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January 14, 1974

The Honorable William Wayne Justice  
United States District Judge  
Eastern District of Texas  
U. S. Post Office and Court House  
Tyler, Texas

RE: Civil Action No. 1948  
Alicia Morales, Et Al v.  
James A. Turman, Et Al

Dear Judge Justice:

The enclosed column by Bert Holmes from THE DALLAS TIMES-HERALD of Thursday, January 10, 1974, expresses my sentiments fully. While it deals primarily with another law suit, it does point out very forcefully that the reaction to your temporary order in Morales v. Turman brought forth the usual and expected negative response by recalcitrant bureaucrats when they were told by the Court that they, too, are subject to the law and the Constitution.

As Chairman of the Committee on Human Resources of the Texas House of Representatives, which is charged with oversight of the Texas Youth Council, I want to inform you that your findings of fact and temporary order in Morales v. Turman have had a very beneficial effect and, when combined with inquests of this Committee beginning in July of this past year, resulted in a near-total replacement of Council membership, the Executive Director, and several other staff members. This has resulted in new attitudes and directions for the Council and its programs. More importantly, because of your actions in this case, you have made the Texas Legislature fully aware of the need for us to assume our long-neglected responsibilities toward the Texas Youth Council. And I am completely convinced that the Executive Branch of Texas State Government, because of the new light being shed on the TYC, noted its deteriorated situation and made the changes in Board membership which I have mentioned.

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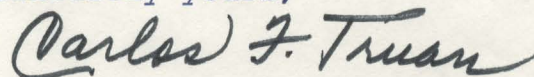
I have always been troubled by the fact that it seems to require action by the Federal Courts before Texas State Government will assume its own rightful responsibilities to enforce its own laws, to revise these laws when necessary, and to insure that its administrators abide by the laws and by the Constitution. Nevertheless, this seems to be the firm pattern that has emerged.

I want to express my gratitude to you for your devotion to the well-being of the wards of the TYC, and to commend you for your advocacy of the principle that the Council's raison d'etre must be to provide effective and concentrated therapy to all wards, with the goal of equipping them to live and work successfully in a normal environment if this is at all possible--and that every action taken by the Council must be weighed against this definition of its purpose.

In this respect, a number of the witnesses who appeared before our hearings last Fall testified that the temporary order which you entered in this case was both equitable and enforceable. The Chairman of the TYC, Mr. Forrest Smith, was specifically asked by one of the members of the Committee whether he took issue with any of your findings of fact. His answer was that he really did not have any basic disagreement with those facts, though he might have some reservations about some of the details and specific language. A recent article in THE AUSTIN AMERICAN-STATESMAN tells us that the new Superintendent of the Gatesville State School for Boys stated that there was nothing in the order "we can't live with." Those are precisely my sentiments, and I believe that they reflect a consensus viewpoint of the majority of the membership of the Committee on Human Resources.

While it often falls as the lot of Federal Judges to be condemned for alleged usurpation of the "prerogative" of governmental administrative officials to ignore or evade the law, I want you to know that I think your decision in Morales v. Turman was a magnificent reaffirmation of the principle that the States and those who operate their programs for troubled young people must fully abide by the law and the Constitution. I feel the Emergency Relief Order is an excellent basis on which the TYC can build a new agency pointed in this direction, and I feel confident that the Court's final ruling in the suit will provide an even more comprehensive and substantial base for this reconstruction process. I can assure you that this Committee will be watching the TYC very closely--with high hopes--during this process; and I feel confident you have spurred Texas State Government to assume its responsibilities in this field.

Sincerely yours,



Carlos F. Truan, Chairman