

Otto B. Mullinax, 1912-2000
A Progressive Texas Lawyer: “*Tough as a Cactus.*”
By Steve Mullinax, US312, August 27, 2013

Otto B. Mullinax was a long-time member of IMFA, and writing by or about him has appeared in several issues of *Mx World*¹. He is well-known as the author of *Some Mullinax Roots: South Carolina to Texas*, 1982. Otto was descended from John Mullinax (b. 1737, Camden, York, S. Carolina.) Born as rural East Texas was emerging from its frontier days, “*in one of the last of the dirt-floored houses on my grandfather’s farm in Franklin County,*”² Otto would become an influential labor and civil rights lawyer, and contribute significantly to the law and politics of the state.

His autobiographical sketch in *Mullinax Roots* says that following his Army service in WWII, “*I enjoyed a successful law practice as a trial lawyer for the rest of my life.*” This bland statement, I learned, does not do justice to Otto’s colorful, path-breaking career.

Otto was one of a cohort of progressive lawyers who graduated from the University of Texas Law School in the 1930’s. They were an “*influential cluster of liberal activists*”, including “*Chris Dixie of Houston, Otto Mullinax of Dallas, Maury Maverick Jr. of San Antonio, Bob Eckhardt of Houston, and [Creekmore] Fath of Austin.*”³ They would absorb the ideals of President Franklin Roosevelt’s New Deal from their mentors at UT, and in the state and federal government. They would embody these ideals as they practiced law and politics. They would serve their country in war. Over many decades, they would socialize, collaborate and support each others’ careers as they battled for their ideals. Though they met with both success and defeat along the way, they would gain justice for the minority and labor clients they represented, make laws and set legal precedents, helping move their state and nation toward their progressive goals. Ultimately, they would pass their legacy to a new generation of progressives.

As students, they were active in UT’s Young Democrats, favoring President Franklin Roosevelt’s New Deal, in opposition to conservative Democrats. They were influenced both politically and in the classroom by liberal economics professor Robert Montgomery. He assisted them in reorganizing the liberals as the “Progressive Democrats” or PD’s.

His students thought Montgomery “*the greatest teacher they knew – the model of what a teacher should be,*” according to Mark Adams, one of the PD’s. Montgomery served in Franklin Roosevelt’s New Deal administration. He took students to Washington, D.C., connecting them with New Dealers. In Austin, they joined Governor Jimmie Allred for dinner and cigars at the Texas governor’s mansion. There, they met other Texas progressives, such as UT Regent, oilman J.R. Parten, and Ralph Yarborough, who would serve Texas in the U.S. Senate, 1957-1971.

¹ *Mx World*, notable references, Vol.1 #3, Vol. 5 #3, Vol. 12 # 4 & Vol. 18 #1. Thanks to Wayne Straight.

² Mullinax, Otto B., B.A., LL.B, *Some Mullinax Roots, South Carolina to Texas*, 211, self-published.

³ Richards, Dave. “So Long to the Communist Threat”, *The Texas Observer* (online), August 19, 2009, (<http://www.texasobserver.org/so-long-to-the-communist-threat/>), accessed August 7, 2013.

Dr. Montgomery's advocacy of regulation of Texas' sulfur industry drew that group's ire. In 1936, one of the industry's lobbyists "*concocted a legislative investigation to discredit Montgomery, [and] expose the PD's as Communists*".⁴ Otto Mullinax and fellow-PD Herman Wright were subpoenaed to testify. Gary Keith writes:

"Legislators grilled Mullinax and Wright for hours. "Three of us ran for the legislature on a program to tax sulfur, and were defeated on the charge of being Communists. Our issue was sulfur, not communism," testified Mullinax.⁵ They were asked where they got the principles for the PD platform. "Part of them came from the writing of Thomas Jefferson, part of them were taken from President Roosevelt's campaign speeches, a few were selected from Gov. James V. Allred's platform, and three came from Dr. Robert Montgomery," Mullinax replied.⁶"

Montgomery, Mullinax and Wright had embarrassed the legislators, who were unable to make the "Communist" charge stick. Gary Keith wrote, citing Mark Adams, that "*the whole ordeal served as a baptism by fire for the PD's. Mark Adams wrote that 'they emerged from it as a cadre of blooded troops for armies of the democratic cause.'*"⁷



Otto was recruited in 1938, along with fellow-UT law graduates Chris Dixie and Herman Wright, by the Houston labor law firm of Mandell and Combs.⁸

In 1941, Otto enlisted in the U.S. Army. He served as an officer in the 14th armored division in France and Bavaria. Following the war, he remained in Europe as a lawyer in the Army's War Crimes offices. He left the Army with the rank of major in 1946.⁹

Following his military service, in 1947, Otto teamed with Columbia Law graduate Nat Wells to form a law firm in Dallas. They "*served as legal counsel for the Texas State Federation of Labor. The firm was to become a premier labor law*

⁴ Keith, Gary A. *Eckhardt: There Once Was a Congressman from Texas*, 40, University of Texas Press, Austin.

⁵ "Students Storm House Communism Investigation," *Austin American*, October 14, 1936, clipping from Otto Mullinax scrapbook.

⁶ "Probe Will Be Again Closed to Spectators," *Austin Dispatch*, n.d., clipping from Otto Mullinax scrapbook.

⁷ Adams, Mark. *Glimpses of an American Century: By a Mouse in the Halls of the Mighty*, 87, Oak Harbor, WA: Packrat Press, 1997.

⁸ Carleton, Don E. *Red Scare! Right-wing Hysteria, Fifties Fanaticism and Their Legacy in Texas*, Texas Monthly Press, 22.

⁹ Mullinax, Otto B., *Some Mullinax Roots*, 211.

firm.”¹⁰ Ed Cloutman, a long-time partner in Mullinax & Wells, said that the firm “enjoyed the reputation as the only light shining down for labor union members in this part of the country.” “It was a fascinating bunch of people,” says former Texas Gov. Ann Richards, whose ex-husband, Dave, became a partner in the firm. “Everyone in the firm was politically involved.”¹¹

Over the years, their law firm, Mullinax & Wells, would mentor young lawyers who went on to their own illustrious careers. Dave Richards was instrumental in school desegregation, voting rights and free speech cases.¹² He joined Mullinax & Wells in 1957, straight from UT Law School. Richards wrote that:

*“Otto Mullinax had graduated from law school in the 1930s with a determination to press the progressive agenda. ... When Otto came back from World War II to practice law, he did the unthinkable. He filed a police brutality suit against law enforcement officials in Nacogdoches in deepest East Texas. The suit on behalf of a returning Black serviceman was simply unheard of in that era.... During the course of the trial, Otto and his client were afraid to spend the night in the county and took lodgings elsewhere. Such were the times that Otto carried a gun with him at all times for protection. The suit was inevitably lost, but **Otto’s determination to attack injustices never wavered.**” [emphasis added.]¹³*

For this kind of determination, Richards described Otto, like his friend Chris Dixie, as “tough as a cactus”.¹⁴

In 1954, Otto joined with other liberals in founding the Texas Observer, then as now, a biweekly journal, “the state’s leading journalistic voice for social justice from progressive perspectives.” Other founders included the former UT PD’s, Bob Eckhardt, Chris Dixie, Creekmore Fath and Mark Adams, as well as UT Regent J.R. Parten. Later editors would include Molly Ivins and Jim Hightower.¹⁵

Otto served over two decades on the national board of Americans for Democratic Action (ADA), an independent liberal political organization. In 1971, he helped his old UT Law friend Bob Eckhardt gain a position as a vice-chairman of ADA. Eckhardt served as a U.S. Congressman from the Houston area from 1966 to 1980.¹⁶

¹⁰ Mullinax, Wells Labor Case Records, in Special Collections, University of Texas at Arlington Libraries.

¹¹ Robbins, Mary Alice, “End of an Era: The Legacy of a Texas Legal Triumvirate”, Texas Lawyer, November 20, 2000. (<http://www.baabdenison.com/article.html>) Accessed August 27, 2013.

¹² Ivins, Molly, Fort Worth Star-Telegram, n.d., cite in Amazon.com editorial reviews of David Richards, *Once Upon a Time in Texas: A Liberal in the Lone Star State*. <http://www.amazon.com/Once-Upon-Time-Texas-American/dp/0292745915>, accessed August 28, 2013.

¹³ Richards, David. *Once Upon a Time in Texas: A Liberal in the Lone Star State*, 17, University of Texas Press.

¹⁴ Richards, Dave. “So Long to the Communist Threat”, The Texas Observer (online).

¹⁵ Dugger, Ronnie. “Texas Observer”, *The Handbook of Texas*. Texas State Historical Society, online. (<http://www.tshaonline.org/handbook/online/articles/edt12>). Accessed August 7, 2013.

¹⁶ Keith, Gary A. *Eckhardt: There Once Was a Congressman from Texas*, 38-39.

The Mullinax & Wells firm mentored a number of distinguished lawyers and jurists. Among them, Dave Richards, mentioned above; Oscar Mauzy, Justice, Supreme Court of Texas; Ted Z. Robinson, Justice, Supreme Court of Texas; and George Schatzki, founder of the Dallas ACLU.

Otto retired from his law practice in 1982. From his student days at UT during the Great Depression, through service in World War II, to his legal representation of minority and labor clients over more than four decades, Otto Mullinax proved that he was a smart lawyer and that he cared enough to pass his ideals and skills on to younger generations. And, like his fellow Progressive Democrats from his UT Law School days, that he was “tough as a cactus.”



L to R: Otto Mullinax, L.N.D. Wells, Jr., Oscar Mauzy¹⁷

Previous page: “Signed photo of Otto Mullinax, Dallas lawyer and long time friend of Creekmore Fath.¹⁸” as a young man, about 1938-1941, Houston Texas.

Addendum: am I related to Otto Mullinax? Otto researched his ancestors thoroughly, as we would expect of a good lawyer. For simplicity, let’s assume that his earliest known Mx ancestor, seven generations back, was John Mullinax (b. 1737, Camden, York, S. Carolina, m. Sarah Donnally, b. 1737, York, York, S. Carolina). Thus, he is one of the Donnally line of Mullinax’s. My earliest known Mx, also seven generations back, is William (b.c. 1720-1725, d. 1762, Sussex Co. Delaware.) There is no known common ancestor in those seven generations. Yet Otto’s first cousin, J.T. Mullinax, has a 37-marker Y-DNA result that is very close to mine, as well as to several other DNA project participants belonging to my Delaware line. This strongly suggests that the two lines have a common Mx ancestor, even though we haven’t found him yet. More generally, J.T. Mullinax is close genetically to participants belonging to the Spartanburg, Pendleton and Founder lines, all part of our Haplogroup I2b1 cluster. These relationships reinforce how close all these lines are genetically, and the importance of continuing the search for genealogical evidence connecting them.

¹⁷ Robbins, Mary Alice, “End of an Era: The Legacy of a Texas Legal Triumvirate”, Texas Lawyer, November 20, 2000. (<http://www.baabdenison.com/article.html>) Accessed August 27, 2013.

¹⁸ Fath (Creekmore) Papers, e_ef_21, The Dolph Briscoe Center for American History, The University of Texas at Austin.