

*The Philosophical Society of Texas*

**PROCEEDINGS**

*1974*

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PROCEEDINGS  
OF THE ANNUAL MEETING

AT AUSTIN

NOVEMBER 29 and 30, 1974

XXXVIII

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DALLAS

THE PHILOSOPHICAL SOCIETY OF TEXAS

1975

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THE PHILOSOPHICAL SOCIETY OF TEXAS FOR THE COLLECTION AND DIFFUSION OF KNOWLEDGE *was founded December 5, 1837, in the Capitol of the Republic of Texas at Houston, by* MIRABEAU B. LAMAR, ASHBEL SMITH, THOMAS J. RUSK, WILLIAM H. WHARTON, JOSEPH ROWE, ANGUS MCNEILL, AUGUSTUS C. ALLEN, GEORGE W. BONNELL, JOSEPH BAKER, PATRICK C. JACK, W. FAIRFAX GRAY, JOHN A. WHARTON, DAVID S. KAUFMAN, JAMES COLLINSWORTH, ANSON JONES, LITTLETON FOWLER, A. C. HORTON, I. W. BURTON, EDWARD T. BRANCH, HENRY SMITH, HUGH MCLEOD, THOMAS JEFFERSON CHAMBERS, SAM HOUSTON, R. A. IRION, DAVID G. BURNET, *and* JOHN BIRDSALL.

*The Society was incorporated as a non-profit, educational institution on January 18, 1936, by George Waverley Briggs, James Quayle Dealey, Herbert Pickens Gambrell, Samuel Wood Geiser, Lucius Mirabeau Lamar IV, Umphrey Lee, Charles Shirley Potts, William Alexander Rhea, Ira Kendrick Stephens, and William Embrey Wrather. December 5, 1936, formal reorganization was completed.*

*Office of the Society is in the Texas State Library, (Box 12927, Capitol Station) Austin, 78711.*

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# *The Philosophical Society of Texas*

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AUSTIN AND THE VENERABLE DRISKILL HOTEL WERE THE SCENES of the Annual Meeting, November 30 and December 1, 1974. Members and guests were delighted that the familiar charm of the Maximilian Room and Crystal Ballroom, where sessions were held, and the Jim Hogg Suite, survived the extensive refurbishing and improvement.

After cocktails, President Wilson welcomed members and guests and announced election to membership of:

Rex G. Baker, Jr., Houston  
Lloyd Bentsen, Houston and Washington  
William L. Garwood, Austin  
William C. Levin, Galveston  
Ballinger Mills Jr., Galveston  
John Tower, Wichita Falls and Washington  
Edward T. Watkins, Houston

Roll of members lost by death since last Annual Meeting was recorded:

Dillon Anderson  
W. B. Bates  
Clarence Cottam  
William Maurice Ewing  
William Womack Heath  
Clifford Bartlett Jones  
Erin Bain Jones  
Robert J. Kleberg Jr.  
Marlin Sandlin  
James Ralph Wood  
Lyndon Baines Johnson  
Richard Fuller Fleming

President Wilson briefly explained the heavy agenda of topics for Saturday's symposiums, after which members and guests lingered for convivial conversation.

*Attendance at 1974 Annual Meeting*

Members attending included: Misses Cullinan, Hargrave; Mesdames Carroll, Dudley, Gambrell, Jones, Knepper, Krey, Lee, McCormick, Northen; Messrs. Anderson, Armstrong, Beto, Blocker, Boner, Carmack, Carrington, Clark, Dickson, Dougherty, Estes, Gambrell, Garrett, Garwood, Gresham, Hall, Harbach, Hershey, Hill, Hunt, Jeffers, Jordan, Kelsey, Kempner, Kilgore, Kirkland, Lord, McCullough, Minter, Parten, Pressler, Ragan, Shepperd, Henderson Shuffler, Ralph Shuffler, Storey, Tate, Whitcomb, Wiggins, Wilson, Winn, Wolf, Wray.

Guests included: Mr. and Mrs. Thomas D. Anderson, Mrs. Truman G. Blocker Jr., Mrs. Marian Boer, Mrs. George Carmack, Mrs. Paul Carrington, Mrs. Edward Clark, Mrs. J. Chrys Dougherty, Mrs. Carl L. Estes, Mrs. Joe E. Estes, Ms. Elizabeth Firster, Mrs. Jenkins Garrett, Mrs. W. St. John Garwood, Mrs. Newton Gresham, Mrs. Richardson Hamilton, Mr. and Mrs. Erwin P. Heimer, Mrs. Jacob W. Hershey, Mrs. Wilmer Hunt, Mrs. Leroy Jeffers, Mrs. Bryce Jordan, Mrs. Mavis Kelsey, Mrs. Harris Kempner, Mrs. W. J. Kilgore, Mrs. Grogan Lord, Mrs. John McCullough, Mrs. Merton Minter, Mrs. J. R. Parten, Mrs. Herman Pressler, Mrs. Cooper Ragan, Mr. John A. Rose Jr., Mrs. Marlin Sandlin, Mr. W. G. Sears, Mrs. Stuart Sherar, Mr. Frank C. Smith Jr., Mrs. Robert Storey, Mrs. Willis Tate, Mr. and Mrs. Edward T. Watkins, Mrs. Logan Wilson, Mrs. Stewart Wolf, Mrs. A. J. Wray.

*Attendance at 1973 Annual Meeting*

Members: Miss Carrington; Mesdames Carroll, Dudley, Gambrell, Jones, Knepper, Krey, McCormick, Randall; Messrs. Banks, Bates, Bennett, Caldwell, Carmack, Clark, Cottam, Daniel, Denius, Ewing, Gambrell, Garwood, Greenhill, Hall, Harbach, Hart, Hobby, Hoffman, Hunt, Jordan, Kelsey, Kempner, Kilgore, Kirkland, Law, Mallon, Minter, Moore, O'Quinn, Provence, Ragan, Richardson, Sherar, Storey, Sutherland, Tips, Wilson, Winfrey, Winn, Wittliff, Woodson.

Guests were: Mrs. Erwin Heinen, Mrs. Clifton Caldwell, Mrs. James P. Hart, Mrs. Wilmer B. Hunt, Mrs. Merten Newton, Mrs. James B. Winn, Mrs. Harris Kempner, Mrs. Trueman O'Quinn, Mrs. Philip G. Hoffman, Mrs. Joe R. Greenhill, Mrs. W. G. Hall, Mrs. Fagan Dickson, Mrs. George Carmack, Mr. and Mrs. William Lewis, Mrs. Cooper Ragan, Mrs. W. St. John Garwood, Mrs. Bill Wittliff, Mr. and Mrs. Ballinger Mills, Mrs. Maurice Ewing, Mrs. W. B. Bales, Mrs. Charles R. Tips, Colonel and Mrs. E. T. Watkins, Mr.

and Mrs. Robert McGregor, Mrs. Bryce Jordan, Mr. and Mrs. M. H. Roberts, Mrs. Thomas H. Law, Mrs. Mavis Kelsey, Dr. and Mrs. Hubert Heinen, Mrs. William A. Kirkland, Mrs. Stuart Sherar, Mrs. C. Stanley Banks, Dr. J. W. McKee, Mrs. Ben Woodson, Mrs. Carey Croneis, Mrs. N. J. Kilgore, Mrs. Mavis P. Kelsey, Jr., Mr. and Mrs. Thomas Randolph Kelsey, Mrs. Jenkins Garrett, Mrs. Richardson Hamilton, Mrs. Truman G. Blocker, Jr., Mrs. Clarence Cottam, Mrs. Edward Clark, Mrs. Harry Provence, Mrs. Logan Wilson, Mrs. Paul Carrington, Mrs. Fred H. Moore, Mr. and Mrs. Fred W. Adams, Colonel and Mrs. W. B. Bates, Mrs. Robert L. Sutherland, Mr. and Mrs. William E. Everett, Mr. and Mrs. Truett Latimer, Mrs. John Bennett, Mrs. Neil Mallon.

## SYMPOSIUMS

*President Wilson:* The general theme of this meeting is "Social Equality and Human Diversity." The panels will center about the basic question: "Can the quest for social justice be made more realistic and effective without being less compassionate?" The topic has been divided into three main questions, and each of our panels will concern itself with one of these questions. As you well know, society can leave statuses open to achievement, or it can ascribe them. Many statuses are ascribed by custom. Sometimes and in some societies the first-born son, for instance, has a special kind of status in terms of property inheritance. Certain statuses may be ascribed on the basis of sex. Sometimes statuses are ascribed on the basis of race. A caste system is one in which many of the main positions in life are determined by the accident of birth. In our society under slavery, for example, the blacks had a special status as slaves. When they were liberated, we still functioned (without ever quite acknowledging the fact) as a caste system. In most parts of the world the caste system has been done away with, but vestiges of it still linger, particularly in India and even in this country. The kinds of questions we are concerned with at this meeting are fundamental and have been throughout recorded history; many of the political issues and legal issues in which we have become embroiled really revolve around these basic questions.

### I. WHERE IS EGALITARIANISM HEADING?

*Chairman:* NEWTON GRESHAM, Houston. Attorney; former President, State Bar of Texas.

*Panelists:* GEORGE BETO, Huntsville. Former Director, Texas Department of Corrections; Distinguished Professor, Sam Houston State University.

BERNICE MOORE, Austin. Executive Associate, Hogg Foundation for Mental Health.

WILLIS M. TATE, Dallas. Chancellor, Southern Methodist University.

*Gresham:* Since *Brown v. Board of Education*, perhaps no court case in the field of civil rights has attracted so much attention or provoked so much discussion — particularly in the academic community and among editorial writers — as the case officially styled *DeFunis v. Odegaard* but which should really be called *DeFunis v. University of Washington*. Running through the case are many of the themes to be discussed here today. This opening discussion should, therefore, be limited as far as possible to a statement of the

case, although it is hardly fair to state the case without some emphasis upon the reality that beyond its mere legal significance it has historical novelty, is interesting from a sociological viewpoint and spotlights different philosophical beliefs.

DeFunis was an applicant for admission to the law school of the University of Washington. Although the University would not so admit, it seems clear that the law school had a quota system for admissions. DeFunis was denied admission. He had scored higher on the Law School Admissions Test than a number of lower scoring minority applicants who were admitted. There were also other white applicants who scored higher than DeFunis and were rejected. All were applicants for the class which entered in September of 1971.

DeFunis sought injunctive relief in the district or trial court in the State of Washington. That court ordered the University to admit him. The University took an appeal to the Supreme Court of Washington, which, in the spring of 1973, reversed the trial court decision and dissolved the injunction. All of this time, because of the trial court injunction, DeFunis was in law school and making his grades. DeFunis took an appeal to the Supreme Court of the United States. The case in that court was argued in February, 1974, and decided in April, 1974. DeFunis was still in law school and apparently still doing well and scheduled to be graduated in June of 1974. Although it is not so stated in the Court's opinion, he has since been graduated. In this instance the proverbial law's delay worked at least to the advantage of DeFunis.

A majority of the United States Supreme Court refused to rule on the merits of the case, deciding that the case was moot and that the Court was not required, nor even permitted, to rule upon it. The justification given was that DeFunis was about to be graduated anyway and the University had told the Court in the briefs or argument that it would not prevent his graduation if he stayed and did well.

Mr. Justice Douglas wrote a dissent in which he took the position the case was not moot, but that it had not been fully developed. He believed the case should be sent back to the trial court to establish whether DeFunis was really discriminated against because of his race instead of rejected because other applicants, belonging to the minorities, were on balance better qualified even though they scored lower than DeFunis on the admissions test. The remainder of the Court simply believed the case was not moot and should be decided. Be that as it may, the majority found the case moot and declined to decide it.



Since the Washington Supreme Court did decide the case on its merits, its opinion is much more definitive, comprehensive and interesting than that of the United States Supreme Court. Time does not permit its opinion to be analyzed in any detail. To reach its decision that the law school's admissions procedures were immune from attack, it had to rule:

1. That *Brown v. Board of Education* (which struck down the separate but equal concept) did not hold that all racial classifications are per se unconstitutional;

2. That the law school's admissions procedures did not violate the 14th or Equal Protection Amendment to the Federal Constitution; and

3. That the denial of the DeFunis application and the procedures upon which it was based were not arbitrary and capricious.

These legal niceties aside, one who reads the opinion of the controlling majority of the Court cannot fail to conclude that the rationale of the Court is summarized in these quotations from the opinion:

"It can hardly be gainsaid that the minorities have been, and are, grossly underrepresented in the law schools — and consequently in the legal profession — of this state and this nation . . . .

"Thus, the Constitution is color conscious to prevent the perpetuation of discrimination and to undo the effects of past discrimination . . . .

"Clearly, consideration of race by school authorities does not violate the 14th Amendment, where the purpose is to bring together rather than separate the races."

Thus, the Washington Court appears to stand foursquare in support of the concept of affirmative action even at the expense of reverse discrimination.

It is unfortunate — at least for the purpose of this discussion — that the United States Supreme Court did not elect to decide the Constitutional questions involved. Had only one justice changed his opinion, the Court would have done so. No one can divine what the result might have been had the case been actually decided. The one known fact is that Mr. Justice Douglas, while deploring any decision based upon race, felt that in determining the eventual capacity of an applicant, an admissions committee may properly evaluate "an applicant's prior achievements in light of the barriers he had to overcome" because of his race or minority status.

An interesting sidelight is something which produced little comment or excitement. It was developed in the evidence that of 275 students given notice of admission, 127 (approximately 40 per cent) were not residents of the State of Washington, and of those who actually enrolled 21 per cent were non-residents. This, of course, raises the question for discussion at some other time of just how much can be expected of the taxpayers of a state to provide for a national law school or a national university.

Probably not up to the time of *Brown v. Board of Education* (1954), and certainly not at any time prior in the history of the United States, could one have predicted — even if he had imagined it — that the question of displacing members of the majority race from a major professional school to permit the entry of members of a minority race would come before higher courts of the nation. Therefore, *DeFunis* is of historical importance.

The sociological aspect can best be commented upon by simply naming some of those who urged the Supreme Court to strike down, and some of those who urged it to uphold, the Washington Law School by the filing of actual amicus curiae briefs with that Court. In support of the law school's position, briefs were filed — not surprisingly — by the NAACP Defense Fund, the National Conference of Black Lawyers and the American Indian Lawyers Association. In support of *DeFunis*, briefs were filed by the Anti-Defamation League of B'Nai B'Rith and the Jewish Rights Council. So far as I know, the American Bar Association took no position, although that former bastion of conservatism has become increasingly liberal and even activist in recent years.

The philosophical questions involved are self-evident. There is this basic inquiry: Is the policy of affirmative action, intended, as it is, to redress the wrongs of the past by preferring minorities at the expense and harm of the present majority, ethically justified? On this question there is a difference of opinion.

*Beto*: The child is the father of the man. Any man is the product of his own experience, and I speak today as a member of the American Bar Commission on Correctional Services and Facilities and from an experience of ten years of living, rather intimately, with thousands of society's rejects — people who have violated our legal and social sanctions. I speak also from a background of having spent the three earliest years of my twenties studying under some men whom my contemporaries and I considered distinguished theologians and philosophers. Finally, I speak as the grandchild of grandparents who

came from the slums of Prague and virtual peonage in Pomeranian East Germany and from submarginal farms up in the Netherlands. These were people who believed with a passion what the late Woodrow Wilson was later to call "the American dream."

We as Americans, as people in the Western world, live in the Hebrew/Christian tradition. Both the Old and the New Testaments indicate clearly the equality of men, all men, in the eyes of God. This equality is implied in His consideration that all have violated His sense of righteousness and justice, and that they are all equal as objects of His benevolence and concern. Yet, I think it is significant that both of these traditions tolerated slavery. While among the Hebrew people slavery was probably more humane than it was in any other of the ancient cultures, it nevertheless was tolerated. And while the New Testament ethic made the continued existence of slavery rather difficult, I think it is equally significant that the New Testament tolerated slavery. I am always interested in reading the dilemma which American churches, particularly the ones in the North, found themselves in during the years immediately prior to the Civil War when they encountered Paul's letter to Philemon. These two cultures, these two traditions, not only tolerated slavery, but they also recognized the differences among free men. The Hebrews relegated some people to the category of hewers of wood and drawers of water. Our Lord, in His parable of the talents, indicated clearly that not all men and not all women are equally equipped to face the problems of life. St. Paul, as most of you know, constantly emphasized that not all men are equally gifted. The only requirement he laid down for them was faithfulness in using those gifts or those talents they had.

I do not believe a strong case exists for a moral imperative for the egalitarianism which is so popular today. On the other hand, I believe there is a moral imperative, that society has a distinct obligation to furnish all men, all women, all children with the free opportunity to exercise whatever talents they have. Recently I was reading a novel by a distinguished Michigan attorney, Mr. Parnell McCarthy, entitled *The Anatomy of Murder*. In the course of the development of the plot in this novel, the author delivered what the attorneys refer to as "obiter dicta," comments that do not have anything to do with the plot, but are sage expressions. He made this statement through one of his characters: "There is an intellectual smog abroad in the land. In nearly all walks we betray our insatiable lust of the mediocre, our terrible hunger for the third rate." I think the problem that Americans face today is to reconcile, on the one hand, their

traditional quest for excellence with the problem, on the other hand, of guaranteeing all men, all women, all children, regardless of their capabilities, a full opportunity to exercise and to use those talents which they have.

*Moore:* Since this is a "philosophical society," rich in diversity of backgrounds, education, experiences, opportunities, talents, wealth, accomplishments, status, personalities, politics, social groups and professional assignments, the Philosophical Society of Texas is a "superior group," a microcosm of what may be achieved in a nation based upon and dedicated to the philosophy that "all men are created equal," if you will, "in the eyes of God."

This, therefore, is a group in which to raise questions for thoughtful consideration in a complex, troubled, promising and demanding time. Answers — definitive answers — are creative opportunities still on the social and psychological horizon.

Some questions may be raised about the topic itself: "The ascendant belief that nobody is fundamentally superior to anybody else." A judgment question is: How universal is this "ascendant belief" among the over 200 million persons in the United States? Another is: In what context and by what definition of "equal" or "superior" is this "belief" ascendant?

Herberg Agar, eminent editor, writer, and Pulitzer Prize winner, raised these questions in the use of the word "equality." The questions are complicated by the choice of definitions. In Webster's Unabridged Dictionary, "equal" is defined as (a) Exactly the same in measurement and amount; (b) An identical of magnitude, quality, number, or degree. That definition is difficult to apply to persons or members of groups, yet it is too often assumed to be the preferred definition even when applied to persons or groups. Even more disturbing is the fact that too frequently it is the only definition referred to or implied.

Other definitions, more applicable but sometimes overlooked in the heat of the argument over the meaning of "exactly the same" are: (a) Like in value "in the eyes of God" — neither superior or inferior; (b) Like in status or position — neither superior or inferior (within a position or status between them?); (c) Characterized by justice or equality — the basic premise of dependence upon the governance through law; (d) Of just or sufficient proportions, competence, ability, power; (e) Of like interest and concern. Synonyms listed are: adequate, proportionate, commensurate, just, equitable, *not* exactly alike or the same.

The varied definitions of "superior" also should be examined: One is of a higher order of nature or kind, specifically as "God is a Superior Being," more exalted in dignity.

"Superior" is also defined as extremely excellent of its kind; surpassingly good; far above in comparison. The word is often related to competence, performance, learning efficiency and effectualness, opportunity, or experience.

Superiority is found in a diversified society in many places, on many fronts. Without superiority no one could ever have become a scientific, technological, professional, industrial, business, or political "superior."

The word "superior" is also defined as assuming superiority, arrogant, domineering, the assumption of a superior air, superciliousness. Those traits are evidenced by persons apparently lacking the security and sureness of achieved superior performance or those seeking superiority by self assigned stations.

Walter Cartwright and Thomas R. Burtis in "Race and Intelligence: Changing Opinions in Social Science," published in the *Social Science Quarterly*, pointed out that the argument between an hereditarian and cultural interpretation of mental differences, through years of research, is coming into a synthesis: no "either one or the other." Differences in mental potential are found in every ethnic group, color or creed, or socio-economic level. There is no valid evidence of total group inferiority or superiority, the Nazi experiment to the contrary. Individual differences are reflected in family histories, role achievement models, socio-economic classes, social experiences and opportunities such as richness or poverty and educational levels. Essential similarities have been found on intelligence tests wherever it has been possible to make allowances for differences in cultural developmental opportunities. There is, therefore, no justification for a conclusion that inherited differences are major factors in providing differences between cultures and cultural achievements of different people or groups.

Mental and cultural development is determined largely by cultural conditions. There is no evidence to suggest innate racial and ethnic differences as total groups, as distinguished from individual differences and family histories, in mental ability or cultural potential. The major factor in explaining differences is the cultural experience which each group has undergone. Fears based on the assumption of innate differences in intelligence, therefore, are not well founded.

A group of 'new hereditarians,' including Durflot J. Ingle, William Shockley, and Arthur R. Jensen, use "sociological data and behavioral logic rather than biologic or genetic data" to urge a "genetic solution or prevention of race and ethnic problems." But who should be chosen to exert "genetic controls" or "genetic choices"? By what definition of "superiority" or "elimination of the inferior" would such choices and judgment be made? Or even with "operant conditioning," in what direction should it be made, by whose choice? There still remain the difficult and complex problems of expanding opportunities and experiences toward excellence for each person — all persons — of all mental potentials and alleviating the tragically complex problems of inequity and injustice — legal, educational, economic, political. The goal is development of adequate capacity to live productively under the sophisticated philosophy of democracy chosen by our founding fathers. That goal can be achieved only by persons who are courageous and serene in the face of painful, disheartening, demoralizing problems, who stand firm and do not lose control of self, and who strive for "superiority," competency in performance, and excellence in comparison.

*Tate:* There are two assumptions stated in the topic assigned to me: (1) Increased emphasis on equality of opportunity; and (2) De-emphasis on the merit principle. The two assumptions, however, are separate. One *cannot* automatically say, in general, that emphasis on equality of opportunity inevitably results in a de-emphasis of the merit principle.

Opportunity has been around a long time. Educators who have been in the business for quite a while know that "opportunity" in the past has been open predominantly to those who were privileged by virtue of race and who could economically afford to take advantage of more education — either the actual cost of it or the consequences of not being fully employed. It is also true, that young men have had more kinds of opportunities open to them because they are men.

Merit, also, has been around a long time, but merit has not always been emphasized. Not all who have had opportunity have graced that opportunity with a display of merit.

The topic, therefore, should be rephrased: (1) There *is* increased emphasis on equality of opportunity, but (2) *Has* this increase on equality of opportunity effected, adversely, the merit principle? That is, I believe, the basic question.

I learned early in life the real meaning of being equal, and the great privilege of being different. My mother had three sons. My brothers and I are not alike. My preacher brother is smarter than I am. My businessman-manager younger brother is richer than I. I am fatter — Jim is taller. We used to tease my mother with: “Who is your favorite?”

We were equal in her eyes — but never once did she believe we were all the same. She knew and respected our differences. She always treated us as individuals, but not one of us could claim to be the favorite in her eyes.

I also learned early, in the same way, that we are all supposed to be equal under the law. That is one of the great principles of American democracy. Making our institutions of law and justice live up to the principle is one of our greatest challenges.

The word is e-gal-i-tar-ian-ism also means e-quali-tarian-ism — the belief that all persons should have equal political and social rights. Since we are a society governed by law, we must say that e-quali-tar-ian-ism is a belief that all persons should have equal political and social rights under the law.

None of you here believes that anyone should be able to buy or inherit special rights. Our dilemma today, therefore, is: (a) We really are committed to the basic principle that all persons should have equal political and social rights under law. (b) Our institutional practices, however, have not always reflected this commitment. (c) We are now in the closing days of a decade when the instruments of the law and the organization and identification of authorities are seeking to force institutions to change in the interest of greater equality of opportunity.

We are being changed. Some are changing because of a long line of conscientious, committed leaders. Some are changing because the law is making them change. Is the price unduly heavy? Dangerously heavy? Unbearable? In this era when e-quali-tar-ian-ism is the obsession of our time, we must know the difference between equal access and equal delivery:

(1) All must have equal access to opportunity to live in dignity and to earn a living — to secure an education — to keep healthy — to meet requirements. Anything less undermines our way of life. But — this does not insure delivery or right to expect a degree — a job — or even health without open competition for achievement.

(2) We must not move into institutionalized rigidity that considers us all carbon copies and so homogenized that there is no cream at

the top of the bottle. This requires selectivity and pluralism in the fields of higher education. Not everyone should be admitted to medical school or law school or even the presidency of a university. Doors must always be open for greater opportunity for those who have talent, ability, and a willingness to give the effort to achieve. Doors must be closed to delivery by legal edict, quotas, or unreasonable affirmative action that guarantees equal delivery to just any person. To deny any person a chance is immoral — to guarantee achievement is disastrous.

Some voices in America now call attention to the role American education played in the "great melting pot" success. It was cruel for those who were left out, but successful for those who lost themselves in the process. From it came a common loyalty, a moral standard, a value system, a common culture. Our separatism, our vested interests priority, our confrontations, have obsessed us. Maybe Americans should re-heat the melting pot with all contributing a flavor so that the highest potential can be found and maintained.

Perhaps a re-emphasis on the successes and advantages of our educational process is in order. Maybe this could prove the effectiveness of our institutions, our moral standards, our cultural norms, and our patriotism.

Let me end with a story I hope is true. If it's not true, I don't want anyone to tell me. It's about a member of this Society. In a small school in the Louisiana Cajun country, a boy was failing. His parents considered moving. His teacher believed he had a reading difficulty, and she would like to tutor him. She felt she could correct his problem. Later, after her retirement and after a heart operation, the nurse told her that Dr. DeBakey had paid all her bills, "He saved my life," the teacher said. The nurse said, "That's what he said about you." Here are the issues: On the one hand, she did not refuse to identify merit and give special attention — selectivity — because that would discriminate against non-Cajuns; nor, on the other hand, did she refuse to help a student because everyone "knew" that Cajuns could never aspire to be doctors.



## II. IN WHAT CONTEXTS CAN (SHOULD) GENETIC DIFFERENCES BETWEEN INDIVIDUALS AND BETWEEN GROUPS BE DEEMPHASIZED?

*Chairman:* GARDNER LINDZEY, Austin. Vice-President and Dean of Graduate Studies, The University of Texas at Austin.

*Panelists:* AMY FREEMAN LEE, San Antonio. Artist, critic, lecturer.

MERTON MINTER, M.D., San Antonio. Former Chairman, Regents, The University of Texas.

ROGER WILLIAMS, Austin. Distinguished Professor, The University of Texas at Austin.

*Lindzey:* My position gives me an opportunity to say a little about the question of heritability, or the role of heredity and environment in determining individual intelligence, and about the potential role of each in producing racial-ethnic differences in intelligence. Some conclusions at which two colleagues and I arrived after a long, detailed, and sometimes painful summary of the existing literature bearing upon racial-ethnic differences in intelligence and the role of genetic and environmental determinants in producing these differences were:

(1) The design, execution, and reporting of studies concerned with racial-ethnic differences in intelligence often leave much to be desired. The conclusions that can be drawn in this area are limited by the quality of research, which has not been high;

(2) There appears to be a considerable number of incidences in which the political and social preferences of the investigators have grossly biased their interpretation of their data. These distortions appear to be at least as prevalent at the environmentalist as at the hereditarian extremes, so that the studies themselves are not ideal studies in terms of their quality. The interpretations the authors have made of their data are substantially below the quality of interpretations average social scientists or biological scientists have made of comparable kinds of data. Personal bias has entered into these interpretations more transparently than is usually the case so that some people at least have been led to feel that perhaps the data themselves have been biased as well as the interpretations;

(3) Individual differences in intelligence can be attributed to either heredity or to environment or to both. With populations of European origin, both the genotype and the environment demonstrably influence I.Q. There is a role that can be attributed to heredity, and there is a role that can be attributed to environmental variation. The former, that is, hereditary variation, under present conditions accounts for more of the individual variation in I.Q. than does the

latter. In other words, given the current distribution of genotypes in our society and given the distribution of environments in our society, heredity plays a more important role in terms of determining individual differences in intelligence than does environmental variation. This is presented as a premise, not as a statement that would be accepted by all biologists and social scientists, but it is a statement for which there are meritorious defenses.

The core question in our society is the black-white difference, although there are comparable differences between other racial ethnic groups in this and in other societies. With regard to black-white differences in intelligence, one has to be cautious. The data bearing upon the group differences are more fragile than the data bearing upon the individual differences, but the best evidence available, when examined carefully, suggests that there is some role that must be assigned to environmental variation, some role that must be assigned to genetic variation, and some role that must be assigned to test error. The weighting that is assigned to these factors is, at the present time, quite ambiguous, and honest scholars can examine the existing data and come up with quite different conclusions. One of the primary reasons is that, at the present time, we have had such serious polemics revolving around this issue.

Another question involves the prevailing bias which has existed in American social science over the last five to nine decades. It is not surprising that it arises in a society in which the phrase "all men are created equal" is not only a dogma, but is also a premise on which our society is built. Unfortunately, however, it is a metaphorical premise, a statement of aspiration, a statement that has to do, hopefully, with political-educational policy; but it is not a statement of fact. Nonetheless, social scientists, by and large, and biological scientists to a lesser degree, have, in fact, treated that statement as if it were a statement of fact. Those individuals who have chosen to study behaviour as it is determined by biological factors, or to study behaviour in relation to genetic variation, have more-or-less uniformly received shabby treatment.

If one looks at the situation at the turn of the century in the field of psychology, or, indeed, in all of the social sciences, one-half were instinct theorists. Instinct theories were naive biological formulations. On the other hand, there was behaviourism, which was the naive environmentalists' position. There is no question that behaviourism won the day. Behaviourism has not had its critics, but if one looks at the efforts of the bulk productions of the leading

psychologists and leading sociologists, their efforts have been devoted to environmental variation and its role in determining behaviour. Relatively little effort has been devoted to biological factors or to specific genetics. There is some reason to think that the procedure has now turned around a bit, in part because the science of genetics has developed with such amazing rapidity that it has become more and more difficult for behavioural scientists to ignore it and, perhaps, in part because Russia proved to be the only developed country that was more severe than the United States in terms of rejecting biological determinisms, making it seem almost un-American to be completely against biological determinism.

In any event, in recent years we have had an interdiscipline called behaviour genetics which combines psychology, sociology, anthropology, biology, and medicine. This particular interdiscipline provides the kind of focus that in the past has been lacking in the social sciences and that, hopefully, will help to provide the kind of data we need to form answers to the questions with which we are concerned. My conclusion is that although things are somewhat better for the social scientist who is corrupted by the biologist, the situation is by no means perfect. If any of you would like to have personal accounts showing that sometimes behavioural scientists are treated badly because they look with a friendly eye towards biology, you might read the introductory chapter to Professor Herrnstein's recent book on intelligence, which I think provides excellent documentation.

The one other point that I should make has to do with the relation between the existing and the potential data that may be supplied in public policy. The relationship, in my opinion, is tenuous. There are few public policy issues that revolve around scientific data. Scientific data can provide significant information in terms of implementing value decisions to which the society must subscribe, but by and large, the majority of public policy issues revolve around value decisions. Values do not flow from scientific facts; values are decisions that are made in some mysterious way by legislators, by philosophers, and by communities. They are not derivable from data.

*Lee:* Any opinions I have about any topic, including this one, are based on principles, both philosophic and spiritual, which I hold dear and try to practice. The contemporary American philosopher, Dr. Ruth Nanda Anshen, put it succinctly when she said that everything depends upon the "aims we cherish."

One of my cherished aims is the achievement of equal opportunities for everyone. Obviously, opportunities cover a wide quantita-

tive and qualitative range, so that each person's ability to take advantage of these opportunities varies with the individual's innate potential, but everyone shares the common heritage of responsibility not only to make certain that each human being has equal chances, but also to realize the necessity for each to develop his own potentials to the maximum degree.

Some people equate the extent of variety in all aspects of life with the Divine Spirit, for, to them, this infinite variety reflects the source of the infinite. Certainly, one supreme challenge arises from the necessity to accept and to work with others, no matter how striking their individuality. In the still of the night, each human being asks himself why every other human being cannot be exactly the way he is so that all can get on with living on the highest level! In the fine arts, we cherish individuality, for its essence constitutes style. Style, along with technique (craft) and philosophy (content), comprises the core of the aesthetic trilogy. When one is different not for the sake of being different, but rather for the purpose of discovering and conveying the essence of oneself in one's own inimitable fashion, he can be said to be truly individual.

This is the theory of individuality, but examination of the practice of this quality reveals a two-pronged thrust of human development that touches every aspect of life — the economic, political, cultural, educational, and spiritual. An objective evaluation of society's *status quo* immediately results in a conclusion that we operate largely on a system of coterieism with the controlling power of major entities *per se*, and especially of those in the art world, resting in the hands of a small, affluent, self-appointed, self-perpetuating, power-oriented elite. The obvious and amusing fact is that most people who favor coterieism take for granted that they will constitute the elite of the coterie. They remind one of a minority segment of believers in reincarnation who think that in former life cycles they were kings and queens. One wonders where the foot soldiers were! Since many of the elitists provide a large portion of the finances, they take for granted that this largess automatically gives them the right to set policies and to police the administration of whatever entity is involved. Often, though their intent may be good, they are not qualified to form judgments in the particular field they control. One may be an overwhelming success in finance, medicine, or military procedures, yet scarcely qualified for expertise in the arts. The opposite is also true, for one may be a superb painter without being prepared to execute the role of bank president. Society suffers from a strange

dichotomy, which has devastating results: We worship science, yet in the course of our daily conduct in many fields of endeavor, especially in the areas of volunteer services, we fail to apply a major principle of science, objectivity. The distinguished, contemporary American educator, Jacques Barzun, spotlighted the problem with precision when he wrote in *Science: The Glorious Entertainment*:

Certainly, if one subtracts from the population of the West all those who live by art or starve for it, all those who study it or teach it or sell it or criticize it or cure themselves with it, or enhance their status by rubbing against it, or express their national pride or private fantasies or intellectual aggressiveness by cultivating it, one is left with the impression that those who merely want to enjoy it would fit into a small hall.

During all of my adult life, I have been a sustained, assiduous, passionate egalitarian believing in equal opportunities for every human being. Metaphorically, the witness made by the school children of the United States when they saved the old ship, *Constitution*, with their pennies and nickels bespeaks the point. Whenever I am in the Boston area, I visit this vessel and walk her decks to recapture the spirit which saved her. Some opponents of egalitarianism fear that if we move in the direction of equal opportunities for everyone, that we shall sacrifice quality. Personally, I have never advocated or sponsored the quantitative approach to life that plagues and destroys our society; I have consistently fought for quality. Even though we might experience a temporary loss of quality during a transitional period, pure history abounds in apt analogies. To prolong life, sometimes radical surgery must be performed, and even in business it is often necessary to sacrifice immediate profits for long-term gain. The amount of time involved and the depth of quality lost during such a transitional period will depend largely upon the genuine desires, dedication, and capabilities of the privileged. The underlying ethical and moral principle is self-evident: He who has the most must give the most. I speak from personal experience with having coped successfully with a period of transition as a board member of a social service organization as it went through the agonizing and challenging demands of releasing the reins of power to the neighborhood people the Center served. True, it was difficult; but to help people who were not prepared mainly because they were deprived, and to see them blossom, more than compensated for the temporary mistakes and aggravations.

I prefer our form of government, a democracy within the republic, even with all of its faults, because I am cognizant of its potentials.

While I do not favor any form of totalitarianism, including the Nixonian one from which we have recently escaped, there are lessons to be learned from others. In *The Chronicle of Higher Education*, November 4, 1974, an article titled, "Lessons From China on the New Learners," by Ira Shor, associate professor of English at Staten Island Community College, provides a keen insight into a contemporary, egalitarian educational thrust:

Because some of the world's boldest educational experiments are now under way in China, the new Chinese colleges are useful places to seek perspective on America's "new learners" and on the development of off-campus higher education . . . The cutting edge of China's new higher education obviously lies in the off-campus projects, while the campuses appear to be spatially and intellectually redundant. This is because education is now the responsibility of all social institutions, not only those formally called "schools" . . . Chinese students are required to have three years of work experience before entering college. This serves to "proletarianize" the work force. American students enter and leave the work force frequently. An American bias against hard physical labor makes the separation between mental and manual labor sharp . . . In America no less than in China, it was a historic advance for non-elite people to gain access to higher education. Yet, if the economy and the academy remain controlled by an elite, college will remain a higher form of social control. Through the Cultural Revolution, the Chinese people gained entry to and much control over their colleges. While American workers are massively in college, control of their education still eludes them.

An easy reply to this idea may be that any country can achieve educational egalitarianism readily through dictatorship. While this is true, it, nevertheless, remains our responsibility voluntarily to establish a system that provides genuine educational opportunities for everyone to the extent of each individual's potential. Ability to achieve this goal depends upon ethical, moral, and spiritual motivations. A human equation taught by a great teacher, the late Dr. Raymond E. Roehl of Incarnate Word College in San Antonio, Texas, bears upon the aforementioned motivations:

$$H + E + I = S$$

Heredity plus environment plus inheritor equal soul. Dr. Roehl pointed out that, after all, persons inherit merely a corporeal body and an environment comprised of the natural ambience and of the influences of family, school, state, and church. The element of the equation most neglected by all from the geneticists through the determinists is the inheritor himself. In the end, everything depends

more upon what the inheritor does with his inheritance than upon the nature of the inherited elements. As Dr. Roehl used to say, "Nothing that happens to you is important, only what you do about it." The inheritor is the individual, responsible self. The single parts of the equation when added together constitute soul; thus the sum is more than its parts — more than heredity, environment, and self — since all are all part of the Divine Creator.

Each of us is responsible for his own acts and, therefore, has an obligation to delete the demonic and to release the divine that dwell within in order to create an ambience in which the life-bestowing forces can flourish. If, and when, all of us employ our enchanting human diversity in this way, we shall achieve the desired goal of true social equality. Then we shall witness not only the insured survival of mankind but also mankind's progress.

*Minter:* The chromosomes and the genes of the human race have been studied extensively. Many diseases of man are directly related to changes in chromosomes and/or genes. Some of these are passed on from generation to generation through autosomal dominant traits, and some are auto-recessive. What happens here has much to do with what happens to living organisms.

The science of human genetics is concerned primarily with the recognition of hereditary variations in man. The variations are sometimes harmful and may produce disease or deformity. The bad, however, is outweighed by the good and allows survival in an ever changing environment.

The genes, for example, which produce a larger nose in the Arab, which serves as a good filter for the dust and sand in which he lives, will produce a small nose in the Eskimo, which is more easily protected from frost bite.

George Mendel established the principle of generic transmission, and Johansen, in 1909, called a unit of heredity a gene. A structural gene is situated on a chromosome and responsible for the synthesis of a polypeptide. It has been estimated that there are at least 100,000 genes in man.

It was not until 1944 that a gene was known to be a chemical substance — deoxyribonucleic acid — or DNA, and that a soluble extract derived from pneumococci of some genotype was found to effect a stable, heritable change when added to the growing culture of pneumococci. The genetic information is coded in the DNA and is transcribed through another molecule, ribonucleic acid (RNA).

The polypeptide is formed by DNA *transcription*, RNA *translation*, into the polypeptide.

The most extensive understanding of genetic regulatory mechanisms stemmed from research on the ever-present colon bacillus, but the studies now involve almost every branch of science including radio tagged materials and the electron microscope.

The practical questions are what effect genes have on population as a whole, and what can or cannot be done regarding effects on health, life, intelligence and adaptability to environment. Certainly much more can be done in counseling young people who are contemplating marriage or having children, and especially of having children when known traits are present in the individuals of their families. This is a field for geneticists. There are many complicated possible situations. One short example will illustrate.

If a Y linked trait inheritance is present, it will be transmitted through the father to all of his sons and none of his daughters. Thus far the only genes that have been shown to be located on the Y chromosome are those that determine maleness, and the clinically trivial trait of hairy ears.

Diabetes mellitus is a disease of unknown etiology, but there is, at the least, a strong hereditary factor. For example, if both husband and wife have diabetes, all of their children will develop the malady. It is important, therefore, early in the development of diabetes, to discuss with the individual the genetics of the disease so that he will not permit himself to fall in love with another diabetic. If one diabetic marries into a non-diabetic heredity, the odds are not prohibitive. It is interesting that if one identical twin develops diabetes, the other will always do so, though possibly years later.

There are many other abnormalities which are heritable. To know the possibilities of transmitting any abnormality requires training in genetics which will provide a basis for evaluating the risks, if any, in transmission.

The chromosomes and the genes also have much to do with intelligence. There are genetic abnormalities which may produce severe mental and physical defects. There are certainly genetic factors which produce better minds and better bodies, though not always together. With regard to mental status, much, but of course not all, depends on the traits which one inherits. Environment, too, plays a significant role. Protection from cold or excess heat, good food, love and tender care are all important in the development of the child. Certain food deficiencies are known to produce mental deficiencies. It stands to



reason, then, that one may help mental defects by training, good food, good care, etc., but that one cannot really bring the level of intelligence of such an individual up to that of the child who was born with a good mind and received the same care.

In our diverse population, there are all gradations from the imbecile, who will tragically always be an imbecile, to the genius, who may or may not live up to his potential. The point, then, seems to be to find those who are capable and to offer them equality of advantages, including education.

*Williams:* My interest in this field arose accidentally a good many years ago, and since then it has been intense. I have published four books dealing with it; the first one was *Human Frontier* published by Harcourt, Brace. When I found that not everybody had read it, in 1953 I published *Free and Unequal* another book by The University of Texas Press, and distributed it in a limited way. I realized that not everybody had read that and I wrote *Biochemical Individuality* published by John Wiley & Sons. Later I felt impelled to write still another because not everybody had read what I had already written; the fourth was called *You Are Extraordinary* published by Harcourt, Brace about 1967.

There are tremendous problems tied in with this topic, and I do not pretend to have the answers. Each book I have written is the result of obtaining more and more information on biological variability. My view is that, before we can decide whether we can neglect certain facts, or whether we can shut our eyes to certain facts, or whether we should de-emphasize certain facts, it is important to know what these facts are. This is the area in which I have tried to make my contribution.

I sometimes have the reputation of being the person who has called attention to the fact that people's stomachs are not all the same; this seems to have impressed many people.

Today I want to talk about brains. This statement was made by T. S. Lashley and published in *Psychological Review* a number of years ago: "The brains of different individuals differ enormously in structure, size and distribution of neurons as well as in grosser features . . ." I do not believe this is an accident; and I am convinced from my own thinking that the brain is the seat of intelligence and that the reason people do not all think alike; obviously all persons do not have the same type of brain. Recently I came across another source of information on this topic. Two slides from the Brain Institute in Moscow reveal three brains, showing the lateral surfaces

of these brains, the cytoarchitecture, the kinds of cells present in each brain. The point is, if one looks at them casually, one says they all look similar; but if one looks at the areas in detail, one finds they are quite different. There is one area on the extreme right of the brain which is on two of the brains but not on the third. That third brain just has none of that area. The second slide shows these brains in more detail. On the first brain a number of areas are represented and four areas in the other pictures are absent. In the next slide we have another brain where other areas are absent, that is, not the same areas but different areas; and the third brain assortment is still different from the others with certain areas absent. These are three representative brains. Of course, brains are interesting to us because of the capabilities of human beings and the spectre of their brains.

One of the topics in our program is what we know or do not know about human inheritance. It is my opinion (not shared by everyone — that does not matter), that we know in quite some detail about the inheritance of bacteria, single-cell organisms that reproduce cells of the same kind; however, when it comes to mammalian inheritance, we are quite a bit in the dark. Of course, genes and chromosomes are involved, but there must be something else beyond this, as indicated by an experiment which was carried out in our laboratories several years ago. Molly Stores was working with me, and she made a careful study of about eighteen sets of quadruplet armadillos. Even among these armadillos, which are monozygotes and are supposed to be derived from the same genes, there is a high degree of individuality; and this, I think, is a striking fact. Talking to one geneticist in particular about this, I asked him what he made of it, and he said, "I'm flabbergasted." As far as I know, most geneticists are still flabbergasted. They have not unravelled what the difficulty may be.

Yesterday on a walk, I encountered a big white poodle. Following the poodle were eight little, pure black, shorthaired puppies. The owner told me he had seen the babies born and knew they were hers. The father is not identified, but this circumstance tends to illustrate the manner in which we sometimes attempt to oversimplify things.

Getting more to the practical side, I would like to talk about my four favorite children. When my wife of many years died some twenty-odd years ago, we had three children, the eldest a boy, the middle one a girl, and the youngest a boy. Each one of these is a favorite of mine, but they are favorites in different ways. I think

some philosopher has said that all of us are friends in spots. That is true of these three children. There is some reason that I like the eldest son best of all; I recognize him as a favorite. My daughter is naturally a favorite daughter, but she is a favorite child too, in some respects. My youngest son, who is quite different from his brother and from his sister, is also a favorite. There are some things I can talk to him about and appreciate and like about him that the others do not have. When I remarried after twenty years to Phyllis Hobson, I picked up another son, John Hobson, and he is a favorite of mine too, but he is favorite in another different way. He is not like the others, but he and my youngest son are close pals. They have many of the same characteristics, but he is still different, and certainly he is a favorite child. This talk about their being equal is, to me foolishness. They are not equal. I do not imply that one of them is superior to the others; I do not have to say that. I am not going to spell out how I think they have their own virtues, but I do believe they are very different and quite unequal in the ordinary sense of the term. They are not equal; they are not the same kind of people; they have individuality. This is what makes life interesting, because we are all this way and because we do have individuality.

The practical problems which arise out of individuality are, of course, tremendous. As I said at the start, I do not pretend to answer all these questions. There are many things about us that are so different that we are foolish if we overlook them. I think there has been a tendency for many psychologists and many cultural anthropologists and sociologists to build a big playhouse based upon the assumption that these brain differences, for example, and stomach differences, do not exist. We must destroy this playhouse before progress in social science can be made. We have to understand that people are different and that we cannot pick out an average person any more than we can pick out an average book.

### III. HOW DO WE ASSESS THE COSTS AND BENEFITS OF TRYING TO "OUTLAW" GROUP DIFFERENCES THAT ARE INVIDIOUSLY REGARDED?

*Chairman:* TRUMAN G. BLOCKER, JR., M.D., Galveston. Former President, The University of Texas Medical Branch.

*Panelists:* MARY JOE CARROLL, Austin. Attorney: Board member, *Texas Law Review*.

JENKINS GARRETT, Ft. Worth. Attorney and publisher. Member, Governor's Committee on Education Beyond High School.

STEWART WOLF, M.D., Galveston. Professor of Medicine and Physiology, The University of Texas Medical Branch.

*Blocker:* My panel has to do with how to handle the situation. I have read and reread the instructions from Dr. Wilson, but I doubt that I fully understand them nor that I have received much clarification from my panel, even though two of them are lawyers and are using legal-sized paper to intimidate me. I was pleased, however, to hear that both Dr. Minter and Mr. Gresham were, like me, in a situation where they could not quite understand everything Dr. Wilson assigned to us. Since Dr. Minter pointed out that the little chemicals that go in the gene are different in every one of us, that genes are only a part of a cell, and that we are composed of billions of cells, and since Dr. Williams told us that we have several billion cells within our brains, and all of our brains are different, I have come to the conclusion that the only feature common to all of us is that we were born naked.

I was intrigued with Dr. Tate's story about the famous surgeon who had to stay in after school to learn. That was not why I had to stay after school; I always giggled in class; and every Wednesday afternoon I stayed in until five o'clock whistle because I could not keep a straight face. Thirty years later, when I treated my old writing teacher, I had to tell her that when she was doing all of those "push/pulls" and around and arounds, I was giggling at the way she looked from the rear.

Medical schools have problems different from other schools. There are approximately 3,000 applicants for every class but only 203 places for beginning students. Admission depends upon scholastic records, scores upon the national aptitude tests and *interviews*. The interview is done on a one-to-one basis with the young person and involves, to an extent, the recommendations from the counselor in the university from which he came. All those are bases for deciding which can be admitted. Who can tell who is going to be a good

physician? If you could just interview their mamas, you could tell, but that is not possible.

More and more minorities are being admitted. At present over 25 per cent of the entering students are female, as are many of our teachers. (In fact the head of our largest department is Dr. Barbara Bowman, who is a product of the science activity at the University in Austin under Drs. Mueller, Painter, and men like Oliver and Williams. She has made a great name in the field of genetics. Recently a new staff member asked her how to approach this ogre President. "What do you call him?" She said, "I call him Truman." He said, "Well, should I call him Truman at first? It seems like I ought to call him Dr. Blocker." She said, "Well, I believe I would do that." He said, "What does he call you?" She said, "He calls me Sweetie Pie.")

The subject of problem handling reminds me of a time during the war when I was a member of a board to discharge soldiers who were unfit for duty. We had a young, extremely enthusiastic, and highly capable young doctor by the name of Bishop. He was from New York City where his father had been a Fifth Avenue cardiologist and had attended Harvard College and Medical School, after training under his father he had joined the army. He had never been out of the eastern metropolitan area. There were three of us on this board, and I, being the youngest and a captain, had to do all the secretarial work. The others were a Major McCuen, who was a fine, old-time doctor-surgeon from Baton Rouge, Louisiana, and Major Bishop. Every time we met Bishop would present stacks of charts on men that he pronounced morons. Major McCuen would say, "Now, Bishop, we can't afford to take your word that these are morons. You are going to have to demonstrate to Blocker and me how they are. Major McCuen reminded him that he had to demonstrate why these people were morons and could not serve in the army. He called in Mr. John Batiste. John Batiste was a colored boy with a beautiful pair of shoulders, narrow hips; you could tell he had everything there was in physique. He could have been a good fullback. His hands extended to his knees. He could not stand at attention; he was constantly in motion. You could see his muscles ripple, and he smiled. Bishop said, "Mr. Batiste, will you tell us who is the Premier of Russia?" He said, "Why, I don't know, sir." Major Bishop then said, "Well, who is the President of the United States?" Batiste shuffled and scratched his head and said, "I just disremember." Major Bishop turned to Major McCuen and said, "See, he is a moron."

McCuen took over: "Boy, where are you from?" He replied, "I'se from the Batiste Bayou in Louisiana." McCuen said, "How high is your horse?" Batiste replied, "Sixteen hands." McCuen turned to Bishop and said, "Bish, how high is your horse?" Bishop said, "Hell, I never had a horse." McCuen said, "Boy, when do you plant your potatoes?" He replied, "By the dark of the moon." McCuen asked, "Bish, when do you plant potatoes?" Bishop replied, "Hell, I never planted potatoes in my life." McCuen said, "Well, I want to know who is the moron, you or this nigger." The sequel is that this fellow stayed in, and he became the gardener of the commanding officer of the post and became a valuable soldier. In the mornings he could see an officer coming at least a hundred yards away, and he became the most soldier-like man I have ever seen. He would stand at attention until the officer got there, then give a salute that came all the way from his knees, and say, "Yass suh." That moron was a great soldier.

Who is to judge who is equal and who is not equal.

*Carroll:* The term, chairperson, which I used in acknowledging my introduction does not reflect my own personal feeling, but it is indicative of the portion of our topic assigned to me — existing governmental pressures to neutralize and neuterize every segment of society. Truman Blocker talked me into participating in the panel because, he said, I could appear in three capacities — as a member of this organization, as a lawyer, and (since I happened to have been born female) as a member of one of the groups which the government has decided have been abused and which, therefore, must be compensated by special protection.

It is beyond dispute that for years there has been, and to a degree there still is, discrimination on the basis of color, religion, national origin, sex and age. The majority of modern society believes such practices to be wrong. Congress and various state legislatures have responded with laws prohibiting discrimination and granting preferential treatment to minorities and to women in order to correct imbalances in employment which resulted from the past discriminatory practices.

In addition to specific state laws in effect in a majority of jurisdictions, the federal laws which attempt to regulate and prohibit private, as well as public, "discriminatory" employment practices include:

1. Title VII of the Civil Rights Act of 1964, as in 1972 amended by the Equal Employment Opportunity Act.

2. The Age Discrimination in Employment Act.

3. The Fair Labor Standards Act.

The basic statutory scheme is supported by broad reaching executive orders and a myriad of agency interpretations, guidelines and regulations. In addition to various designated state agencies, enforcement of employment practices law is delegated to some fourteen federal agencies. An overview of the pertinent state and federal agency procedures and construction, not even including the full text of all reported court and E.E.O.C. decisions, fills a three volume work of some 9,400 pages, C.C.H. Employment Practices Guide.

Those charged with enforcing the laws have in general defended them as only setting goals for affirmative action, but others seriously question whether the fair employment laws and the enforcement mechanisms of the plans are a viable method of relieving the evils intended to be cured. The volume of law in this field and the number and variety of remedial channels and organizations prevent uniform enforcement of the underlying goals. Much of the decision making process is placed in the hands of local or semi-autonomous regulatory agencies. The employer is rarely in a position to contest an initial E.E.O.C. ruling, and except for the strongly motivated or well financed, the net costs of involvement in the appeal procedure can hardly justify attack against what I submit is a "minority-oriented" system.

There is at least some basis for the concept that existing laws require an employer to hire a fixed number or percentage of minorities or women *regardless* of realistic assessment of the vacancies in the work force — *regardless* of the availability of interested and qualified minorities or women — and *regardless* of the availability of equally or better qualified white male applicants.

In one case an employer was found to be maintaining an unlawful policy of excluding Negro females from production jobs. There was no evidence that any Negro woman had ever applied for such a job — the determination was based solely on the fact that the plant was in a metropolitan area where 40 per cent of the population was black.

In another case a chain store was found to have been engaging in unlawful discrimination because it had Negro store managers only in predominantly Negro neighborhoods. That employer was required to hire one Negro for every white manager in the affected area for a three-year period or until the proportion of Negro managers reached 24 per cent.

A car dealership was directed to cease and desist from advertising for a "used car salesman" on the ground that the want ad discriminated as to sex. No doubt the E.E.O.C. would approve my use of "chairperson" and sanction the cartoon where a hippie is depicted pointing to an open storm sewer drain and calling to a police officer, "Help, help, someone just fell in a personhole."

One of our clients fired an employee because of incompetence. The employee is a homosexual. He has filed a complaint charging that he was fired because he is a homosexual and that the firing was sex discrimination.

Flora Lewis, the chief of the Paris Bureau of the *New York Times*, was recently quoted as saying that the *Times* is "leaning over backwards" to employ minorities and women and that, although there are posts that need filling, management "won't hire anyone from the outside except a woman or a black." That position is understandable. Not long ago the *Times* was enjoined from printing help wanted advertisements for jobs in South Africa on the ground that it was aiding and abetting the practice of racial discrimination sanctioned in South Africa.

A Negro employee was given a 45 day suspension for violating a plant rule prohibiting drinking on company property when he was found to have consumed hard liquor while *on duty*. He brought an arbitration proceeding charging discrimination on the basis of race because two white workers were only suspended for two weeks for drinking beer *after work*. The Negro was ordered reinstated with full pay.

Any type of personal information which an employer may require for completion of an application form is subject to review and, if attacked, can be maintained only by the employer's showing affirmatively that the information cannot be used to further discrimination. In one instance, the employer had on the form a blank for showing the number of arrests for anything other than minor traffic violations. The Court adopted the contention that the form unlawfully discriminated against Negroes and held that regardless of the objective application of the policy of hiring those with fewest arrests, the policy discriminated against Negroes because statistics show that they are arrested more often without conviction than white workers. Therefore, the Court found that the policy had the "foreseeable effect" of denying Negro applicants equal opportunity for employment.

The statutes and regulations to which I have referred apply to all State and local governmental agencies and all political subdivisions.



That is not all. They also apply to any labor union with 15 or more members and to any employer in private industry with 15 or more employees. Moreover, any business which seeks to enter into any type of governmental contract must show that it has an "affirmative action plan."

Under such plans, for example, the company must, at least quarterly, make contact with organizations in black communities as a means of soliciting black employees. If written notices fail to generate an adequate number of black applicants, the company must advertise directly in black communities. The company must accept all applications from blacks, whether vacancies exist or not, and keep them on file for at least 60 days. The company cannot require a high school diploma unless it can show that graduation from high school is reasonably necessary for job performance. The government can challenge the imposition of such a requirement. Any general intelligence or aptitude test which the company wishes to utilize must be previously validated by the E.E.O.C. The company must use its best efforts to recruit and hire blacks for executive, managerial and engineering positions.

Because of those provisions the University of Texas Law School and the Department of Engineering have been swamped with requests for the names of black graduates. The law school has adopted the policy of admitting a certain number of blacks with lower scores on aptitude tests than those which would entitle white students to admission. Not all of the blacks pass, but neither do they all fail.

It would be impossible to determine how many of the specially admitted blacks pass because they actually do the caliber of work normally required for a passing grade or merely because they are black. It is reasonable to assume, however, that the professor who passes a student because he is black may also pass a white student whose grades are as high or higher than the black's. The result is necessarily a lowering of standards. The same thing happens in industry. Merit as a basis for job qualification and for advancement has been reduced to no more than a secondary consideration. The persons most wanted now are "two-fors" — that is two for the price of one. The real prizes are "three-fors" — old, black women.

Those who oppose these new measures — and obviously I am one — feel that the present discrimination against white males is just as unconstitutional as previous discriminations on the basis of color or sex. Two wrongs cannot make a right. The legislation and implementing regulations have gone too far. They do not really

help even those they were designed to benefit. The Negro lawyer will be assumed to have been hired because he was black — not because he was competent. Some are truly qualified, but they will be subject to the same presumption. Persons are being evaluated upon the basis of the group to which they belong rather than upon the basis of individual merit. The process is like adding fractions; you reduce to the lowest common denominator.

If I thought the laws would remain unchanged, I would be extremely pessimistic. A nation's greatness, it seems to me (and certainly that has been true in our history), stems from a system which places its major emphasis on getting the job done and doing it right, offering rewards for accomplishments and providing incentives for personal achievement. I refuse to accept the concept that individualism is dead. I think the laws are going to be changed. Some members of Congress have already announced the intent to amend at least to the extent that the Boy Scouts, Campfire Girls and YMCA will not be barred from receiving Federal funds because of their sex discrimination.

Another incident which may lead to a more realistic and rational approach is a recent E.E.O.C. determination that the New York City school system policy of allowing leaves of absence for female teachers for purposes of maternity and child care unlawfully discriminated against male teachers who are denied such leaves of absence. I have been unable to find out whether male teachers in New York are getting maternity leaves or the females are all on the pill.

A more serious consideration is the cost of implementing the programs. One estimate has it that A T & T spends over \$3 million annually just to collect the data needed to file required reports to the E.E.O.C. It is a known fact that the same company made a \$45 million settlement with E.E.O.C. in 1973 and another \$30 million settlement in May of this year. Companies all over the country are hiring equal employment consultants. That is the only procedure by which they can even hope to protect themselves, but the costs are high; the jobs are full-time; no one can keep up with the almost daily outpouring of guidelines and directives from the government agencies. Settlement is expensive. Litigation is expensive. The costs must be passed on to the consumer, just as the costs of governmental agencies must be passed on to the taxpayer.

The fight against inflation and the fight for an ideal of equality are on courses that inevitably lead to collision. I think the fight against inflation will win both because it is more important to the American people and because the equality laws have overstepped

the mark and have, in effect, produced a reverse discrimination which violates the equal protection clause in the 14th Amendment and the fundamentals of free enterprise and individualism.

*Garrett:* I approach the assigned subject with hesitation because after seeing the slides shown by Dr. Williams, I realize that if my brain were projected on the screen, it might show parts missing that come into play in the understanding of the real basic issue with which we are wrestling. Some years ago a distinguished appellate judge had to run for re-election. He was well known to the lawyers but was not well acquainted with the constituents. Another man who had hardly been in the justice of the peace court announced all of a sudden for the appellate bench, and to everyone's chagrin and to the embarrassment of the lawyers, was elected. One day while lawyers were discussing the election, one of them said, "Well now, you guys are saying how terrible it is for this man to be on this bench, but look at it this way — every once in a while it might be refreshing to have a layman's point of view on that bench."

What I am giving you here is what I consider a layman's approach. The topic, "How do we assess the cost and benefits of trying to outlaw group differences that are invidiously regarded?" sent most of us to the dictionary to discover that we are talking about things that are in a sensitive area that could provoke unfavorable reaction and preconceived ideas. In discussing questions which bring in focus race and group differences, we realize that we are exploring in an intellectual land where the penalties of wandering off the socially accepted and established paths and highways may prove costly and may even endanger a political or academic life. In the May 13 issue of *The Chronicle of Higher Education*, Dr. Allen C. Ornstein asked, "Should any topic be off limits to the social scientist?" I quote a paragraph:

We have entered a new and dangerous period of restrictions on research and inquiry. Even within universities that purport to serve as an arena for exchange of ideas, certain topics can no longer be frankly discussed at many of these universities, and harrassment and force are used to prevent certain persons from speaking and conducting research. There is also an underlying, self-imposed censorship in many college classrooms. Certain social topics are best ignored or slanted to suit the interests and ideologies of various groups that define themselves as minorities. Speaking on some subjects is no longer worth the personal cost.

Now, some academicians have found that inquiry or discussion of subjects such as possible racial differences might be well limited to the natives of the highlands of Peru or the aborigines of New Guinea or the quadruplet armadillos mentioned today by Dr. Williams. To get into this subject may not only raise blood pressures beyond acceptable limits, but actually confuse the basic issue.

Therefore, I consider the core of my assignment to be the discussion of the following proposition: "Mistakes result from assumptions about equality and distribution of potentials among different school populations." If you do not understand that, I will give you my interpretation in a minute. The very wording of this proposition recognizes that the potentials and expectations of accomplishment among all students are not equal. This, I believe, we have agreed to be correct. The second part of the proposition is directed to an inquiry as to the possible mistakes the educational establishments or our government may be making in coping with these differences. It appears to me that underlying this verbiage my assignment boils down to the discussion of what is our society's — and I mean ours, yours, and mine at this meeting, not worldwide — educational obligation to a student who, for any reason, is limited in his educational potentials. This may not be what the designer of the program had in mind, but it is my interpretation and, further, the inquiry raises a universal educational and moral question on which I hold some rather strong convictions as a result of serving on the boards of a community college and the University of Texas system.

At the outset, we must acknowledge that we owe an educational obligation to students of limited or different potential; but, as we search for the limits of this obligation, we must first determine what we want to accomplish and to identify our goals in clear, understandable language. To me, whether the student is black, Mexican-American, Chinese, Scotch-Irish, German, male or female, what our goal should be is equal access — equal access to educational opportunities, to enrollment, to teach, to administer, and to rewards, limited only by one's competence and expectation of achievement and application. It is in these simple terms of equal access that I can then formulate convictions concerning the educational responsibility of an institution or our society toward the students with differing potentials and expectations of accomplishment. To me, this goal is obtainable and in a large measure is being met, in some institutions. Oftentimes discussions concerning students of different potentials get around to the sensitive area of race, particularly in the use of

words and phrases such as "social justice" and "freedom." In these words my thinking process gets lost and confused. In these phrases I find no direction for solutions. I submit, therefore, social justice and other such tendered phrases describe a spiritual atmosphere which like a miracle prevails in that institution and in that community which has as its practice and goal, equal access.

The establishment of equal access in any educational institution encounters many problems and obstacles, such as the confusion of federal and state policy and the multiple governmental agencies with which an institution must deal or the media coverage. More fundamental in the long run, I think, is lack of frankness. When dealing with the problems of unequal potentials, the question of race and racial prejudice invariably is injected. I have never known a man wholly void of any traces of some racial prejudice — in differing forms and intensity, of course, but there nevertheless. An institution, we have to recognize, is only the collective spirits of the individuals involved in its operation. Therefore, I submit that when the question of racial prejudice is raised, it frequently calls for a frank admission that racial prejudice, while not desired or condoned, does exist to some degree in the life of every institution.

With that argument out of the way and a frank recognition of the problems it creates, persons can then settle down in an orderly and systematic manner to establish programs and goals toward the accomplishment of what we call, or what I have called here, equal access. Admittedly this is not always, from the standpoint of the media and the community, the best thing to do. Not long ago the now retired Dallas chief of police said of certain corrective procedures and programs proposed, "I recognize that there is prejudice in our department." The headline the next day in the *Star Telegram* and the *Dallas News* was "Chief of Police Admits Prejudice in Police Department." My point is that when race is injected, dwelling on the question of whether there is or is not prejudice, produces trouble. There is prejudice in every community, every society, has been since the beginning of years. We should not debate it but instead try to find some solutions.

The second challenge is what I call the colorbook approach to the problem of unequal potential among students. Recently I saw a colorbook on the newsstands with sketches of youngsters of obviously different racial origins. Under each figure appeared the direction: color me red, color me yellow, color me black, etc. I believe too often the government, politicians, and some educators approach

too many of the education and learning problems on a colorbook basis. Our Constitution is colorblind, but we may be going through a colorbook phase. My opinion is that both the short and the long range solutions to equality of access can be found only in approaching each student's need on an individual basis rather than as a general problem of a minority or sex group. Thrusting a student into an educational stream — for group or racial reasons — in which he cannot swim creates frustrations, bitterness, and scars that only time and dedication may erase.

The most grievous error that educational programs or minority-group-oriented advocates can commit is to contend that free access to education means that all graduates of high school should attend a college or a university. Traditionally we think in terms of a four-year institution after high school. We frequently encounter in our legislative halls declarations that The University of Texas, being the largest institution of the state, should open its doors to minority groups without regard to a student's competence to meet the entrance requirements. Equal access must be based upon potential and expectation of accomplishment combined with personal application and dedication on the part of the student.

My experience with access has been in two institutions with which I have association. At The University of Texas, while the rules are rather technically written, the basic requirement for admission in the regular fall session is that the applicant graduate in the upper half of his high school class and make on the SAT test a score of 850 or more. (Incidentally, I have little confidence in the meaning of the SAT test, and I think 10 to 15 years from now we will look back and wonder how we got snuckered into believing that it could determine whether a person could be a doctor.) On the other hand, experience has shown that one graduating in the lower half of his high school class rarely makes it at The University of Texas at Austin. Nevertheless if a student feels he can make the grades and cumulatively pass the courses necessary to succeed academically, that student has a chance by coming to a summer session and taking two required freshman courses. If he makes a C or better in these courses, he can enter the following fall semester even if his high school grades or his SAT test would not qualify him. I call this free access.

As an appendix let me add that the Regents have authorized an additional \$200,000 for 1974-75 and \$100,000 a year for the next two years (for which Ambassador Clark voted "aye" along with the rest of us) above all present University private and governmental

sources, to aid students who are academically qualified but do not have the funds to attend the University.

The second institution to which I call your attention is the Tarrant County Junior College. Mrs. Dudley and I were a part of the committee of 25 some years ago to study education beyond the high school level, and I made the mistake — as far as taking time from my business, my practice, and my family — of getting so enthusiastic that I organized a junior or community college. It was created in 1966 and today it has more than 15,000 students taking courses for credit and another 9,000 taking non-credit work. From its inception it has been dedicated to a vocational and technical curriculum and only secondarily to the regular college level academic work transferrable to four-year institutions. While SAT tests and high school work level are available and used in advising students, the only entrance requirement is that the student has either graduated from high school or has attained the age of 18. Today 50 per cent of the students are engaged in vocational and technical courses preparing them to be television technicians, aircraft mechanics, or paramedics (nurses, lab assistants, dental hygienists), or others. If a student in the lower quarter of his graduating class makes an SAT score of 350 or less, of which there is a substantial number, that student is urged to take vocational and technical courses which envision supporting academic courses in basic English and basic math, tailored to support his vocational or technical course. Again, I call this equal access.

Vocational and technical course offerings are based on surveys of the employers who report to the local and federal employment agencies. They are geared to needs so that when a young person finishes his course, there is a place of employment for him. I might also say that with large industries, the minority students are in most demand and find jobs the fastest.

Obviously all problems arising out of inequality of potential among students are not solved in these two institutions, but the provisional entrance alternates at The University of Texas at Austin and the wide election of educational programs with varying academic expectations offered by the community college are major steps in the direction of a solution to the goal of equal opportunity.

The solution of society's educational obligation to the student who for any reason is limited in his educational potential can be found, in a major part, in the ingenuity, the imagination, and the dedication, of the community college and flexible "prove yourself" entrance

approach to the senior colleges and universities. These programs assume, of course, an equal commitment on the part of the student. They avoid the group, or colorbook, or quota approach to admissions or instructional offerings, and get back to the tried and basic American principle of equal access, equal opportunity, amid different interests, ambitions, dedications, skills, and potentials on the part of those seeking enrichment and improvement of their lives and skills.

*Wolf:* The earlier papers have pretty well disposed of the initial semantic problem, and it has been generally agreed that equality, for this purpose, means equality of opportunity and does not imply merely an absence of important differences among people. The consensus, therefore, is that the concepts of equality and individuality are not antithetical.

What persons are really asking themselves is how to organize society so that it is both fair and productive. The importance of diversity has been emphasized. It is also clear that team work is needed. Reference has been made to the slogan of the French Revolution: "Liberté, Egalité et Fraternité." Perhaps the most important, if the most elusive, of the three is Fraternity. In my view, two requirements for a cohesive society are: (1) A common goal, value or ideal (a common enemy or a common adversity often serves as well), and (2) Rules of Conduct; rules that promote good morale by way of a salubrious balance of facilitation and restraint. Any harmonious function of the person, the graceful movements of the ballerina or the artfully modulated finger movements of the pianist depend on a balance of excitatory and inhibitory nerve impulses that supply the relevant muscles. This principle of a harmonious interaction of facilitation and restraint is evident throughout social and behavioral activities as well as bodily movements, and it appears to have a good deal to do with the maintenance of health.

There is a town in eastern Pennsylvania — Roseto — an Italian town, where the death rate from heart attack is less than half that of neighboring communities or of the average throughout America. Roseto was settled in 1882 by a band of Italians from near the Adriatic coast who came to the United States seeking a better life and expecting to be absorbed into the great melting pot. They settled in Pennsylvania alongside a Welsh community and worked beside the Welshmen in the neighboring slate quarries. The Welsh would have nothing to do with them socially and excluded them from schools and other community institutions. In response the Italians developed their own community. Eventually their closely knit and



mutually supportive town prospered greatly. The hard-working Rosetans eventually surpassed their Welsh neighbors economically, but the striking thing was that the Italians were, and have remained, healthier not only from the standpoint of coronary disease, but mental illness and other disorders as well.

This town has been the subject of study for nearly fifteen years. The population is notably obese; the residents eat a large amount of animal fat, smoke as much as their neighbors and exercise as little, and yet coronary heart disease among those under fifty-five is almost unknown. Observers have been able to rule out ethnic and genetic factors as an explanation of this good health and finally focused on the extraordinarily supportive and optimistic social pattern. It provides a beautiful example of the balance of facilitation and restraint. The people are vigorous and competitive, but they look after each other so that, although some of them are poor, there is no real want, and there is no local crime. People in trouble, irrespective of type of trouble, elicit a prompt supportive response from the community, and no one is ever socially abandoned. The elderly are kept in the home, are respected and listened to for their wisdom and experience. (This old-world pattern has begun to crumble in Roseto, and observers have predicted that with their Americanization Rosetans will lose their relative immunity from heart attack.)

Other examples of a successful social order based on a delicate balance of facilitation and restraint can be found among the animal life in the ocean. The society of the sea is older and more mature than that on earth. It is hospitable to a wide range of animal forms, indeed, to the whole spectrum of evolutionary development from some of the simplest and most ancient organisms to those, like the dolphins and whales, whose brains are at least as highly developed as and perhaps even more sophisticated than the brain of man. The inhabitants of the sea have solved many social problems with which those on land are still wrestling: the problem of availability of food, population control, territorial expansion and the wanton killing of one's own and other species. I could quote a good many examples of how fish with impressive weaponry tolerate the proximity of weaker organisms without hostility, but one vivid example may suffice. The parrot fish inhabits coral reefs and subsists primarily on the coral polyps. As one watches such a fish graze, however, one notes that he eats only a portion of a coral organism and then, still hungry, moves on to eat a portion of another and another, so that the coral is able to regenerate and the parrot fish gets fed.

To return to the circumstances of life on earth and the topic at hand, resistance to individual or social expression allows counterpressures to build up. Eventually the lid comes off as it did in the tea kettle that enabled Fulton to invent the steam engine. The principle of the exploding lid clearly applies to social pressures.

Sometimes serious social problems have been averted by early recognition of trends and changing values. When I went to school at Andover in the late twenties and early thirties, I belonged to a fraternity. In the early 1940's I received a ballot in the mail to vote on the possible dissolution of the fraternity on the grounds that it was undemocratic and incompatible with newer attitudes about human relations. The fraternity was, indeed, dissolved. This early social accommodation provides a striking contrast to the picture of the political leader of a Southern state standing in the doorway of the University to bar the matriculation of a properly qualified and accepted black. Violent breaking-out, then, is the natural sequel to the attitude of "let them eat cake." In the often chaotic situation that follows, as in the French Revolution, for example, those who suddenly appear to grab leadership are often cynical, vindictive, power-mad people. Such people today, spuriously representing the interests of the students are often in the lead of the confrontations on campus. With a smoke-screen of rhetoric they are playing a game with the uses of power. "We deal with a small self-appointed, power-oriented group" but not necessarily affluent. What is lacking, of course, is restraint; and with each turn of the wheel, each revolution, liberty becomes more libertarian. This sort of development, however unreasonable, is a natural sequel to repression. It is the clattering lid of Fulton's tea-kettle.

A look at not so distant past history will show us that pressures to treat people like groups and to treat groups according to proportions or quotas, may reflect the old principle of bending the rod the other way to make it straight. Social inequality and lack of opportunity for certain individuals came about because of prejudice against groups. It is not surprising, therefore, that the cure proposed is also based on group classifications. How to get back to early American emphasis on individual worth, individual initiative and the regarding of individual excellence is *the* problem today. Part of the problem is that Americans are no longer pioneers. Group identification is a powerful component of emotional security in human beings — hence, lodges, fraternities, clubs, certain business and professional groupings and even football fans. Pioneers strike out from such identifications,

and, whether their pioneering is geographic, industrial, or intellectual, it is likely to have an unorthodox flavor and be directed toward an individual goal.

Actually, early America was not free of group identifications and group attitudes. The conflicts between the English and the Germans in Pennsylvania during pre-revolutionary times is illustrative enough, as is the slogan, "The only good Indian is a dead Indian."

Aggressive assertion by groups, then, may be an effort to straighten the rod by bending it the other way. Americans got themselves into this fix, but it does not mean they should not apply corrective measures, especially before this country turns in desperation to a totalitarian discipline. What developed on a previously select Social Service Board contains an excellent lesson. At first when bars were lowered there was rudeness, lack of consideration and poor communication, but gradually a healthy equilibrium was reached because there developed a harmonious balance between facilitation and restraint.

Americans are agreed on the importance of offering equality of opportunity. What is needed as well is to re-establish discipline as a value, to make discipline respectable again. In child rearing and in social relationships, good discipline, as in the fingers of a pianist, which literally depend for the quality of performance on a balance of facilitation and restraint.

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*Address***THE SOCIAL SIGNIFICANCE OF HUMAN  
DIFFERENCE**RICHARD HERNSTEIN, *Harvard University*

It is a great pleasure to be here. The pleasant gathering yesterday evening has been followed by a stimulating day. I hope I can contribute to the discussion which unfolded this morning and this afternoon. The problem of human differences is a deep and important problem. In my opinion, it is an international problem. In the long run the question may be essentially political.

My contribution must be based on observations gathered by scholars during seventy-five years of study and research. The I.Q. testing movement began around the turn of the century. The main source was the enormous growth of public education in the western world, in Europe, Western Europe, and in the United States. Prior to that, education was more spotty, a benefit the upper classes could bestow on their children. Toward the end of the nineteenth century and at the beginning of the twentieth, the ideal of an educated public was beginning to be realized in the more affluent countries such as France, Great Britain, Germany, Italy, and the United States, and it was exactly in those countries that people began to examine the possibility of identifying in childhood those children who had most to gain from public education and those children who most needed extra help. The impulse for intelligence testing was, at least in my opinion, humane and liberal in the best sense of that word. That defense is offered because at the present time the I.Q. testing movement is under enormous fire from a segment of our society made up of persons who consider themselves to be liberal and humane. For example, it is now illegal to give intelligence tests in the schools of New York City and in other schools in large American cities. Regardless of the merit of existing rules, the impulse for testing originally was humane. Suddenly there were thousands and thousands of children passing through schools, many of them from homes that were culturally deprived, many of them, in fact, from homes in which the parents were illiterate, and the hope was that these children from deprived homes but with native intellectual ability could be identified by the tests and given the full benefit of public education.

The movement started about nineteen hundred mainly in France, to a lesser extent in Great Britain, Germany, and the United States, but it was not until the first world war that I.Q. testing became visible

to the public at large. Because the United States Army chose to examine its recruits by these new methods, approximately two million men in this country were given intelligence tests between 1917 and 1920. The tests were useful to the military. To some degree they confirmed the judgment of people who had the job of assigning soldiers to duties, but in many cases the tests would reveal that a soldier, a recruit, had intellectual capacities that were not evident from his family background, his educational history, or the part of society from which he originated. For example, the tests could show that a young man could profit from being sent to artillery school or signal corps or some other specialized branch. From the beginning, however, it was clear that children from different social strata had different intellectual gifts. That circumstance was first noticed about 1903 when the tests, just recently developed in Paris for the children of public schools, were given to the children in private schools in Belgium and in Brussels. The children in Brussels scored significantly higher than the average child in Paris.

As you can imagine, the French psychologists, rather than believing that children in Brussels were brighter than children in Paris in general, tested the hypothesis that the real difference was that one was a public school, the other was a private school, and that the children in the private schools came from more advantaged families, of more accomplished parents; and that had they given the tests to children in a private school in Paris, they would have seen approximately the same scores. This was done, and the hypothesis confirmed. At the same time, the experiment suggested something that has since been found countless times in repeated studies in dozens of countries on at least five continents — that is, that the children of families higher on the social ladder tend on the average to gain higher scores than the children of families less high on the social ladder. It also became clear in these decades of testing, that a child's I.Q. score at the age of eight, nine, or ten is more predictive of his eventual success in society, as measured by the usual, ordinary criteria of success, than any other single fact that can be gathered.

That was true in 1925, and it is true at this very moment. No other fact, not parental income, parental education, parental attitudes, the child's grades in school, or anything else that can be ascertained about a child at the age of eight is as predictive of his eventual position in life as his I.Q. Having said that, I should hasten to add that although the I.Q. is the most predictive fact, it is not perfectly predictive by any means. A high I.Q. is not a guarantee of social

success. A low I.Q. is not a guarantee of failure. The correlation, however, is substantial and greater than any other fact. Part of the controversy that now rages about I.Q. scores centers around this fact, partly because it is a frightening thing. The parents are upset to hear it; educators are dismayed. It suggests that beyond the age of eight, our society can do little to change what is to happen. It is the center of controversy because it is frustrating and hard to interpret.

Nothing else that the discipline of psychology has done has had so vast an impact on human society as the I.Q. test. Hundreds of millions of children have had I.Q. tests, and hundreds of millions more have had tests that are variants of the I.Q. test — Scholastic Aptitude Tests, Law Boards, Medical Boards, Graduate Record Examinations, Occupational Inventories, and like examinations. Out of this impulse to perfect public education toward the end of the nineteenth century has come an enormous industry, if nothing else.

At the same time the subject of genetics was also unfolding in its own way and, from all appearances, at the time, independently. After Mendel's epochal experiments on the sweet pea, biologists and geneticists were studying the statistics of inheritance, learning a great deal about it and developing a technique that would soon enable them to look at I.Q. scores and make some statements about the sources of individual variation in I.Q. scores. The central proposition extracted from this development of genetics in the early part of the century is that inheritance is a source of variability in human beings, as well as a source of similarity. The public is conscious of the fact that the family chin runs in the family, or the family nose runs in the family, or Jane has Harry's shoulders and her mother's hands or something like that.

The fact of genetic similarity is salient and obvious. The fact of genetic variability is not so salient, not so obvious; but it is just as much a fact of biological nature that individuals differ for genetic reasons even within the same family. All the men in the family may wear Brooks Brothers' suits, but they will wear different sizes. The wearing of the suit is a fact of culture or attitude or social position, an environmental fact, if you will. Their sizes are genetic. In this instance, the culture has made them similar, their inheritance has made them different, but not entirely different because the sizes do after all run in the family somewhat. The men may not wear exactly the same size suit, but they more likely can fit into each other's clothing than they are to fit into the clothing of the family next door. So the genes that a family passes down from generation to generation is the source both of similarity and variability.

The problem with the I.Q. score is the challenge to figure out how much of family resemblance in I.Q. is genetic and how much is environmental — how much of it is like the attitude that disposes men to buy Brooks Brothers' suits and how much is like the sizes they require. The earliest estimates of the answer to that question started appearing in obscure scholarly periodicals as early as the first decade of this century. One small article was published in 1904. It is remarkable, in a way, because the guess about the answer to this question was by a young assistant professor at Columbia University named Edward L. Thorndike before genetics had the statistical techniques to answer such a question and before I.Q. tests were well developed. This young man really leaped ahead of the scholarly community, made informal tests on sixty-five pairs of twins, and guessed (that was all it was at that point) that about 75 per cent of the variation in mental capacity was genetic and only about 25 per cent the result of environment, education, family background and everything else. That was a remarkable guess because although in the seventy years since then, I.Q. testing has become an international business producing hundreds of thousands of scores for scientists, and although the science of quantitative genetics has developed since then, the best guess of the relative proportions which I could now make would be 75 per cent for genetics and 25 per cent for everything else. Since Thorndike's guess in 1904, there have probably been hundreds of serious studies by competent scholars of the sources of variation in I.Q. scores. The estimates vary somewhat, but the vast majority of studies, the overwhelming preponderance of evidence and opinion is that the I.Q. is 60 to 80 per cent genetic and the rest environmental.

The two facts being considered here are not themselves under dispute. The first fact is that the I.Q. score is the most predictive thing one knows about an eight-year-old child if one is trying to predict eventual social standing. The other fact is that the I.Q. is substantially genetic. Nevertheless when two facts are put together and a conclusion drawn from them, people get upset. Our society and all other societies that have looked at the data have found that children with certain gifts pass through the educational hierarchy to some level and then, depending upon their careers, go out into the world sooner or later and either succeed or fail and that, in most cases, society manages to grant its rewards to those who, on the average, had the higher I.Q. scores. Perhaps the exceptions are more interesting than the instances which conform, but there is no doubt that the trend has been established: by the time persons are in their

forties or fifties, they have reached a level within the socio-economic hierarchy that is correlated with the I.Q. tests that they took or could have taken when they were eight or nine years old and that I.Q. scores represent traits, which are to some significant degree genetic. It then follows that on the average, adults who are separated from each other on the socio-economic ladder are genetically different in this respect. That fact is troubling. It is troubling because one of our philosophical traditions or heritages is the notion of egalitarian society, and these facts seem to say, and *do* say, that the society cannot really be egalitarian in the sense that all children have an equal chance of success since each inherits different attributes that are vital to success.

The late eighteenth century and early nineteenth century were aflame with revolution. "Liberty, Equality and Fraternity" was a revolutionary ideal, but it now turns out to be that, to some degree, liberty and equality are inconsistent. When a society allows its citizens to enjoy the kind of liberty that we associate with individuals rising or falling by their own merit, they will stratify themselves according to traits that are in part biological and will to that extent be passed on to their children no matter what society does by corrective or ameliorative legislation. People in society can be made equal only by imposing equality upon them externally, that is to say, by depriving them of the very liberty that now allows them to rise or not to rise within a socio-economic environment.

I do not know the answer to this dilemma, but it is a terrible dilemma that agitates people. The issue is not, in my opinion, primarily a question of race because in my illustrations I have never found it necessary even to mention race. The problem is present whenever a group of people vary in some way that is important to society. As long as people vary in intelligence, societies will, if left to their own devices, tend to allocate their richest rewards to those who have the most to contribute to society and that is the scenario which produces social stratification, genetic separation, the passing on from parents to children of social advantage, and all those other things that have become so intolerable to so many people in so many parts of the world, whether or not a racial problem exists.

Someone has raised a question about society's needs for different kinds of people at different times. "The hewer of wood," it was said, "can't be a very valuable member of society at this point, when wood is so hard to get." That of course is true and might seem to be, and would be, a way out of this stratification of society if it were not



for yet another fact: most human talents, not all, certainly not all, but most human talents are intercorrelated. The child who is in fact good at reading will tend to be good at arithmetic and good at spelling and good at geography and history and social studies. The child who is poor at one of those subjects will also tend to be poor at other subjects. That is a statistical generalization to which there are many exceptions, but there is no doubt about the generalization. Thus through school and beyond, the attributes that succeed in one line of work have a more than reasonable likelihood of succeeding in other lines. There are exceptions of course. It is important to be tall to be a basketball player. It is probably not important to be tall to be a lawyer, but I could be wrong about that.

When I was a boy, I worked on Wall Street as a messenger, and I noticed there were two kinds of people: those who wore suits and those who did not. I did not wear a suit, but I was very struck by the fact that those who wore suits tended to have blue eyes. I have blue eyes, and I took great heart from that early observation, but I am sure it did not mean a thing. Everyone realizes that not all lines of work call on precisely the same abilities, but there is sufficient correlation among the attributes that human society deems valuable and has deemed valuable apparently since time immemorial, that it is likely that if society should suddenly value hewers of wood, the hewers of wood would be the people who are this moment executives in banks, successful lawyers, physicians, or what have you. They may not be strong enough, but they will engage somehow the help of people who are strong enough.

My final comment is about affirmative action. That came up often during the day, and it seems only proper to me to say something about it. Let me distinguish between the problem of affirmative action at two levels. The first level is the manifest level that groups of people in our society have been discriminated against in the past and probably still are being discriminated against in the United States. In my opinion, that is immoral and, in fact, illegal. Therefore, if your morality does not agree, I am sure your respect for the law would. One has no alternative but to obey the law in such matters. In that respect, affirmative action requires the support of every citizen. That, however, is only one level. One wonders if there is not some other level where affirmative action people discriminate the other way, discriminate in behalf of members of certain groups who have been discriminated against. Here I can offer an opinion only; it is that this is a mistake, that it will not have the desired

effect, that it will not rectify a historical injustice because history makes no such calculations. What is worse, I think reverse discrimination may create a new set of injustices which in time will call for a response of a disruptive, unfortunate kind.



N E C R O L O G Y

WILLIAM BARTHOLOMEW BATES

1890-1974

WILLIAM BARTHOLOMEW BATES DIED IN HOUSTON, APRIL 17, 1974.

Known to his intimate friends as Bill and to almost everyone else as Colonel, he was a man who inspired great affection and high respect. His beloved Presbyterian pastor preached his funeral sermon from the text: "There were giants in the earth in those days." It was particularly appropriate; Texas was his earth and he made giant footsteps in the fields of law, banking, education and medical care.

He might be better described, however, by words used of him in one of the many memorial resolutions which marked his passing. One of his associates called him a man of quiet power. He was indeed a man of power which he never abused and he was a quiet man. No one ever heard Bill Bates raise his voice nor saw him lose his temper. He believed that men of good will working together can resolve all problems of human relationships and that the highest calling of a lawyer is to terminate disputes. His life and his career exemplified these beliefs.

Born in Nacogdoches County of pioneer Texas ancestry, he was a true Texan and proud of it. He loved his State and its history and more particularly the Piney Woods of East Texas to which he retreated periodically for rest and contemplation.

After distinguished service in World War I he came to Houston in 1923. Houston was then still a small provincial southern city. He grew with Houston and Houston grew with him. He was a member of the Houston School Board for years and served as its President. Perhaps more than any one other person he was the father of the University of Houston of whose Board of Regents he was a charter member and Vice-Chairman or Chairman for nearly twenty years. Its College of Law bears his name. He participated intimately in the building of a great bank, and served for years as Chairman of its Board of Directors. He took a leading part in the development of a large and respected law firm, of which for many years he was a senior partner.

Bill Bates played a prominent role in the building to greatness of the Houston Medical Center. One of its streets is named for him. For over twenty years he was a Director of the Missouri Pacific

Railroad Company; from the beginning he was a trustee of the M. D. Anderson Foundation; and he served as president of the Houston Chamber of Commerce. He contributed to Houston's business and civic growth in countless ways.

Any remembrance of Bill Bates would be deficient without mention of his loyalty to his friends and his devotion to his wife of more than 50 years, the former Mary Estill Dorsey, and his children and grandchildren.

William Bartholomew Bates was truly a giant in his earth, a man of quiet power, a true friend and an exemplar of the good and true husband and father. For all of these qualities and for his many works, he should and will be remembered.

—N.G.

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## CLARENCE COTTAM

1899-1974

THIS VERSATILE BIOLOGIST WHO WAS DISTINGUISHED IN MANY fields of science and education, had earned a national and international reputation before he became a Texan in 1955 and enlarged it during the last two decades of his life.

Clarence Cottam's first "laboratory" was the Utah farm where he grew up. Trained at Brigham Young (B.S., M.S.) and George Washington universities (Ph.D.) after study at Dixie College, University of Utah and American University and teaching in Nevada, he entered the service of the Department of the Interior in 1939 and served until 1954, when he was named dean of biological and agricultural science at Brigham Young.

From that position he resigned to become the first director of the Welder Wildlife Foundation at Sinton, an 8,000 acre habitat spread supported by royalties provided by its founders. He continued his research and publication — and his teaching. About 150 students from 39 states and from abroad profited from his guidance; he was added to the non-resident faculties of Texas Tech University and Texas College of Arts and Industry, and in 1972 won the coveted AMC Conservation Award. Author of 250 published works, officer of a variety of societies and boards, and recipient of medals from such diverse sources as Laval University, Audubon Society and Texas Ornithological Society.

He was a warm, outgoing man, a superb scholar, diligent laboratory and field administrator, and a patient leader in diverse scientific fields. His membership in this Society dates from his arrival in the state.

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## ERIN BAIN JONES

1896-1974

ERIN BAIN JONES WAS BORN TO TRAVEL. HER FATHER SPENT SOME time as a bank examiner and moved his family frequently, so travel became her way of life and a vital factor in her scholarly interests.

Born to Lewis E. and Barbara (Harris) Bain at Kerens, July 28, 1896, her early homes were there and Waco. Educated ultimately at the University of California at Berkeley (B.A. 1922) she returned to Texas to enroll in the first law class of Southern Methodist University and received the LL.B. degree with that class in 1928, and in 1935 received her M.A. in comparative literature. After her marriage to John Leddy Jones she joined her husband in his restless travels which sharpened her interest in the outer world. After her husband's death in 1961 she returned to Southern Methodist University to complete degrees in the higher levels of international law (LL.M. 1968, S.J.D. 1969). Two books, the fruits of these efforts are: *Earth Satellite Telecommunication Systems and International Law* (University of Texas Press 1970) and *The Law of the Sea: Oceanic Resources* (SMU Press 1972).

She served her community well in various capacities, particularly as a planner and patroness in the field of arts and letters and as a benefactress of education. The libraries of Southern Methodist University have been enriched by her donations to the Erin Bain Jones Library of Comparative Literature and the collections of aerospace law and oceanography in the Unverwood Law Library. As the first president and a co-founder of the Friends of the Dallas Public Library she was instrumental in the purchase of that city's first bookmobile in 1950. She had been appointed to the National Advisory Committee of the Marine Bio-Medical Institute at Galveston and met her death in an air accident on April 30, 1974, while returning from a meeting there. Shortly after her death the Institute recognized her contributions by naming one of its research vessels in her memory. She had also served as a consultant to the Advisory Board

of the Texas Atomic Energy Commission and as a member of the executive committee of the Chancellor's Council of the University of Texas System.

Her writing exemplifies her deep concern for the health of our physical universe. "It is manifest that a millennium of neglect has brought abuse of our natural resources, so the quality of our environment has been damaged. . . . We are visitors on this planet Earth and as visitors here we do not have the right or the privilege to abuse it." Indeed, what a delightful and dedicated visitor on this planet she was.

—J.W.MCK.

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### GEORGE ALFRED HILL, III

1922-1975

GEORGE ALFRED HILL, III, DIED IN HOUSTON ON JUNE 1, 1975. Lawyer, historian, sportsman, musician, keen lover of the land, its wildlife and its people, his ancestral circumstances were unique in the chronicles of the Society. Not only were both his mother and father members, but each was its President — his mother, Mary Van der Berg Hill in 1964, his father, George Alfred Hill, Jr. in 1942. On both his mother's and father's side, George Hill was a fifth generation Texan, his forebears on both sides having come to Texas during or before the era of the Republic. His great-grandfather fought at the Battle of San Jacinto.

George Alfred Hill, III was born in Houston February 20, 1922. He attended the Kinkaid School in Houston, the Hotchkiss School in Connecticut and Princeton University. During his junior year there he was stricken with violent polio which left him with paralysis and confined him to a wheelchair for the rest of his life, the impact of which could scarcely have been greater, coming as it did after an exceptional career in intermediate and collegiate athletics. Notwithstanding this adversity, George Hill enrolled in the Houston Law School, from which he graduated as Valedictorian and practiced law for the remainder of his life. In 1947, he married Gloria Lester of Houston. They had three sons, George IV, John and David.

George Hill was for many years President of the San Jacinto Museum of History Association, of which his father was the founder. He also served as a trustee of Kinkaid School, president for many

successive terms of the Tejas Club, and a member of numerous organizations, social and cultural — giving generously of his boundless energies and counsel, never impeded by his physical constraints.

Although his professional activities and principal residence were in Houston, during the latter period of his life his interests and activities widened to encompass Fredericksburg, where he conducted extensive farming operations, purchased and, aided by his creative wife Gloria, restored several old buildings and was active in the Gillespie County Historical Association. Never one to surrender to his physical handicap, George Hill developed special hand-operated controls on farm vehicles and machinery which enabled him to perform many of the functions of agriculture himself.

An underlying and continuous interest on the part of George and his devoted wife Gloria was a series of warm relationships with neighbors south of the border. During the period of therapy following the polio attack, George taught himself to play the guitar with amazing skill by listening to Mexican radio stations. Subsequently, he and Gloria, an accomplished singer, performed for and with Latin-American *aficionados* on both sides of the Rio Grande, and his guitar generally accompanied his wheel chair in the back of his specially equipped station wagon in which he ranged throughout his beloved Texas, as well as New and Old Mexico.

To those who knew him well, George Hill, III, bequeathed a legacy of courage and spirit, and of independence honed to a sharpness that they synthesized into physical integrity. Just as he frequently out-shot his companions on a dove hunt with his ambidextrous and precise marksmanship, marking each location of a full limit of fallen birds with his amazing memory, in the same fashion were his communications — oral or written — concise, economical and, as to principle, without compromise.

George was the best of companions, possessed of a fine mind, lively wit and a great sense of humor. He was a gentle man, quiet, graceful in all his actions, disciplined, fair and just in all his relationships.

A host of friends were always eager to share in his warm, stimulating, fellowship. Loyalty was his hallmark. William Penn's words described George — "A true friend unbosoms freely, advises justly, assists readily, adventures boldly, takes all patiently, defends courageously and continues a friend unchangeably."

Few Texans inherited such noble ancestry and none exemplified it with such grace, charm, and fidelity. Our lives are permanently diminished by George Hill's untimely passing.

—A.J.W.; J.H.

**ROBERT JUSTUS KLEBERG, JR.**

1896-1974

ROBERT JUSTUS KLEBERG, JR., WAS BORN IN CORPUS CHRISTI, March 29, 1896. His mother was the former Alice Gertrudis King, daughter of Richard King, a river boat captain who founded the King Ranch in 1853. The original 53,000 acres included the Santa Gertrudis land grant south of Corpus Christi, which later, with the encouragement of King's friend, Capt. Robert E. Lee, grew to nearly one-half a million acres by the time of Capt. King's death. Shortly after his death, Alice married Robert Justus Kleberg, the young lawyer who was asked by the widowed Mrs. King to manage the ranch. Bringing up his family on the Santa Gertrudis, Mr. Kleberg helped bring the railroad to South Texas, started the town of Kingsville, improved the pastures, brought in Herefords and Shorthorns to improve the native Longhorns, worked toward the eradication of tick fever, and most importantly, he was instrumental in discovering the artesian water that made it possible to populate and develop South Texas.

Robert, Jr., or Bob, as his friends called him, grew up in the saddle, but with great interest in machinery as well. He wanted to become an electrical engineer, but when a car crank broke his arm and he had to stay home for a few days, his father persuaded him to go to the University of Wisconsin to study animal husbandry and agriculture. After two years there his father's failing health required Bob's return to the ranch and a lifetime in ranching. He began the management of King Ranch with a one million dollar debt incurred by the inheritance tax on Mrs. King's estate, drought and depression, and developed it for his family and country to a multi-million dollar, many-faceted enterprise, looked to world-wide as leaders in ranching and allied fields.

In his early 20's, Bob Kleberg began cattle breeding experiments in an effort to develop cattle suited to the harsh environmental extremes of South Texas. He introduced Brahman bulls originating in India to the Herefords and Shorthorns. From the mating of one of these bulls and a Shorthorn milk cow, a cherry red bull calf, Monkey, the progenitor of the Santa Gertrudis breed, was born. Over a period of twenty years of careful personal selection and line breeding to Monkey, Bob Kleberg developed the Santa Gertrudis breed, the first American breed of beef cattle which was recognized as a pure breed by the U.S.D.A. in 1940. The breed was all Bob had striven for and more — hardy, agile, beautiful cherry red, large,



with bulls maturing to over a ton, and yielding more red meat in desirable cuts than any other breed.

At the same time Bob was developing a strain of chestnut Quarter Horses, all descended from The Old Sorrel, a quarter horse stallion he personally used for cutting, roping, racing and fun — one day, taking him up the steep stairway to the commissary kitchen and another, having his nephew, Dick Kleberg, jump him four feet high bareback to show his wife, Helen, his horse could do anything a thoroughbred could do and more. King Ranch Quarter Horses, almost a breed within a breed, are known throughout the world for their ability in cattle work, hardiness, and gentle disposition, making them suitable for pleasure as well as work.

For the cattle and horses Bob needed better pastures and to that end experimented with and developed land clearing techniques and machinery, introduced and developed better grasses, including King Ranch Bluestem and Kleberg grass, and conducted mineral deficiency experiments. He gave due credit to King Ranch personnel, universities, and individuals who worked on these projects.

For himself, at age 28, on a visit to San Antonio, Bob found, quickly courted and married a visitor from Washington, Helen Campbell, daughter of Congressman Philip P. Campbell of Kansas. She was to prove throughout her life and ever afterward his greatest inspiration and support. It was with Helen's encouragement that Bob went into thoroughbreds, breeding and racing a triple crown winner, Assault. Another Derby winner, Middleground, and more recently, purchasing the Derby winner, Canonero II. King Ranch has been among the top breeders of thoroughbreds consistently, successfully racing, many trained by the great Max Hersch of Fredericksburg and his son, W. J.

Starting with Helen at his side, and going on later without her, in the 50's Bob set out on his life's mission, providing cheaper protein to people throughout the world in the belief that a lack of high quality protein did most to retard the development of underdeveloped regions. The discovery and development of oil and gas reserves on Texas King Ranch by Humble Oil (now Exxon) yielded the capital to take King Ranch to the undeveloped wet and dry tropics of many foreign countries. Cuba, Australia, Brazil, Argentina, Venezuela, Spain and Morocco specifically. In these areas, Bob found the people to use the cattle, horses, and know how he had developed on King Ranch to work toward his goal.

Although Bob Kleberg was often in the company of heads of state and scientists, he thought of himself simply as a rancher. "My

family were cattle people. It's what we were and what we had been. When the arrangement made with Humble in 1935 eventually brought in a very big source of annual income to the family, we put that money back to work. Not anything unfamiliar to us. We put it to work at the thing we had used our lives doing, the thing that interested us most, ranching."

Until the day of his abdominal operation in late September 1974, from which he did not recover, Bob ran the ranch. Usually awake by daylight, Bob drank coffee, read his mail, and talked personally or on the phone to foremen at home and managers abroad. Often, by mid-morning he was on his way to a round-up, where he cut the shippers and keepers, roped branding calves, and ate at the Chuck Wagon. Bob loved working cattle, enjoyed shooting varmints with a pistol or rifle, and hunting quail with friends. He loved game and did all he personally could to increase it as much for esthetic reasons as for his interest in the sport and protein game could provide. Bob loved his friends from all walks of life and especially enjoyed taking them to round-ups, hunting and the races. After a long day in the open, he enjoyed relaxing with friends and discussing everything from good bird dogs to world politics.

Those who worked with him loved "El Patron," who never asked them to work any harder than he did. He often said, "Your life is an expression of what you are." He was and he encouraged others to express themselves as well.

Tributes, editorials and resolutions were collected for the purpose of preparing a Necrology notice of Mr. Kleberg. Among these was found this beautiful tribute to her father by Helenita Kleberg Groves which had been prepared for the Cowboy Hall of Fame which surpasses anything this writer could produce.

—J.M.B.

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## ALAN DUGALD McKILLOP

1892-1974

ALAN DUGALD McKILLOP, PROFESSOR EMERITUS OF ENGLISH AT Rice University and long a distinguished member of the Society, died in Houston August 5, 1974.

Born in Lynn, Massachusetts, May 24, 1892, McKillop was graduated *summa cum laude* in philosophy from Harvard in 1913,

returning for graduate study in English. He earned his Ph.D. in 1920 and began a 49 year career at the then Rice Institute.

His scholarly interests spanned Old English and contemporary fiction but centered on the eighteenth century. A prolific author, he published five books (two on James Thomson, one on Samuel Richardson, a survey of *English Literature from Dryden to Burns* and another standard, *The Early Masters of English Fiction*) and numerous articles.

Professional obligations claimed his dutiful attention. He chaired the Rice English department from 1935 to 1957 and served as President of the South Central Modern Language Association, 1950-51. He was a member of the Texas Institute of Letters and Phi Beta Kappa.

Academic honors came often to McKillop. A Guggenheim Fellowship took him as a young man to England in pursuit of Samuel Richardson's career. Later McKillop's talents were sought by many universities; he served as visiting professor at Chicago, Columbia, Harvard, Johns Hopkins, and Indiana.

A witty, charming gentleman, McKillop earned an enviable reputation as both scholar and teacher. Students flocked to his lectures and were enthralled by his precise, enlightened and humane thought, by his balanced, literate, intriguing style. He was, in sum, a man of grace whose memory will live not only in his books but also in the hearts of those who knew him.

—F.E.V.

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## GEORGE D. SEARS

1888-1959

GEORGE DUBOSE SEARS, LIKE HIS FATHER, WILLIAM GRAY SEARS, and his great grandfather, William Fairfax Gray, was a distinguished lawyer and citizen of Houston, where he was born June 29, 1888. Educated at West Texas Military Academy, San Antonio, and the University of Texas, he practiced corporation law and served as Houston's City Attorney and as a Harris County Judge until 1916 when he began an outstanding military career on the Mexican border with the famous Houston Light Guard in the 36th Division, was commissioned from the ranks in December 1917, fought in France, and was demobilized as Captain, Assistant Chief of Staff.

He returned to his law office but continued service in the 36th Division, Texas National Guard as Colonel and Chief of Staff until assigned in 1941 to the Third Army as Assistant Chief of Staff, G1. His outstanding service in the Pacific earned the Purple Heart, Bronze Star, Legion of Merit with Oak Leaf Cluster, and twelve service medals before his retirement in 1946.

Colonel Sears did not resume legal practice, but lived on his Valley View Ranch near Bandera for a decade before moving to Kerrville, where he died April 30, 1959.

Upon its revival, Sears became a member of this Society, in recognition of his distinction at the bar, his civic service (hospital trusteeship, county relief board, State Library and Historical Commission), and his rare personal charm. William Fairfax Gray was a founder of the Society in 1837 and, as George Sears wrote in accepting his own membership, most of his great grandfather's colleagues were household names through the generations of his family. A few years before his death he was made one of the Knights of San Jacinto, an order created by President Houston amidst war clouds in 1843.

He was survived by his wife, Della, one daughter, a brother, William Gray Sears, three sisters, Mrs. Pat Fleming of Kerrville, Mrs. James B. McGee of Houston. A nephew is William Sears McGee, associate justice of the Supreme Court of Texas.

—W.A.K.

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## J. CLEO THOMPSON

1898-1975

THE PHILOSOPHICAL SOCIETY OF TEXAS LOST A HIGHLY VALUED member on the death of J. Cleo Thompson of Dallas on February 3, 1975.

He was born on a farm in Coleman County, Texas, received his education in the public schools of that county, at Howard Payne College at Brownwood, at Southern Methodist University at Dallas, receiving his BA degree in 1920 and his JD degree at Georgetown University in Washington, D. C. in 1924. He made his way through college and law school chiefly with football scholarships, by playing outstanding football. In recent years he received an LL.D. degree from each of the institutions in which he was educated, Howard

Payne College, Southern Methodist University and Georgetown University.

He practiced law in Dallas for fifty-one years, from his graduation in law school until his death. He was President of the Dallas Bar Association in his thirties, Chairman of the State Bar of Texas at the age of forty and served in the House of Delegates of the American Bar Association for fifteen years after that. Throughout his professional life he participated aggressively in the activities of the organized bar.

He became owner and operator of oil and gas properties and before his death became recognized as one of the most successful of those independent individuals in such ventures.

His only son, J. C. Thompson, Jr., was his sole partner. His wife, his son, and his son's wife and two daughters were inseparable and traveled together extensively. The devotion of all members of that family to each other was exemplary.

As an outstanding citizen and adviser to officials of government in all levels and as a very successful man in all that he undertook, Cleo Thompson was a highly respected member of the Philosophical Society of Texas. It accordingly records this tribute to him in its permanent records.

—P.C.

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## ROBERT EWING THOMASON

1879-1973

ROBERT EWING THOMASON, ONE OF EL PASO'S MOST DISTINGUISHED and esteemed citizens, was born May 30, 1879, in Shelbyville, Tennessee. His parents were Dr. Benjamin and Olivia Hoover Thomason. While he was an infant, the family moved to Gainesville and later to Era where he attended his mother's school. At age 18, he entered Southwestern University where he earned his B.A. degree, then the University of Texas, LL.B. 1900. Southwestern made him a Doctor of Laws in 1954.

He married Belle Davis in 1905. Their children were William Ewing and Isabelle, who became Mrs. H. Ben Decherd. The widowed Judge Thomason married Abbie Long of St. Louis in 1927.

He began practice in Gainesville, served as district attorney, and after moving to El Paso joined the Lea, McGrady, Thomason and Edwards firm.

Judge Thomason was elected to State Legislature, 1916, and in 1918 was unanimously elected Speaker of the House. In 1920 he lost the nomination for governor to Pat Neff. In 1927 he became Mayor. During his administration, he was instrumental in bringing several new industries to El Paso, including the Phelps Dodge Texas Co., Standard Oil Co. of Texas refineries, and a new utility, El Paso Natural Gas Co. and the El Paso International Airport was founded.

He resigned as Mayor to become Congressman for the 16th district. There he served 16 years during an era which saw continuing expansion of public works projects for West Texas and military installations. He was a member of the important Military Affairs Committee during World War II. In 1947, President Truman appointed him to the federal bench.

By that time, Judge Thomason had served in all three branches of government — legislative, executive and judicial. He served as Federal Judge with distinction until 1963 when he announced his retirement. Many of the cases he tried drew national attention, among them the first airplane hijacking case; the Billie Sol Estes and the Clinton Jencks cases.

In 1921, he was named Illustrious Potentate of El Maida Shrine Temple and, and at the time of his death on November 8, 1973, he was the oldest living Past Potentate in the United States.

He was a Presbyterian, a 33rd degree Mason, a Kappa Sigman and a member of Phi Delta Phi.

His achievements were many, including his fight for women's suffrage and expanding women's rights. In 1959, on the occasion of his 80th birthday, the City of El Paso named Judge Thomason its No. 1 Citizen and in 1963 he was named to the Hall of Honor by El Paso County Historical Society.

He was an honorary member of Pioneers Association of El Paso, a member of National Sojourners and the Philosophical Society of Texas, an honorary life member of PART, and was honored by the University of Texas as the 1967 distinguished alumnus.

In retirement, he wrote an autobiography, published by Texas Western Press, which modestly records his long and distinguished career which has left a firm impress upon his region and upon his profession.

## OFFICERS OF THE SOCIETY

*For the Year 1975*

*President*

EDWARD CLARK

*Vice-Presidents*

THOMAS HART LAW

PHILIP GUTHRIE HOFFMAN

GEORGE CARMACK

JOE B. FRANTZ

MRS. PERCY JONES

*Secretaries*

MARY JOE CARROLL

VIRGINIA LEDDY GAMBRELL

DORMAN HAYWARD WINFREY\*

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SAMUEL WOOD GEISER

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LOGAN WILSON

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HARRIS LEON KEMPNER

HERBERT PICKENS GAMBRELL

WILLIAM ALEXANDER KIRKLAND

RUPERT NORVAL RICHARDSON

HARRY HUNTT RANSOM

GEORGE CREWS MCGHEE

\*November 1, 1975

## PAST PRESIDENTS

* Mirabeau Buonaparte Lamar . . . . .	1837-59
* Ira Kendrick Stephens . . . . .	1936
* Charles Shirley Potts . . . . .	1937
* Edgar Odell Lovett . . . . .	1938
* George Bannerman Dealey . . . . .	1939
* George Waverley Briggs . . . . .	1940
* William James Battle . . . . .	1941
* George Alfred Hill, Jr. . . . .	1942
* Edward Henry Cary . . . . .	1943
* Edward Randall . . . . .	1944
* Umphrey Lee . . . . .	1944
* Eugene Perry Locke . . . . .	1945
* Louis Herman Hubbard . . . . .	1946
* Pat Ireland Nixon . . . . .	1947
* Ima Hogg . . . . .	1948
Albert Perley Brogan . . . . .	1949
* William Lockhart Clayton . . . . .	1950
* A. Frank Smith . . . . .	1951
* Ernest Lynn Kurth . . . . .	1952
* Dudley Kezer Woodward, Jr. . . . .	1953
* Burke Baker . . . . .	1954
* Jesse Andrews . . . . .	1955
James Pinckney Hart . . . . .	1956
Robert Gerald Storey . . . . .	1957
* Lewis Randolph Bryan, Jr. . . . .	1958
W. St. John Garwood . . . . .	1959
George Crews McGhee . . . . .	1960
Harry Hunt Ransom . . . . .	1961
* Eugene Benjamin Germany . . . . .	1962
Rupert Norval Richardson . . . . .	1963
* Mrs. George Alfred Hill, Jr. . . . .	1964
* Edward Randall, Jr. . . . .	1965
* McGruder Ellis Sadler . . . . .	1966
William Alexander Kirkland . . . . .	1967
* Richard Tudor Fleming . . . . .	1968
Herbert Pickens Gambrell . . . . .	1969
Harris Leon Kempner . . . . .	1970
* Carey Croneis . . . . .	1971
Willis McDonald Tate . . . . .	1972
* Dillon Anderson . . . . .	1973
Logan Wilson . . . . .	1974

\*Deceased



## MEMBERS OF THE SOCIETY

- ALBRITTON, CLAUDE CAROL JR., dean, graduate school of humanities and sciences, professor of geology, Southern Methodist University . *Dallas*
- ALBRITTON, JOE LEWIS, lawyer; board chairman, Pierce National Life Ins. Co.; president Houston Citizens Bank and Trust Company; director Southwest Public Service Company; trustee Baylor University, Baylor Medical College . *Houston*
- ALLEN, HERBERT, president, Cameron Iron Works; trustee, Rice University; former director, Texas Technological College; trustee, St. Stephens Episcopal School . *Houston*
- ALLEN, WINNIE, retired archivist, University of Texas Library . *Hutchins*
- ANDERSON, ROBERT BERNARD, partner, Carl M. Loeb Rhoades and Company; former Secretary of the Treasury; former Tax Commissioner, Texas . *New York*
- ANDREWS, MARK EDWIN, president, Ancon Oil and Gas Company; former Assistant Secretary of the Navy . *Houston*
- ARMSTRONG, THOMAS REEVES, Armstrong Ranch; former president, Santa Gertrudis Breeders Association . *Armstrong*
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