he had made it, he would have been elected."

Gantt: One of the aspects of philosophy of government, of course, is what might be done for improving the government. And in your end of the term speech, you came out in rather strong terms for streamlining the executive branch. Would you comment on some reforms in the state government that you think are absolutely essential?

Shivers: One of the main things I think we need to do is to have a two-party state. Then you have responsible party leadership or competition for the office rather than having a personal segment of one party as we have had historically in Texas since the Reconstruction period, anyway. The comments I have made and I testified recently before the Constitutional Revision Study Committee (appointed by the legislature to study revising the Texas Constitution, which is as you know--it would be complementing it to say that it is patchwork). I said that I thought the governor should have a four year term and that there should be no limitation on the number of terms. Let the number be decided by the people. That was to get around the lame duck idea that we were discussing earlier. And I also said that I thought a great number of policy-making commissions, boards,

bureaus, and so forth, that now have staggered six year terms should have terms that ran concurrent with the governor's term in office to strengthen his hand, and that certain of the elected officials, ought to be appointed by the governor such as the attorney general, for instance. I don't think the comptroller's office, the state treasurer's office, the land commissioner fit in that category, necessarily, even the railroad commission; because they are more record keeping, administrative offices than they are policy offices. I think the attorney general's office needs to be friendly to the governor and, therefore, appointed by the governor; the term should be concurrent with his because you could create a very disturbing thing in state government if you had a fight going on between an elected attorney general and an incumbent governor.

Gantt: You seem to know some examples of that.

Shivers: Yes, yes, quite so. In connection with this appointment of boards and commissions, I included the State Highway Department which has had a very fine record of administration for a great many years starting out with Gibb Gilchrist who really set the pattern for a lot of the present day policies and administration of the Highway Commission, as you probably know. After he left the Highway Department, he served as president and chancellor of A. and M. College, now called A. and M. University. He was a good administrator and a very tough administrator. When he saw my press release--the story in the press that I had proposed this--he thought ...he didn't seem to care what I did with the other departments, but he didn't want any governor to control the Highway Department.

How terrible he thought that would be! Of course he's going back to the Ferguson days of the Highway Commission, when it was rather loosely run. I told him, on the other hand,--I wrote him an answer in the letter about it and I explained my position--that I thought the people would remedy that kind...if any governor did abuse them, and this is the reason I said that you needed a two-party system to accomplish this. I think he would have a wider spread of responsibility in the party system, if we had two strong parties, than we would in a so-called personal battle. I mentioned to Gilchrist in my answer to him that I thought if I had had the power to remove appointive officials confirmed by the Senate as I have proposed to this Constitutional Review Commission and the terms concurrent with the governor's term, that I might have avoided some of the trouble that came up during my term in the Insurance Department; maybe other governors can think of matters that they might have avoided. Of course, Mr. Gilchrist was a great state highway engineer and a great president and chancellor of A. and M., and he's a very strong friend of mine. I appreciated his letter; that's his view.

And there is a real danger, of course, if you say, well if you...you have to assume that you're going to get a dictator, or a crook, or some in-between, a man who's not going to try to do a good job, say, with the Highway Department, to assume that you're going to have had administration and abuses. I've always thought, and I still believe, that if you'll give a man authority, if he has any judgment at all, if you'll give him authority, it gives him a

feeling of responsibility. If he has duties to discharge, and authority and responsibility, he's going to give more sober thought and going to be more atune to what is right and wrong than he would be if he doesn't really have some authority. I think it has a settling influence, if I make my point clear--that responsibility and authority has a settling influence on the man's judgment.

Gantt: Is what you are really advocating then is a sort of cabinet system for the state executive branch?

Shivers: Yes, I think it could be referred to as that. As state government grows, that becomes more necessary. The governor's office today has much more activity, and much more money, and many more employees, many more things both state and federal to look after and help look after than they had when I was in office. So I think he needs more and more sound advisors around him. Call it cabinet, if you like. A lot of states do, as you know, have what they call a regular Governor's Cabinet. They could be the people in other departments as well as other officials. I think one of the main things you need, also, is a real strong staff, because he can't do the work by himself--he can't make all of the decisions, the day to day decisions. He must necessarily make the important ones, the major ones; but there will be hundreds of them every month that he can't possibly pass on, and that he ought to be able to delegate to a trusted, competent staff man. One thing that I notice President Johnson has always tried to do is have good staff people. I don't know how much he delegates to them, but I think a good executive in business or government has to have good people helping him--

competent people and people that he trusts, that understand his point of view.

Gantt: Would it be accurate to say, then, that what you were summarizing is in your views in the end-of-the-term speech would really strengthen the executive branch?

Shivers: Yes, I think that is true. Certainly I believe that. I believed it then, and I still believe it. You asked me about the relationship...if I'd talk about the relationship of federal government with the state government...what did I think about relationship of state and local government. You'll find in one of my inaugural speeches and some of my messages to the legislature that I emphasize that very point--that if we who believe in states rights were to expect...if we were to expect the federal government to respect states rights, then we on the state level had to respect local rights.

Gantt: Mr. Hart as a...

Hart: May I ask a question?

Gantt: Do you have something to say about this?

Hart: I want to ask the Governor a question, if I may. I don't think I've ever asked him this before but the...in relation to....Let's take the Highway Department, which you had the discussion with Mr. Gilchrist about. I would see, off hand, an advantage in having the governor appoint a new set of highway commissioners, let's say it started with them responsible to him. I would have some qualms if those commissioners were then empowered to un-do or re-do the entire organization of a highly developed, highly complicated, highly technical, administrative department. Anywhere in your calculations,

do you think of a...sort of a modified civil service, to use the term, whereby, let's say, the state highway engineers while responsible to the commission would not be automatically discharged. They'd have some tenure so that the organization, the administrative organization of a department such as this one could be carried on while the policy might be modified or changed to some extent from above. Does this have any value to it?

Shivers: I don't think the civil service ought to go quite as high as the chief executive. As you know I've always been strong for government offices job classification, a modified civil service, adequate pay, and rights for the state governmental people. I wouldn't...I...I think that if you...if you're going to allow the governor to appoint these three commissioners concurrent with his own term, these commissioners would have to have the authority to hire and fire the chief engineer. I think it would be well to have below the chief engineer most of the people in civil service. And, again I say, I would not...I do not assume--I think Mr. Gilchrist did--and I think what you suggested maybe is some strengthening the lower levels so that we get away from what...the possibility of what Gilchrist suggested that you bring a group in, if they wanted to they could tear up the entire project.

Hart: There's the possibility of something like that.

Shivers: I would say this. If they did, you might have some impeachment proceedings filed, either against the governor who appointed them or against those who wrecked the system. His answer, and I'm sure your's would be, "Well, they've already wrecked it by the time you'd

get them impeached." I just...and no one's ever accused me of being naive about this kind of thing; but I'm just not going to assume that a person who can be elected governor in Texas today would go in and try to wreck something as good as the State Highway Department or State Insurance Commission or any other department that is good; he's going to try to strengthen it because he, himself, is going to be doing his dead-level best to make a good record. And that's the reason I say he has to have good people around him or he has this cabinet system, and what I was emphasizing about having a good, well-paid, knowledgeable staff to help him in his day-to-day work. He's going to want, also, the best people available to serve on the State Highway Commission, on these other boards, bureaus, and commissions. As we told Dr. Gantt before, of course, he's going to find that his friends are more able than his enemies. (Chuckle)

Gantt: Well, sure.

Shivers: But he's going to want to find able people to run them. I think that is a valid criticism, I mean, the one raised by Mr. Gilchrist, the possibility of that. And no one wants that kind of thing to happen to his government.

Hart: Well, the only thing I was thinking of is that if the governor, let's say, made a mistake and appointed not one but three commissioners who turned out to be rather strong headed and with rather violent disposition to change things, before they learned their job, they might make some fatal errors which they would regret later on. These complicated state agencies of this day



require a good deal of knowing, experience with them. I've noticed it takes a year for a new highway commissioner to know what's going on. This may be bad. It may mean that the bureaucracy of the Highway Department is in charge when the...and not as attentive as it might be to the policies of the administration. But it is true that it requires a good deal of breaking in. This is an argument in favor of a rotating term, of course; but I still think that it has two sides to it and...but I just wanted to question about that civil service, how far it should go.

Shivers: I wouldn't like to see...I think civil service would be good, and I think...I'm in favor of having a retirement system and all the other benefits that you get outside, because I think you get better employees if they can have the same pay scale. I've always said that you need as good people or better people in government than you need in business and you ought to pay them as well. But if you get civil service up to the top executive level of the department--this is a theoretical thing--then the department is controlled by the civil service people. When the man who has been elected to office by the people makes appointments to run the department they couldn't run it to save their lives. You've seen that among the federal bureaucracy.

Hart: I'm sorry to say that if when you...if you know something about the operation of the federal bureaucracy you have a...you get a little amused at some of the claims of the candidates for president, about what they're going to do when they get in office. They're not going to do near as much as they may think they're

going to because of the very fact that we're talking about.

Gantt: Now, along these same lines of the highway commission appointments, did you have in mind a new governor coming in and appointing a highway commission to serve concurrently with his own term and then the next governor do likewise?

Shivers: Yes, yes.

Gantt: No overlapping terms?

Shivers: No, not at all.

Gantt: Then this would include the power of removal, also.

Shivers: Right, right. Your continuity of administration operation would be with the permanent employees and, you would assume, with the executive. The State Highway Department here and the Department of Public Safety--I'll just use these for examples--are probably two of the best operated departments that we've had in state government over the years. I don't even remember who the State Engineer was before Gibb Gilchrist. And DeWitt Greer succeeded Gibb Gilchrist. And now Greer has just retired and you have Dingwall, who has been in the department for twenty-five years.

Hart: Longer than Greer...

Shivers: Twenty-five years, I guess, himself. So you only had three in at least thirty years...thirty-five years.

Hart: They had Julian Montgomery for a short time.

Shivers: Julian Montgomery, yes, that's right.

Hart: Gibb Gilchrist and then...

Shivers: Julian Montgomery. But...and the same thing is true with the Department of Public Safety. We've had very few chief executives,

or executive officers, administrators--Phares, who was succeeded by Homer Garrison. Homer Garrison is deceased. And we have an acting man now and will appoint him as administrator of that. But it doesn't change much. And there hasn't been a time when the three commissioners...several times that I appointed all three commissioners during the seven and a half years that I served as governor. Price Daniel served six years and had three appointees on several boards. John Connally has been in six years now, and has three appointees on quite a number of boards. There wasn't any time that if either one of the three of us wanted to abuse this power we're talking about could have fired the chief executive office of any one of those. This is just a little sideline type of thing to just give you an example of it... of what I am talking about. Since I have been out of office I have helped form some banks over the state. As you know under state law you apply to the State Banking Commission, composed of the Banking Commissioner, Mr. Falkner, State Treasurer, Mr. James and an appointee of the governor. And for one of the applications we made for...some friends and I made for a bank in a small Texas town Mr. Falkner was bitterly opposed to it. And I decided to go up and visit with him. I'd never been close to Mr. Falkner even when I was in the governor's office; although I thought we always got along fairly well.

Gantt: He was in this position when you were governor?

Shivers: Yes, he was...and had been for many years. He was Banking Commissioner. Then they changed it to a new...they called it

Finance Commission which included savings and loans and certain other lending agencies that finance things as well as banks; and then he continued over as executive of that. But what I was getting at, I went up to see him about this application for a charter some friends of mine had filed. And I could tell that there was something personal bothering him about it all. And I finally just asked him the question. And he said, "Well, when you were governor you tried to have me fired." And I said, "Mr. Falkner, that is absolutely ridiculous." And I said, "I don't know where you got your information or what caused you to think that, but let me just give you one good example. The reason that I said I didn't try to have you fired is you weren't fired. If I'd tried to have you fired, I could have had you fired. So whoever gave you that kind of information is just misleading you; and I'll tell you today it's not true." I could have had him fired if I...I mean if we want to push it enough I...you have to assume in that also that the people you appoint as friends would have gone along with a request of that kind. As far as I can remember. I had no reason to want him fired. And didn't ever try to have him fired. (Chuckle) But my reasoning to him was that it wasn't true that I tried to have him fired, but because he wasn't fired. (Chuckle)