

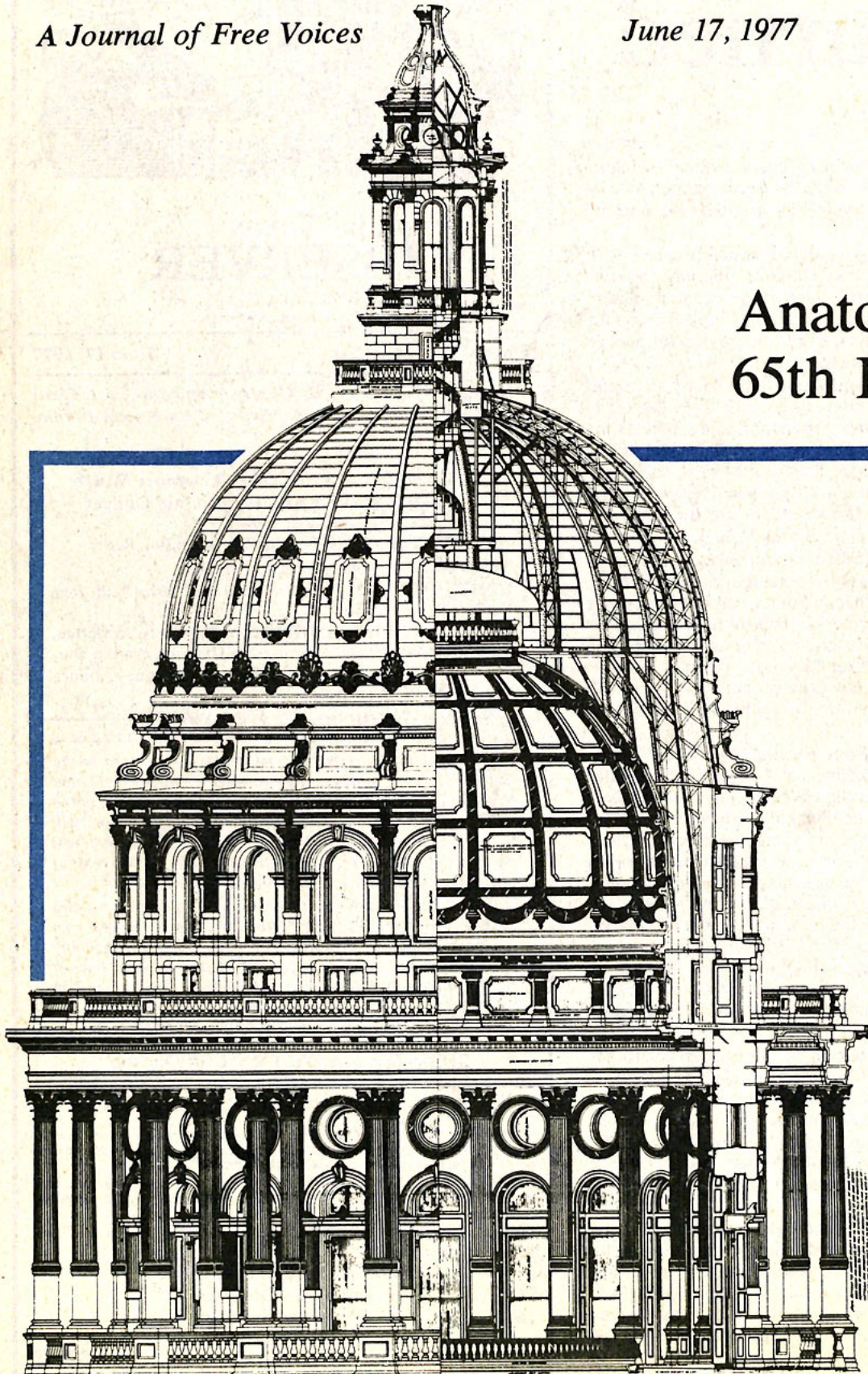
THE TEXAS OBSERVER

A Journal of Free Voices

June 17, 1977

50¢

Anatomy of the
65th Legislature



Adjourned

Austin

The 65th Legislature was a minor spectacle, and following its brief transit was a little like watching a sand crab scratch its way across a beach, darting sideways on its spindly legs, with no discernible purpose.

The movements and purposes of the now-adjourned 65th were little clearer than a sand crab's, and its anatomy about as absurd. It had 5,114 bills and resolutions in its system, a 140-day life span, 181 members functioning parttime, Dolph Briscoe for personality, Bill Hobby for brains, and Billy Clayton for muscle coordination. It went nowhere fast.

On the whole, this was a Legislature only lobbyists could love, and many did. Corporate interests got what they came for: hard cash for the highway builders, eminent-domain powers for the coal slurry people, a branch banking loophole for the state's big bankers, an increased weight limit for cement and dairy trucks, etc. Sen. Lloyd Doggett got it right when he said, "This session was little more than a service station for the lobby."

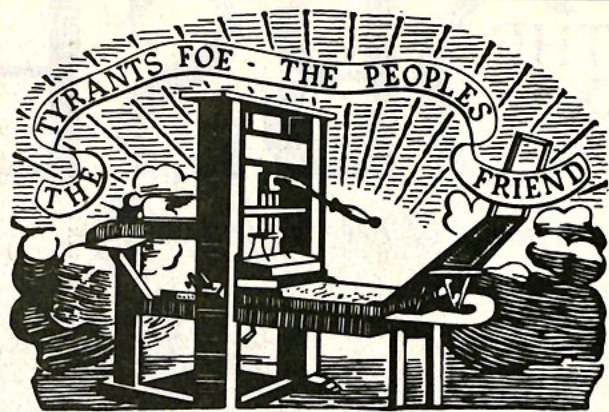
The rest of us didn't fare nearly as well. A handful of needed reforms made it through both houses, but consider the legislation that didn't: a utility sales-tax exemption, generic-drug substitution, group auto insurance, a homestead tax exemption for the elderly, tax relief for farmers, a ban on redlining, property tax reform, teacher pay raises, auto repair shop regulation, tenant habitability and farm worker bargaining rights, a refinery tax, county ordinance-making power, a proportional presidential primary, and the elimination of telephone directory-assistance charges.

We could rear back and have our biennial laugh at the Legislature, but all the hilarity is killing us. Dolph Briscoe, Billy Clayton and other political crustaceans have been turning over the state to *Fortune's* 500, practically holding the door open for the large corporate interests that are remaking Texas in their own image. Our family farmers are in desperate trouble; small businesses are falling before the crushing power of national retail chains and conglomerates; blue-collar workers here are closer to indenturedship than are their counterparts in nearly any other state; increasing numbers of the elderly find themselves sorely pressed to afford both groceries and utilities; one out of every four Texans still lives in poverty, and the state's maldistribution of wealth is more scandalous now than it was in Allan Shivers' day.

If we are to do anything about all of this, we've got to get serious about the Legislature. It is easier to laugh at it than to reform it, and progressives have been taking the easy way out for too long. We cannot go into another session without a comprehensive program of our own. This year, only the governor, the speaker and their corporate blood brothers had an overall plan for state spending and use of the unprecedented \$3 billion surplus.

It's not that the session lacked good bills; rather, it's that the good bills came to public notice individually and separately, with no serious effort on anyone's part to draw them into a unified, progressive program. As a result, the legislative debate was framed entirely by Briscoe, Clayton & Co. Progressives spent at least 90 percent of their time this spring confronting the

(Continued on page 33)



The Texas OBSERVER

© The Texas Observer Publishing Co., 1977
Ronnie Dugger, Publisher

Vol. 69, No. 12

June 17, 1977

Incorporating the State Observer and the East Texas Democrat, which in turn incorporated the Austin Forum-Advocate.

EDITOR Jim Hightower
MANAGING EDITOR Lawrence Walsh
EDITOR AT LARGE Ronnie Dugger

ASSISTANT EDITORS: Luther Sperberg, Ray Reece

PRODUCTION MANAGER: Lois Rankin

STAFF ASSISTANTS: Laura Eisenhour, Susan Reid, John Gjedde, Bruce Selcraig

CONTRIBUTING EDITORS: Kaye Northcott, Jo Clifton, Dave McNeely, Wade Roberts, Don Gardner, Warren Burnett, Rod Davis, Steve Russell, Paul Sweeney, Laura Richardson, Marshall Breger

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OFFICE MANAGER Joe Espinosa Jr.
ADVERTISING Jeff Reynolds

Published by Texas Observer Publishing Co., biweekly except for a three-week interval between issues twice a year, in January and July; 25 issues per year. Second-class postage paid at Austin, Texas. Publication no. 541300.

Single copy (current or back issue) 50¢ prepaid. One year, \$12; two years, \$18; three years, \$25. Foreign, except APO/FPO, \$1 additional per year. Airmail, bulk orders, and group rates on request.

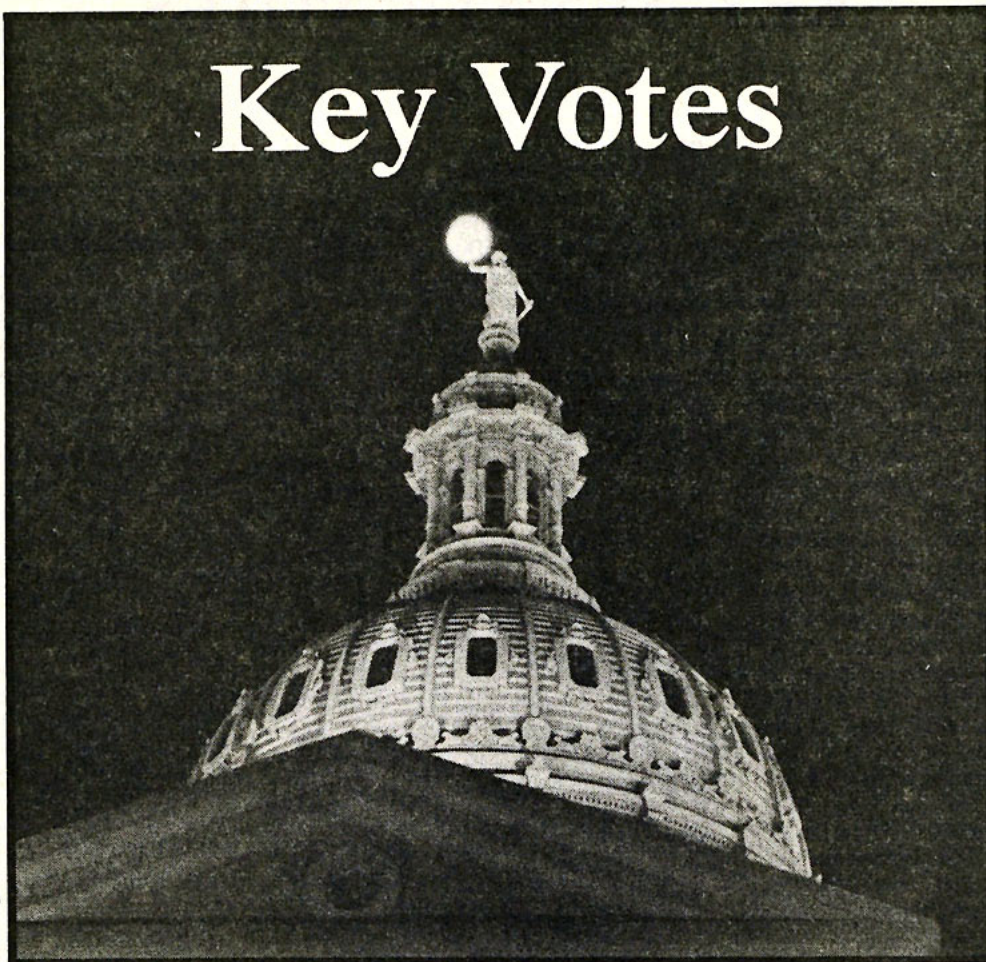
Microfilmed by Microfilming Corporation of America, 21 Harristown Road, Glen Rock, N.J. 07452.

Editorial and Business Offices:

The Texas Observer
600 West 7th Street
Austin, Texas 78701
512-477-0746



Key Votes



Alan Pogue

Searching the record for bright spots in the dark days of the 65th Legislature.

By Jim Hightower
and Jo Clifton

Austin

Lackluster, small-minded, miserable and forgettable are some of the kinder terms participants and observers alike have applied to the 65th Legislature. On the whole, the session started slow and tailed off from there. The high point may well have come in January, when, just after the opening ceremonies, the leadership gavelled through a week's vacation for everybody.

Much of the business was so bad that to report it straight is to appear smart-alecky. With this said, it is still a fact that the Legislature is important, if for no other reason than that it can hurt people. It is also worth noting that a few good things got through, that a great many horrible things were defeated, and that several of the 181 members made consistent stands for the public interest. So some individual assessment is in order.

What the Observer supplies below is

organized information on who stood tall when it really counted this session. The votes studied—some have received little public notice before—gave members clearcut opportunities to take progressive stances.

A word of caution: this is not an effort to identify 100-percenters, so don't read more into these votes than is there. Neither is this a "best & worst" rundown. It is, simply, a measure (we think a useful one) of legislative performance. As a summary, it has its flaws, particularly since it doesn't cover committee votes and such critical intangibles as leadership displayed during various Senate and House struggles. For example, Sen. Bill Patman could have voted wrong on a host of important issues (he did not) but still deserve the highest praise for his one-man effort to beat the loan sharks this spring. Legislative reality was more complicated than our tabulation suggests, but, as a tabulation, our report is better than most.

Final passage votes draw most of the attention, but they rarely are key votes. Governor Briscoe's high-priced highway

bill passed the full House on Feb. 9 by a vote of 121 to 27, but the real fight had been fought well before final passage; much of the "yes" vote amounted to political posturing by those resigned to the bill's passage. The crucial vote had come the day before on—are you ready?—a motion by Jim Nugent to table a motion by Dan Kubiak to postpone consideration of the highway bill until after the general appropriations bill had passed. The 86 to 55 vote favoring Nugent offers a clearer picture of who really wanted to pour money into the highway bill. The votes analyzed here trace such parliamentary convolutions as motions to suspend the rules, motions to table amendments, and even motions to adjourn. These are the most useful signposts of what went on in the late legislative session.

These vote tallies were assembled with the help of Leah Miller, Angela Neville, Monica Shaw and Steve Kreger. —Eds.

KEY SENATE VOTES

1 Taxing farmers

SJR 1 would have allowed voters to decide whether farm and timber lands should be appraised for taxation at lower rates than other property. Many family farmers and small timber operators face financial strangulation from rising property taxes. Small businesses near expanding urban areas are particularly imperiled, and SJR 1 was meant to provide relief by taxing such properties at their productive values rather than at skyrocketing market values.

The problem is that large corporate interests lurked behind the legislation, aware that their agricultural and timber holdings would be the primary beneficiaries of the tax break. Sen. Lloyd Doggett gave his colleagues a clearcut chance to stand with family enterprise against corporate agribusiness and the timber companies—he offered an amendment to restrict the tax benefits to family-owned operations. He got fourteen votes, but needed sixteen. SJR 1 passed the Senate, but failed to get out of the House, so this time around neither family nor corporate operations will get a tax break.

Those who voted for the Doggett amendment get a star.

2 White-collar crime

While the governor, the speaker and a majority of legislators were out to nail welfare cheaters and other public enemies this session, they looked the other way when it came to the little indiscretions of some business executives. Sen. Grant Jones' successful SB 469, touted as the way to strengthen the state's securities act, had a clinker in it that will allow a new "due diligence" defense for brokers charged with fraud in securities transactions (a crime which costs Texans \$100 million a year). Passage of this provision means that brokers who are sued for fraud and misrepresentation will be able to get off by claiming that they didn't know they had dealt falsely with clients. Sen. Lloyd Doggett tried to amend the bill by deleting this section, but he lost 19 to 12. Five senators were so appalled by this special treatment of the wealthy and their agents that they voted against the whole bill on final passage—Doggett, Mauzy, Patman, Schwartz and Sherman.

Those who voted for the Doggett amendment get a star.

3 Loan sharking

The session's infamous "loan shark" bill, SB 615 by Sens. Don Adams, Oscar Mauzy and Gene Jones, failed to muster the twenty votes it needed to come up for debate. Chances are it was doomed anyway, since Sens. Bill Patman, Ron Clower, Lloyd Doggett, Carlos Truan and Babe Schwartz were loaded for bear and poised for filibuster.

The bill would have permitted finance companies to raise interest rates as much



Bruce Seleraig

as 50 percent. By the time the measure got to the floor, it had taken on an "odor," and many senators didn't want to vote on it at all. The bill's demise was due largely to the single-minded persistence of Senator Patman, who fought it with everything at his disposal. One of SB 615's sponsors, the usually liberal Mauzy, thought it the better part of valor to be not just out of town, but out of the country during the week the bill was to come up for consideration. He was in Europe when the Senate voted 18-12 to consider SB 615. Twenty votes were necessary.

Those who voted against consideration get a star.

4 Insurance companies vs. consumers

SB 898, one of the sorrier bills of a truly bad session for consumers, sailed through with only six senators standing tall on the key tally. Although the bill died in the House, it gave consumer advocates pause.

Sponsored by Sen. Carl Parker, the bill would have stripped the State Board of Insurance of its authority to set minimum coverage levels for health and accident policies. Readability standards also were watered down so that consumers might never have been able to figure out exactly what they were buying in the way of insurance. The motion to bring the bill up for consideration won on a 22 to 6 vote.

Those voting against consideration get a star.

5 Group auto insurance

Independent insurance underwriters helped kill a bill written by Sen. Oscar Mauzy that would have permitted group marketing of auto insurance, such as is allowed for health policies. The motion to consider the bill was defeated, with fourteen opposed and two absent. A two-thirds vote was needed, so the motion fell short by four votes.

Those voting for consideration get a star.

6 Floodplain development

Sen. John Traeger's SB 417 would have proved a boon to businessmen intent on building commercial and residential developments in floodplains.

Traeger's bill would have prohibited counties from writing floodplain development codes stricter than the criteria established for federal flood insurance policyholders. Several Texas counties have drawn up minimum standards for construction and development in flood-prone areas. SB 417 would have repealed all such laws already on county books. The bill died in the Senate, however; fifteen senators voted against bringing the bill up for consideration, eleven voted in favor.

The fifteen voting "no" get a star.

7 Product liability

Consumers won a major victory in the defeat of SB 1012. Sen. Grant Jones' bill would have placed a four-year statute of limitations on product-liability claims.

Consider what you might do if you bought a lawnmower that had a guard on it to prevent you from cutting off your big toe. You never considered that the guard might just fall off someday—say

- ★ = The Observer agrees with this vote
- = The Observer disagrees with this vote
- = Present, but not voting
- A = Absent

	Taxing farmers	White-collar crime	Loan sharking	Insurance cos.	Auto insurance	Floodplain	Product liability	Corp. contributions	Presidential primary	Nursing homes	Children's health	Civil liberties	Welfare cheating	Branch banking	Highways	Cement trucks
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Adams	★	●	●	●	A	●	A	●	●	★	●	●	●	★	●	●
Aikin	●	●	★	●	●	★	●	●	★	●	●	●	●	●	●	●
Andujar	●	●	●	●	●	●	●	●	●	★	●	●	●	●	●	A
Braecklein	★	★	★	●	★	★	●	★	A	★	★	●	●	●	★	●
Brooks	★	★	●	●	★	★	○	●	★	★	★	★	A	●	●	●
Clower	★	●	★	★	★	A	★	★	★	●	A	★	●	●	A	★
Creighton	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Doggett	★	★	★	★	★	★	★	★	★	★	★	★	★	●	★	★
Farabee	★	★	★	★	●	●	●	★	●	●	●	●	●	●	●	★
Hance	●	★	●	●	★	★	●	●	★	★	★	●	●	●	●	●
Harris	●	●	●	●	●	A	●	●	●	★	A	●	●	●	●	●
Jones, Gene	★	★	●	●	★	★	★	★	★	A	★	★	●	●	★	●
Jones, Grant	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Kothmann	●	●	●	●	★	●	★	★	★	★	★	●	★	●	●	●
Lombardino	●	●	●	●	A	●	A	●	●	★	★	●	●	●	●	●
Longoria	★	●	★	A	★	★	★	●	★	●	★	★	●	●	★	A
Mauzy	A	★	A	●	★	★	★	●	★	★	★	★	★	●	★	A
McKnight	●	●	●	●	●	●	●	●	●	●	●	★	●	●	●	●
Meier	●	●	●	●	●	★	●	A	●	●	★	●	●	●	●	●
Mengden	★	●	●	★	●	A	●	●	A	★	A	●	●	●	●	●
Moore	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Ogg	●	●	●	●	●	A	●	●	●	●	A	●	●	●	●	●
Parker	●	●	●	●	★	★	★	★	★	★	★	★	●	●	★	●
Patman	★	★	★	★	★	★	★	★	★	★	★	●	★	●	★	★
Santiesteban	★	●	★	●	★	★	★	●	A	★	A	★	●	●	●	●
Schwartz	★	★	★	●	★	★	★	★	★	★	★	★	★	○	★	★
Sherman	★	★	★	A	●	★	A	●	●	A	●	★	●	●	●	★
Snelson	●	★	●	○	●	A	●	A	●	★	A	●	●	●	●	●
Traeger	●	●	★	●	●	●	●	●	●	★	★	●	A	●	●	A
Truan	★	★	★	★	★	★	★	★	A	★	★	★	★	●	★	●
Williams	●	●	●	●	★	●	●	●	★	★	★	●	●	●	●	●

four years and one day after you lugged the thing home from the hardware store. Had the Jones proposal become law, you would have had no remedy against the manufacturer, even if the company was clearly at fault.

SB 1012 was supported by manufacturers who saw a chance to avoid bothersome consumer suits. They complained of ridiculous claims, such as some filed fifty years after sale of a

product, but a four-year cutoff was way too short for eleven senators who voted against suspending the rules to consider the bill, thus killing it. Give them a star.

8 Corporate campaign contributions

Sen. Lloyd Doggett threatened a filibuster to prevent passage of an odious offering he dubbed the "Maurice Stans bill." This bill by Sen. Peyton McKnight

would have turned back the clock to those prereform golden days when corporations could contribute funds directly to political candidates. On a vote of 19 to 10, McKnight fell just one vote short of suspending the rules to consider his corporate-contribution measure.

Those who voted against rules suspension get a star.

9 Presidential primary

HB 88, which would have established a Texas presidential primary for 1980, passed the House, but was talked to death in the Senate after only a few minutes of debate. Under provisions of the bill, Texas delegates to the national nominating conventions would have been chosen in numbers proportionate to the percentages of the primary vote their candidates received. Conservative Democrats, led by Houston's Jack Ogg, feared that passage of the bill would drive many right-of-center votes into the Republican primary. When the bill came up on the next-to-last day of the session, Ogg began what promised to be an all-night filibuster. He was three and a half minutes into it when a motion to adjourn was made and passed by a 14 to 13 vote. Since a four-fifths vote is required to bring a bill up for consideration on the final day of a session, the adjournment motion killed the presidential primary.

Those who voted against the motion get a star.

10 Nursing homes

Sen. Walter "Mad Dog" Mengden met some strange opposition to his proposal that nursing home managers be required to meet semiannually with residents to discuss the quality of their care. The bill squeaked by for consideration, 20 to 10—the minimum margin required. After that, it passed by voice vote. One surprising dissenter was Garland's Ron Clower, who not only voted against considering Mengden's bill, but also went out of his way to vote "no" on final passage. Unfortunately, the bill died in the House.

Those twenty who voted for consideration get a star.

11 Children's health

Senators voting against SB 317 get the Ebenezer Scrooge Award for Legislative Stinginess. Currently, children whose mothers receive welfare payments are screened for disease or disability. If something serious turns up, a child is referred to a doctor. However, 60 percent of Texas children living below the federal poverty level receive no welfare benefits, and so are not tested for disease. Sen. Carlos Truan's bill to bring these children into the screening program carried a \$5 million price-tag. Too much, said Sen. Bill Moore, who led the opposition and talked just enough of his colleagues—eight of them—into voting against a debate on the bill. Give a star to all those who voted for debate.

12 Civil liberties

Sen. Gene Jones, a Houston law professor in real life, persevered against a wide-open oral confessions law, and finally succeeded in limiting its application to defendants who lie on the witness stand. In such cases, prosecutors may now introduce any oral confession made by a defendant under proper conditions (a self-incrimination warning must be given and the confession then tape-recorded and witnessed).

Jones had strict limits attached to the version passed by the Senate, but the House broadened the bill substantially. When it came back to the Senate, Jones moved *not* to concur in the House amendments. He lost, 12 to 19, and then launched a filibuster; since it was late in the session, he won—the more-limited Senate version of the bill was finally enacted.

A star goes to those who voted "no" on concurrence.

13 Welfare cheating

SB 154 by Sen. Bill Meier is an indiscriminate attack on those who make off with more welfare money than they should. This punitive measure, a part of the Briscoe-Clayton law-and-order program, drastically stiffens the penalties for welfare fraud. Carlos Truan led the Senate fight against SB 154's worst provisions, arguing that any poorly educated person who unintentionally defrauds the complex welfare system would be unduly penalized if Meier's bill became law. Truan argued that those who knowingly and systematically cheat on welfare for sizable sums should be distinguished from working mothers who occasionally fail to report outside income they earn to help their families get by. He offered an amendment to graduate penalties for various levels of fraud. Meier moved to table Truan's amendment, and the Senate went along, 23 to 6.

Give a star to those voting against the tabling motion.

14 Branch banking

SJR 49, which will put a major chink in the state's protection against branch banking, met no effective resistance in the Senate. The bill places a constitutional amendment on the 1977 ballot, which, if passed, will allow a specific exception to the Texas prohibition against branch banking. If Texas voters approve the amendment, banks will be permitted to make computerized transactions from such places as supermarkets with the help of some gadgetry called an electronic funds-transfer system. The ramifications of SJR 49 were little understood

by legislators and not seriously questioned. It was pushed hard by Texas' bankholding companies, and even the Independent Bankers Association of Texas, which represents the state's endangered species of small banks, was cowed into going along. Only the Texas Consumer Association spoke out against the bill, and only one senator, Don Adams, voted "no."

Adams gets the lone star on this one.

15 Highways

Number one on Briscoe's list this year was the Texas highway system, and the governor went after the money early. With the support of Speaker Clayton, HB 3 was put ahead of school children, property tax relief, and every other need in the state. In an unadorned power play by the session's most powerful lobby (contractors, trucking firms, oil companies and others were in league on this one), the bill took \$528 million right off the top, even before anyone knew how much total cash the state would need for everything else.

Lt. Gov. Bill Hobby managed to stall the House-passed \$600 million highway bill briefly in the Senate, where a committee trimmed it down to \$428 million. But that was too little for the highway people, so Sen. Kent Hance, with a horde of lobbyists running interference, appeared on the floor with an amendment to tack on another \$100 million. Only nine members of the Senate stood firm against this rush, voting "no" on the Hance amendment. After this key vote, two of the nine (Gene Jones and Carl Parker) gave in and voted for final passage of the huge outlay.

A star for those voting "no" on the Hance amendment.

16 Cement trucks

Ike Harris' SB 412, the "cement truck bill," adds insult to the injury of the governor's \$528 million highway appropriation by allowing trucks to transport heavier loads of cement. This means that cement haulers who have been fined for carrying loads which tear up highways will no longer be so inconvenienced. According to the Legislative Budget Board's statement on the bill's financial impact, "the increase in allowable loads . . . would allow an increase in registration fee receipts of an estimated 4,200 vehicles. . . . There would also be an increased cost in maintenance for highways, county roads and city streets, but this cost to the state or local government is indeterminable."

Sen. Babe Schwartz was the chief opponent. The vote on final passage was 21 to 6.

Stars go to the six casting "no" votes.

KEY HOUSE VOTES

1 Children in poverty

The House was extremely generous to highway interests, bankers, realtors, coal slurry developers, and other big businesses in need of a little cash or a special break. But when it was suggested by the appropriations committee that children of poor families ought to get an additional \$8 a month in state aid, there was suddenly a great deal of talk about fiscal responsibility and making it on one's own in Texas. The House leadership, with Rep. Mike Ezzell the point man, moved to cut the \$8 provision to \$3. That was too miserly for Reps. Tim Von Dohlen, Craig Washington and Bill Sullivant, who sponsored a compromise to the Ezzell amendment awarding a \$5 increase. Their amendment failed 77 to 70, and the \$3 increase passed. A star goes to those who voted for the Von Dohlen-Washington-Sullivant amendment.

2 Mothers in poverty

More red tape, more bureaucratic harassment for welfare mothers, and probably higher taxpayer costs for administering the state's welfare program are products of this session. Sen. Walter "Mad Dog" Mengden thought it would be good if welfare mothers were forced to take jobs, and his SB 1189, as finally passed, requires them to sign up with the Texas Employment Commission or lose payments made through the Aid to Families with Dependent Children program. Presumably the women can use whatever income they earn to hire babysitters. Rep. Stanley Schleuter carried Mengden's bill in the House, and he found plenty of members willing to vote with him against welfare mothers. On a motion by Rep. Frank Madla to table Schleuter's bill, only 29 members did the right thing; 101 voted with Schleuter. Stars go to the 29 tablers.

3 Shenanigans

Navarro County Junior College came hat in hand to the appropriations committee, asking for \$200,000 extra this time. The college went in the hole by borrowing money during the past biennium without legislative authorization, which is hardly cricket and may be illegal. Having done it, college officials

MR. SPEAKER	COLEMAN	HERDERSON	MAYES	STUBBEMAN
ADAMS	COLLAZO	HERDRICKS	MILLER	SULLIVANT
AGNICH	COODY	HERNANDEZ	MILLSAP	SUTTON
ALLEE	CRADDOCK	HILL D	MORENO	TEJEDA
ALLEN	DAVIS	HILL G	NABERS	TEMPLE
ALLRED	DELCO	HOESTERBACH	NOWLIN	THOMPSON
ATKINSON	DEWTON	HOLLOWELL	HUGERT	TORRES
BAKER	DONALDSON	HUBENAK	OLSON	UHER
BARBIENTOS	EDWARDS	HUDSON	ORR	UNTERMEYER
BEREDCT	ENGLISH	JACKSON	PARKER, W	WALE
BERLANGA	EVANS	JOHNSON	PATERSON	WALLES
BIGHAM	EZZELL	JONES, L	PEVETO	WANDHAR
BIRD	FINNELL	KASTER	POLUMBO	VON DOHLEN
BLAKE	FLORENCE	KEESE	POWERS	WALLACE
BLANTON	FOX	KUBIAK	PRESBAL	WASHINGTON
BLYTHE	GARCIA, A	LALOR	PRICE	WATERS
BOCK	GARCIA, M	LAREY	RADSDALE	WATSON
BRISCOE	GASTON	LAUHOFF	RAINS	WEDDINGTON
BROWDER	GILLEY	LELAND	RANGEL	WHITEHEAD
BROWN	GLOSBERNER	LEWIS	REYES	WHITWIRE
BRYANT	GONZALES	LOONEY	RIBAK	WIETING
BUSH	GRANT	McBEE	ROBBINS	WILLIS
CAW	GREEN, F	McDONALD, T	RUDD	WILSON, J
CARAWAY	GREEN, R	McFARLAND	SALINAS	WILSON, R
CARTWRIGHT	HALE	McLEOD	SCHIEFFER	WRIGHT
CATES	HALL, A	MADLA	SCHLUETER	WYATT
CEVERNA	HALL, W	MALONEY	SEMOS	
CHAVEZ	HANNA	MANKINS	SIMPSON	
CLARK, B	HARTUNG	MARTIN, E	SLACK	
CLARK, J	HEAD	MARTIN, T	SMITH	
CLOSE	NEATLY	MASSEY	SMOTHERS	

Alan Pogue

explained, they now needed help to pay back the loan, and the House appropriations committee agreed to go along. On the floor, however, Rep. Bill Presnal moved to delete the school's loan repayment, prompting Rep. Forrest Green (who represents NCJC's home town of Corsicana) to amend the Presnal amendment by putting the \$200,000 back in. The upshot: the House voted with Green 65 to 63 to give Navarro administrators their backdoor appropriation. The money later was deleted by the Senate-House conference committee, leaving the NCJC spendthrifts to cope as best they can.

Those who voted against Green and NCJC get a star.

4 Blind trust vs. public trust

Why give up your stocks and other holdings just because you've been appointed to a state regulatory body that might take action affecting your interests? That's the question Rep. Lynn Nabers posed in an amendment that would allow such investments to be placed in a blind trust for safekeeping during an investor's tenure in public office. Why indeed, responded the House, approving Nabers' amendment without objection. Nabers' amendment was to his own bill exempting certain trusts — meaning the blind ones he had just sneaked by the House — from public

scrutiny under the ethics and financial disclosure laws. Connecting all the pieces, Rep. John Bryant moved to table Nabers' little package. The motion to table prevailed 71 to 52 in one of the few victories for good government this session. Those voting with Bryant to table get a star.

5 & 6 Branch banking I & II

As in the Senate, the proposal for a constitutional amendment allowing banks to establish electronic outlets in retail stores was approved by a large majority in the House, but banking lobbyists at least had to break a sweat to get what they wanted. It takes at least a hundred House votes to get a constitutional amendment on the ballot. Only 92 votes were cast for SJR 49 on the first try, with 34 against. (Some observers claim that about 25 of the "yes" votes were recorded by proponents who pressed the buttons of absent members — electronic vote transfer, so to speak.) The short vote was enough to get SJR 49 another reading and vote, which came four days later. In the interim, bankers worked the members hard, and the second count read 121 for, 15 against. Both votes are presented here, and the switches are interesting. A "no" vote gets a star each time.

Key House Votes

★ = The Observer agrees with this vote ● = The Observer disagrees with this vote ○ = Present, but not voting A = Absent

	1	2	3	4	5	6	7	8	9	10	11	12	13
	Poverty children	Poverty mothers	Shenaniigans	Trusts	Branch banking I	Branch banking II	Highways	Mass transit	Abortion	Big Bend Ranch	Taxing farmers	County ordinances	School finance
Adams	●	●	A	A	○	○	●	●	●	●	A	●	●
Agnich	●	●	A	●	●	●	★	★	A	●	●	★	●
Allee	★	●	★	★	●	●	★	★	★	★	★	★	★
Allen	★	●	★	★	○	●	●	●	●	★	★	●	★
Allred	★	●	●	★	●	●	●	●	●	★	A	★	★
Atkinson	●	●	★	●	○	○	●	●	●	●	●	●	●
Baker	★	●	★	★	★	●	★	★	★	★	★	★	★
Barrientos	★	★	★	★	★	★	★	★	★	★	★	★	★
Benedict	★	★	★	★	●	●	★	●	★	★	★	★	★
Berlanga	★	★	●	★	○	○	★	★	●	★	★	★	★
Bigham	★	●	A	●	●	●	●	●	●	★	●	●	★
Bird	★	●	★	★	★	●	●	●	●	★	★	★	★
Blake	●	●	★	●	★	★	●	●	●	●	●	○	●
Blanton	●	●	★	●	●	●	●	●	A	●	★	★	●
Blythe	●	●	●	★	●	●	●	●	●	★	●	●	●
Bock	●	●	●	●	★	★	●	A	●	●	●	●	●
Briscoe	★	★	●	●	●	●	●	●	●	★	★	●	★
Browder	●	●	●	●	●	●	●	●	●	●	●	●	●
Brown	●	●	★	A	●	●	●	●	●	★	A	●	●
Bryant	★	●	★	★	A	●	★	●	●	★	★	★	★
Bush	★	●	●	●	●	●	★	●	★	A	●	●	★
Cain	★	●	★	★	●	●	★	★	★	★	★	●	★
Caraway	●	●	●	★	★	●	★	●	●	●	★	★	●
Cartwright	●	●	●	★	●	●	★	●	●	●	★	★	★
Cates	★	●	★	★	A	●	●	●	●	●	●	★	●
Ceverha	●	●	★	●	●	●	●	★	●	★	★	●	★
Chavez	★	★	●	●	●	●	★	●	●	●	★	★	★
Clark, B.	★	●	A	A	●	●	●	●	●	★	●	★	★
Clark, J.	★	A	●	★	●	●	●	●	●	●	★	●	★
Close	●	●	●	★	●	●	●	●	●	●	●	★	★
Coleman	★	★	●	★	●	●	●	●	A	★	★	★	★
Collazo	★	★	●	★	A	●	★	●	●	★	★	★	★

	1	2	3	4	5	6	7	8	9	10	11	12	13
	Poverty children	Poverty mothers	Shenaniigans	Trusts	Branch banking I	Branch banking II	Highways	Mass transit	Abortion	Big Bend Ranch	Taxing farmers	County ordinances	School finance
Coody	●	●	●	●	●	●	●	●	●	●	●	●	●
Craddick	●	●	●	★	●	●	●	●	●	●	●	★	●
Davis	●	●	●	●	●	●	●	●	●	●	★	●	●
Delco	★	★	●	★	★	★	★	★	●	★	★	★	★
Denton	★	●	●	★	●	★	★	★	A	★	★	★	★
Donaldson	●	●	●	A	●	●	●	●	●	●	●	●	●
Edwards	●	●	★	●	●	●	●	★	●	●	●	★	●
English	★	●	●	●	A	●	●	●	●	★	★	●	●
Evans	●	●	★	★	●	●	●	●	●	A	★	●	●
Ezzell	●	●	●	●	●	●	●	●	●	●	●	●	●
Finnell	●	●	●	★	●	●	●	●	●	●	●	●	★
Florence	★	●	★	★	●	●	★	●	●	★	●	●	●
Fox	●	●	●	★	●	●	★	★	●	●	●	★	●
Garcia, A.	★	★	★	★	★	●	★	●	●	●	●	★	★
Garcia, M.	★	A	A	A	●	★	A	A	●	★	★	★	★
Gaston	●	●	★	★	●	●	★	★	○	★	★	●	●
Gilley	★	A	★	●	A	○	A	A	○	★	★	★	★
Glossbrenner	★	★	★	★	A	●	★	●	★	●	●	★	★
Gonzales	★	★	●	★	★	●	★	★	★	★	★	★	★
Grant	★	●	○	●	●	●	●	●	●	★	★	●	●
Green, F.	●	●	★	★	●	●	●	●	●	●	●	●	●
Green, R.	★	●	●	★	●	●	●	★	●	★	★	★	★
Hale	●	●	●	●	★	●	●	★	●	●	●	●	★
Hall, A.	A	A	○	A	★	A	●	★	★	★	A	●	★
Hall, W.	★	●	●	★	●	●	★	●	●	●	●	A	★
Hanna	●	●	●	●	●	●	●	●	●	●	●	★	●
Hartung	●	A	●	A	●	●	★	●	●	●	●	●	●
Head	★	●	●	★	★	●	★	★	●	★	★	●	●
Heatly	●	●	★	●	●	●	●	●	A	●	●	★	●
Henderson	●	●	●	●	●	●	●	●	●	●	●	●	●
Hendricks	●	●	★	●	●	●	●	●	●	★	●	★	●
Hernandez	★	★	★	★	A	●	A	A	★	★	★	★	★
Hill, D.	●	●	A	★	●	●	●	●	●	●	●	●	●
Hill, G.	★	●	●	★	●	★	★	●	★	★	★	●	★
Hoestenbach	●	●	★	★	★	●	★	●	●	●	●	●	●
Hollowell	●	●	●	●	★	●	★	●	●	●	●	●	●
Hubenak	★	●	★	●	●	●	●	●	●	●	●	A	●
Hudson	★	★	★	★	●	★	★	★	★	★	★	●	★
Jackson	●	●	●	★	●	●	★	★	●	●	★	●	●



The Capitol press corps: they've seen it all.

	1	2	3	4	5	6	7	8	9	10	11	12	13
	Poverty children	Poverty mothers	Shenanigans	Trusts	Branch banking I	Branch banking I	Highways	Mass transit	Abortion	Big Bend Ranch	Taxing farmers	County ordinances	School finance
Johnson	★	A	★	A	●	●	★	★	○	●	★	●	★
Jones	★	A	★	A	●	●	●	●	★	★	★	●	★
Kaster	●	●	●	★	●	●	●	●	●	●	●	★	●
Keese	●	A	★	A	★	●	●	★	★	●	●	●	A
Kubiak	●	●	●	★	●	●	★	★	●	★	●	★	●
Lalor	★	★	★	★	●	●	★	★	★	★	★	★	★
Laney	●	●	★	●	●	●	●	●	●	●	●	★	●
Lauhoff	★	●	★	★	●	●	●	★	●	★	★	★	★
Leland	★	★	★	★	★	●	●	★	★	★	★	●	★
Lewis	●	●	A	●	●	A	★	★	●	★	★	●	●
Looney	●	A	●	A	●	●	●	●	★	●	●	A	●
McBee	●	●	★	●	●	●	●	●	●	●	●	●	●
McDonald	●	●	★	●	★	●	●	●	●	●	●	★	●
McFarland	●	●	A	●	●	●	★	●	●	●	★	●	●
McLeod	●	●	●	●	★	●	●	●	●	●	★	●	●
Madla	★	★	★	★	★	●	★	★	●	★	★	★	★
Maloney	●	●	★	A	●	●	★	★	●	●	★	★	●
Mankins	●	●	★	●	★	●	●	●	●	●	●	●	●
Martin, E.	●	●	○	●	●	●	●	●	●	●	●	★	●
Martin, T.	★	●	○	●	●	●	●	★	●	●	●	A	●
Massey	●	●	●	●	●	●	●	●	★	●	●	●	●
Mayes	●	●	★	●	●	●	●	●	●	●	●	●	●
Miller	★	★	○	★	★	○	★	★	★	★	★	★	★
Millsap	●	●	★	★	●	●	●	●	●	A	★	●	●
Moreno	★	★	★	★	A	●	★	★	○	★	★	★	★
Nabers	●	●	★	A	A	●	●	●	●	●	●	●	●
Nowlin	●	●	★	A	●	●	●	●	★	●	★	●	●
Nugent	●	●	●	●	★	★	●	●	A	★	★	●	●
Olson	●	A	●	A	●	●	●	●	●	●	●	★	●
Orr	●	●	A	★	A	★	●	★	●	●	★	●	●
Parker	●	●	●	★	●	●	●	★	A	●	●	●	●
Patterson	●	●	●	●	●	●	●	●	●	●	●	●	●
Peveto	●	●	○	★	●	●	★	●	●	★	A	★	★
Polumbo	★	A	●	A	●	●	●	★	●	●	★	●	★
Powers	●	●	●	★	★	●	★	★	★	★	★	★	★
Presnal	●	●	●	●	●	●	●	●	●	●	●	●	●
Price	★	★	A	★	★	★	★	●	○	A	A	★	★
Ragsdale	★	★	●	★	●	★	★	★	★	★	★	●	★
Rains	●	●	★	●	★	★	●	●	●	●	●	●	●

	1	2	3	4	5	6	7	8	9	10	11	12	13
	Poverty children	Poverty mothers	Shenanigans	Trusts	Branch banking I	Branch banking II	Highways	Mass transit	Abortion	Big Bend Ranch	Taxing farmers	County ordinances	School finance
Rangel	★	A	★	A	●	●	●	★	★	★	★	★	★
Reyes	★	★	★	★	●	●	★	★	★	A	★	★	★
Ribak	★	●	●	★	○	●	★	★	A	●	★	★	★
Robbins	●	●	●	★	●	●	★	●	●	●	★	●	A
Rudd	●	●	A	●	●	●	●	●	●	●	●	★	●
Salinas	★	●	★	★	●	●	●	★	●	★	★	★	★
Schieffer	●	A	★	A	A	●	A	★	★	●	★	●	●
Schlueter	●	A	A	A	●	●	●	●	●	●	●	●	●
Semos	★	●	★	●	A	●	●	●	●	●	★	★	●
Simpson	●	●	●	●	●	●	●	●	●	●	●	★	●
Slack	●	●	●	A	●	●	●	●	○	●	●	●	★
Smith	★	●	A	●	A	A	●	★	●	★	★	★	●
Smothers	●	●	★	A	●	●	A	A	●	●	★	●	●
Stubbeman	●	★	★	★	●	●	●	●	●	●	★	●	A
Sullivant	★	●	★	★	★	●	★	●	●	●	●	★	●
Sutton	★	★	●	★	●	●	●	●	A	●	★	★	★
Tejeda	★	★	●	★	●	●	★	★	●	★	★	★	★
Temple	A	●	★	★	○	●	●	●	●	★	●	★	●
Thompson	★	A	★	★	★	A	●	★	○	●	★	★	★
Torres	★	★	★	●	●	●	●	●	●	●	★	★	●
Uher	●	●	●	●	★	●	●	●	●	●	●	●	●
Untermeyer	●	●	●	●	●	●	★	★	●	●	★	★	★
Vale	★	●	●	★	A	●	★	★	★	●	★	★	★
Valles	★	★	★	★	●	A	●	●	★	●	★	★	★
Vaughan	●	●	●	●	A	●	●	★	●	●	★	●	●
Von Dohlen	★	●	★	●	★	●	A	A	●	●	●	●	●
Wallace	●	A	A	A	●	A	●	●	A	★	★	●	●
Washington	★	A	★	A	★	A	A	A	A	★	A	★	★
Waters	★	★	●	★	★	●	★	★	★	★	★	★	★
Watson	★	★	★	★	★	●	★	★	★	★	★	★	●
Weddington	★	A	A	A	A	A	★	★	★	★	●	★	★
Whitehead	●	●	★	A	★	●	●	●	●	●	●	●	●
Whitmire	★	●	●	A	●	●	●	●	●	★	★	●	★
Wieting	★	●	●	●	●	●	●	●	●	●	●	●	●
Willis	★	●	★	★	●	●	A	A	●	★	★	★	★
Wilson, J.	●	●	★	★	★	★	●	●	●	●	●	A	●
Wilson, R.	★	★	★	●	●	●	★	●	★	●	★	●	★
Wright	●	●	●	●	○	★	●	●	●	●	★	●	●
Wyatt	●	●	●	●	●	●	★	●	●	A	●	●	●



This is the way the session ends.

7 Highways

It's hard for a legislator to vote against highways, and this session not many did. While highway dept. officials toted around loose-leaf binders of data on road work they claimed was "backlogged" in each legislative district, highway lobbyists whipped up local enthusiasm for more concrete. With Briscoe, Clayton and big money behind the highway bill, there was no doubt that a lot of state money was going to be devoted to it; the only question was how much.

Briscoe wanted to line up highway money fast, before any other spending bill could even be considered. His unseemly haste rankled many members. As it happened, the first key vote on highways in the House was on Dan Kubiak's motion to postpone consideration of the bill until the general state budget had been approved, so legislators would have some idea of how much money was available before they spent it all. But Kubiak's motion was tabled 86 to 55, and the bill picked up speed from there.

Those voting with Kubiak to postpone get a star.

8 Mass transit

Briscoe's highway bill, a direct affront to Jimmy Carter's national energy plan, doesn't even consider energy-efficient mass transit systems. Rep. Gonzalo Barrientos tried to increase state options with an amendment to allow — not require, but allow — the highway department to spend some part of its boodle on mass transit. It was all Barrientos could do to scramble out of the way, as the highway forces rolled over his amendment 90 to 51.

Stars go to those who voted with Barrientos.

9 Abortion

Rep. Tim Von Dohlen hauled out the abortion issue this session, much to the chagrin of many of his House colleagues

who would have preferred to take a powder on this one. HB 1875 defined abortion as murder except when pregnancy termination has been deemed "necessary" by an attending physician who will face first-degree felony murder charges if later found mistaken. The vagueness of the bill probably rendered it unconstitutional from the start, but the House gave it a ride. Fortunately, the bill never got out of committee in the Senate.

All those who cast "no" votes get a star.

10 Big Bend Ranch

State land commissioner Bob Armstrong wanted only two-tenths of one percent of the state's \$3 billion surplus to buy a 212,000-acre ranch for a public park. He didn't get it. The ranch, available to the state at a bargain price of \$37 an acre, is a scenic and biological wonder, fronting the Rio Grande for 28 miles in Big Bend country. Rep. Sarah Weddington's motion to appropriate \$4 million for buying the ranch lost, 85 votes to 58.

Those who voted in favor of the motion get a star.

11 Taxing farmers

Like its Senate counterpart, HB 22 proposed to assess taxes on a farm's productive value, rather than its often-inflated market value. Since the bill was meant to help family farmers, Rep. John Bryant introduced an amendment that would prevent large, non-farm corporations and land speculators from getting in on the action. His amendment provided that only natural persons and family corporations were eligible for the productivity assessment, and that the land in question actually had to be used for farming or ranching. Rep. Bill Sullivant moved to table Bryant's amendment, but despite the lobbying of corporate interests, a majority in the House stood with the family farm, rebuffing Sullivant 79 to 64. This good work was later undone

when timber interests managed to have the anticorporate provision deleted by the Senate-House conference committee. The House then rejected the entire bill.

A star for everyone who supported Bryant.

12 County ordinances

HB 791 would have given a county the authority to pass ordinances provided a majority of voters in the county okayed the new powers for their commissioners. County commissioners courts so empowered would have been able to regulate everything from massage parlors to auto salvage yards.

The realtor lobby, however, didn't warm to the idea that counties might hinder some of their development schemes. Rep. Stan Schleuter lent the realtors a helping hand with his amendment to delete the general ordinance-making authority from HB 791, a vote he won 72 to 66. The bill then passed the House, but ultimately died in the Senate, leaving Texas counties no legal instruments to control growth or provide public services to unincorporated areas.

Give everyone who voted against Schleuter's amendment a star.

13 School finance

Few issues are as confusing and politically complex as school financing.

Involved is the collection and divvying up of school tax revenues, and no legislator wants to have to tell his constituents that they'll receive less school aid or be taxed more than people in other districts. The way to pass a school finance bill is to strike a balance that satisfies rural, urban, rich and poor districts; those who want tax relief, and those who want more state aid for poor schools.

Speaker Clayton promised rural legislators that he'd work for an amendment to the state tax code that would allow farmland to be assessed at its productive value rather than its higher market price. The change was needed, but urban legislators complained that it would lead to an overall reduction in revenues for aid to poorer city school districts.

Rep. Luther Jones stepped into the breach with a proposal that school taxes be assessed on the average of the market and productive values of farmland and to channel the resulting revenue difference into poor school districts. It might have worked, and it almost passed, but opponents tabled the Jones amendment 80 to 66. School finance legislation deteriorated from there. Legislators will try again in July, when Governor Briscoe's special session convenes.

Those who voted with Jones get a star.



Rep. Joe Allen in the heat of battle.

Alan Pogue

Looking back

Battles, retreats, gains, losses and ruins

The Observer invited twenty people involved with the 65th Legislature to compose epitaphs for the late session. We received eighteen responses; for the sake of documentary cachet, they are repro-

duced here very nearly as written. Our contributors were asked to ponder these questions: What was the 65th Legislature all about? What distinguished the 1977 session from those that had gone

before? What was at stake this year? Who won and who lost?

—Eds.

Photos of contributors by Annie Patton.

Lloyd Doggett

State senator, Austin

For those in search of the silver lining to an otherwise dreary session, it's to be found in what was avoided rather than in what was achieved. The assault on the Consumer Protection Act was repelled; loansharks went home empty-handed; open meetings and open records will remain open; attempts to rewrite the election code to discourage student voting and authorize direct corporate campaign contributions were defeated.

With the constant helping hand of the gas lobby, the Legislature demonstrated complete unwillingness to deal with rising utility costs. Attempts to transfer gas utility regulatory authority from the Railroad Commission to the Public Utility Commission were bottled up in committee. Amendments that in any way

suggested dissatisfaction with the Railroad Commission were thwarted by overwhelming majorities on the Senate floor. The session's big contribution on utilities was a change in the name of the Railroad Commission to the Energy and Transportation Commission so its members will have an alias for the same old anticonsumer job.

In almost every proposal involving money, payment prevailed over people. No significant new programs were initiated or bad ones abolished, and for the most part creativity and reform took a holiday.

The sunset review process for regulatory agencies might prove to be one of the pluses of the session. For those concerned with progress, however, the sun setting on this session may be the biggest plus of all.



Chase Untermeyer

State representative, Houston

With 18 of 150 members, Republicans form the largest minority group in the Texas House—larger than the *chicanos* (17 members), larger than the blacks (13), larger than the women (10). Yet as a group we have far less presence in the Legislature than any of these.

The reasons for our near-invisibility are wearily familiar to any Republican legislator who has ever asked why we don't act more like a real party. The main one is that under Speaker Bill Clayton, the GOP has been part of the ruling majority, and anything smacking of partisanship might land us right back where we were under Gus Mutscher and his predecessors: junior members of the Poet Laureate selection committee, not even able (in the Texas legislative idiom) to pass gas.

As things stand now, Republicans are major players on the speaker's "team": Tom Craddock of Midland chairs the natural resources committee for the second time. Bob Davis of Irving heads the insurance committee and is eagerly recruited for strategy conferences because of his mastery of the House rules. Fred Agnich of Dallas and Milton Fox of Houston sit on the potent appropriations committee. Republicans were floor leaders in all the big House battles this year: medical malpractice, coal-slurry pipeline, school finance, anticrime legislation, and county ordinance-making authority.

If anything, our status is too comforta-

ble, for in losing our collective identity we forfeit our chance to serve as the loyal opposition in the kind of two-party state we've demanded in a million speeches over the years. By failing even to perform the most basic function of a party—to caucus and coalesce around a spokesman—we have missed countless opportunities to score points at the one time every two years when public attention is more or less centered on Texas government rather than just on Texas politics. The most painful instance of this failure was leaving the cause of sunset legislation, a natural Republican issue, untouched and luscious for liberal Democrats to pick up.

Despite the understandable political impulse not to emphasize our Republicanism right now, we cannot escape the obligation to organize (and therefore risk ostracism) much longer. By the time the 1981 session convenes, the Republican contingent in the House will need every scrap of minority-group cohesiveness to prepare the GOP for the brutal legislative and congressional redistricting battle that will shape party politics in the 1980s.

Jack Hopper

Consulting economist, Austin

In George Orwell's *Animal Farm* some were more equal than others. You will recall that the pigs were in charge. While we shouldn't press a comparison be-



tween the 65th Legislature and *Animal Farm* too far, in both places some were more equal than others.

Houston Natural Gas Company has been working for a year to get the power of eminent domain for coal-slurry pipelines. It needs this authority in case it ever decides to build a pipeline from Colorado. And just in case it gets enough water to operate.

HNG turned loose a whole platoon of lobbyists to move the Legislature to pass its bill, and move it they did. The bill was filed in January, passed with only a hitch or two, and sent to the governor for signature in early May.

If the pipeline is ever built, it might offer some benefit for consumers. It might not, too. But the bill got priority treatment because of who wanted it—a large Houston gas company.

In contrast to this favored treatment, consider the following. Last year both

houses of the Legislature held hearings on the cause of high utility rates. A number of corrective bills were then written in both the House and Senate and prefiled in December.

Speaker Clayton praised the House bills, which had been written by his committee chairmen. He announced that the legislation would "provide substantial relief to the consumer" and found an overwhelming majority of House members in support.

With one exception, the House never got a chance to vote on any of the legislation. Those same author-chairmen bottled up most of their own bills and refused to let them reach the House floor for a vote. The Senate bills suffered a similar fate. Why? The oil, gas and utility industries were opposed.

The vested interests control the Texas Legislature. Like the *Animal Farm*, those who run the place are more equal.

Eddie Bernice Johnson

State representative, Dallas

Despite the introduction of nearly 4,000 bills, the 65th Legislature passed few laws to help the people of our state. What did we do for the citizens who most need our help—the poor and elderly? Who won and who lost? The answers lie in a few examples of legislative "problem-solving."

The cut in day-care funds will undoubtedly force many mothers who had been able to work to quit their jobs because they can't afford day care for their children. So, it's back into the welfare system they have tried so hard to escape. I believe that public money must be spent to help these working mothers—child care is just as much the state's responsibility as is public education. In this legislative decision, there were no winners—everyone lost.

Another example is HJR 3, which would have raised senior citizens' property tax homestead exemptions from \$3,000 to \$5,000, important help for those living on fixed incomes. People issues like HJR 3 obviously lacked priority this session. Although the resolution was introduced early, the House debated it late and it finally died in the Senate finance committee. Older Texans paid dearly for their homes, which taxes may force them to leave.

Legislators had many opportunities this session to help those who really need it—and things just didn't turn out as they should have. Who lost? Those who can least afford to. Who won? Those too wealthy to care. If the powers-that-be had been as interested in needy citizens as they were in highways and crime packages, these measures and other worthwhile bills would have passed.



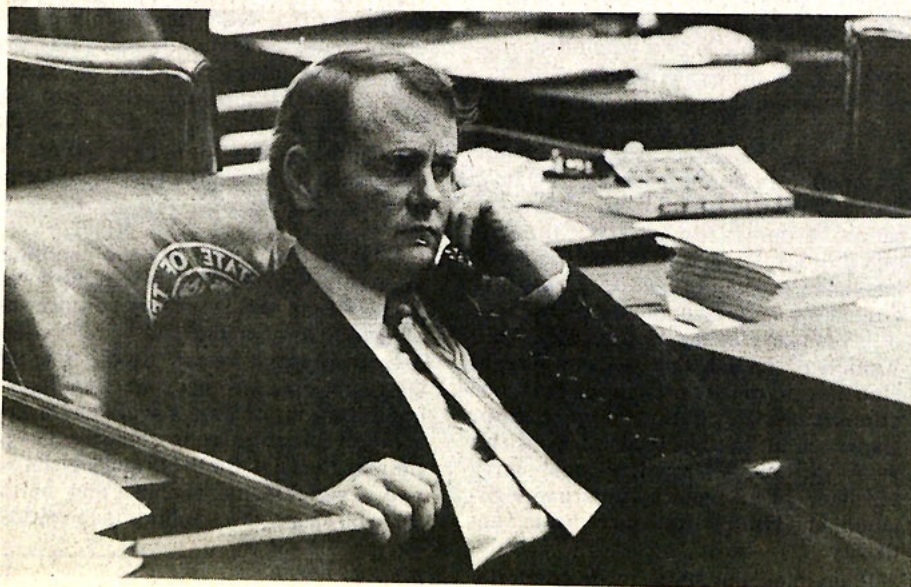
Buddy Temple

State representative, Diboll

The committee system finally broke down in the 65th Legislature.

The committee process degenerated into a sticky maze that frustrated the members, smothered hundreds of good pieces of legislation, and responded only to pressure from the lobby.

In fact, nothing worked in this session without the lobby. Most of the bills that finally passed both the House and Senate did so only because they were guided by fulltime lobbyists through the morass of committee rules and procedures, leadership whims, subcommittee referrals, personality conflicts, calendar changes, floor votes, and conference committee actions. This is true of bills supported by "people"-oriented lob-



byists as well as those backed by economic interests.

Without a fulltime effort by an outsider who understood the system, there was little chance to pass any bill this session. A legislator without strong lobby support or close leadership ties had no way to take care of the dozen or so bills he or she was interested in. It was a fulltime job for a legislator just to pass a simple bill which affected no one but the

Harry Hubbard

President, Texas AFL-CIO

Speaking for the Texas AFL-CIO, I am grateful that the *Observer* has seen fit to get several opinions on the 65th Texas Legislature. And pleased, of course, that we were asked to join that group.

Yet in the space allowed here, it becomes difficult to wrap up an entire legislative session.

But if I had to identify it, if I had to put a label on the 65th Legislature, I guess I'd call it the "In-Spite-Of Legislature."

In spite of an abuse of power like I've never seen before, a bill was passed that provides increased benefits in unemployment compensation.

In spite of a committee system under total control of the leadership, we broke

folks at home. Some legislators who had passed fifty or more bills in previous sessions were lucky to get two or three bills through the process this year, while many members never even got their key bills out of committee.

The House leadership—the speaker and his committee chairs—had the power to make the committee system respond to members as well as lobbyists. But they didn't. It was not so much that

through long enough to pass some people's legislation.

In spite of corporate-rural domination, the Legislature made improvements in workers' compensation.

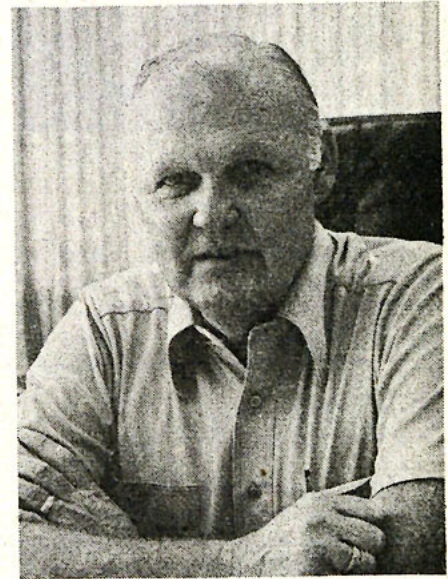
In spite of an all-out blitz by one senator acting in behalf of corporate interests, a few vital consumer issues survived.

In spite of other obstacles, legislation was passed to provide an adult apprenticeship training program, an occupational driver's license, and a labor and industrial relations center at the University of Houston. Consumer-conscious legislators were able to kill higher interest rates, adverse changes in the insurance code, and wage garnishment.

All in all, it was the most frustrating, disorganized, nonproductive session I have witnessed in my fifteen years of working with the Texas Legislature.

the flow of legislation was under such tight control, because it obviously wasn't. It was more a lack of interest by the leadership in what the members, and their constituents, wanted to accomplish this session.

So the 65th Legislature was directed by the force of inertia, rather than the force of leadership. The costly result was that only a knowledgeable lobbyist could move what was basically an inert system.



Luther Jones

State representative, El Paso

Property tax reform and the establishment of an equitable system of school finance were the two critical issues before the 65th Legislature. Neither was resolved.

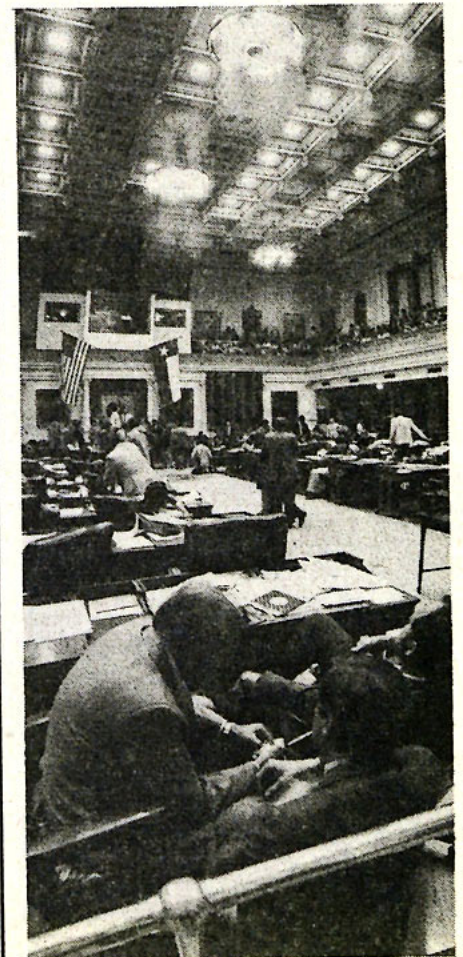
In the name of property tax relief, the rural House leadership sought a school finance bill which would have reversed the process of equalization started two years ago by funneling substantial amounts of new state money into the average- and above-average-wealth school districts (the tax-low/spend-high districts). The rurals gained, the urbans lost, and the taxpayers and their children



are in about the same position. Had the Senate concurred in HB 570, Texas would probably have been back in court, defending a finance scheme that still made the quality of a child's education a function of the wealth of his school district.

Related to the school finance issue and of equal significance was the question of property tax reform in Rep. Wayne Peveto's HB 846. Since 1973, Peveto has worked tirelessly to gain acceptance of a comprehensive reform proposal to take politics out of property tax administration. In doing so, he ran headlong into a powerful lobbying effort. And, as it did in the 63rd session, the lobby let Peveto's bill pass the House (if by a smaller margin than usual) but killed it again in the Senate.

Looking back on this session and the two previous ones, I have come to the conclusion that policy changes of the magnitude required to produce an equitable system of financing our public schools and reform our unfair system of property taxation will require considerable moral and intellectual leadership from our state's chief executive. Texas has lacked that leadership for six years now. The big loser is the urban homeowner whose property will continue to be taxed at a higher percentage of market value than any other class of property.





Ben Reyes

State representative, Houston

I wish I could humorously summarize the 65th session of the Legislature. However, this session truly belonged to powerful special interests. Its most posi-

Craig Washington

State representative, Houston

I think the session, in large part, was all about logrolling and pork barreling. I think of what wasn't done for children, the poor and other defenseless people. I think of the pressing human issues which were not addressed, partly because ordinary people don't have an effective lobby. Only those groups with effective lobbies accomplished anything this session, and I say "accomplished" advisedly.

Actually, little was done. This session was a dismal failure: the Legislature failed to meet the citizens' needs. We passed a lot of bills—churned 'em out like so much organ grinding. Music came from the machine, but it didn't make a tune.

As usual, the rich and powerful didn't

tive aspect was that it lasted only five months.

It was the power of the proponent, not the merit of the issue that determined victory or defeat of a bill this session. The first victory for the special interests was the huge highway funding bill, HB 3. The harm of this bill lay not solely in its extravagance. Its worst aspect was its use during the session as an excuse for slashing expenditures from worthwhile social programs. This session, fiscal conservatism translated to mean money for business and not for people.

The session was characterized by members dealing with symptoms of problems rather than problems themselves. Representatives spoke tirelessly about the degradation of pornography, massage parlors, and welfare cheaters. These same men and women refused to stand with those who worked for quality education for all children and a bare subsistence level for disadvantaged children under AFDC (aid to families with depen-

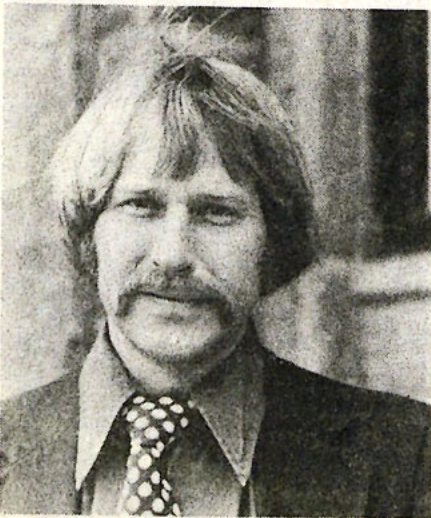
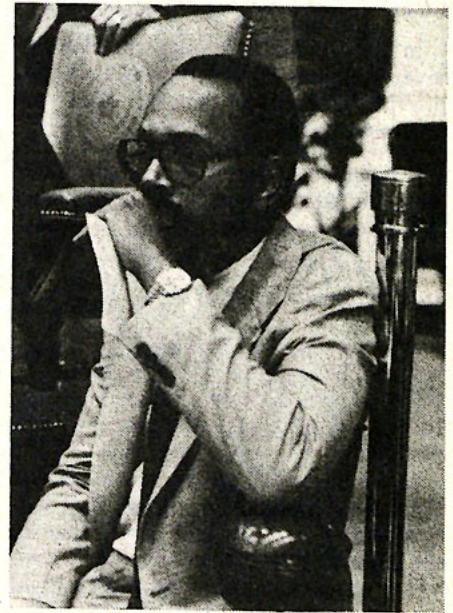
suffer much. But the poor and powerless couldn't even get their needs articulated or debated on the floor of the House. One reason for this is that too much time was spent on the floor and not enough in committee. If you're on the floor too often, you obviously won't have the time and opportunity to debate measures fully in committee and work out compromises before the bills are reported out. You act too hastily. Thus, when the bills come to the floor, the full House must do the committee's work.

I think that this session, the House killed more bills on the floor than any other session. This hints at a lot of logrolling, pork barreling and trading out in committee. Because of favoritism, bills that should have died in committee were reported out, only to be killed on the floor. All this took time. This session did not even approach the real issues; its accomplishments were nil.

dent children). There was no action on breaking the cycle that makes poor children poor adults.

The debate on an AFDC increase illustrates the priorities which prevailed this session. Texas' current allocations rank third lowest in the nation. They have not been raised since 1969, although the cost of living has climbed 60 percent. Yet a modest increase was defeated. Why? Why did representatives choose AFDC outlays as the place to trim the state budget? The answer is simple: poor children in Texas elect no representatives, control no votes, make no campaign contributions. So, unlike the highway contractors and other powerful special interests, they were ignored.

To sum up, the session had no balance. The leadership self-servingly allowed only its priorities to be heard, instead of seeking common ground to unite the diverse interests of the state. Politics as the art of compromise was a forgotten principle.



Dave McNeely

KERA-TV News, Capitol bureau

An apropos graffiti seen recently in Austin restrooms: "Let them eat asphalt—Dolph Briscoe."

Apropos because the people who profit from pavement—the highway lobby—slicked the governor and everyone else into cutting their slice of the pie before it was even baked. They've got to be winners of the year.

Right behind them are the coal-slurry pipeline backers. They stomped the railroad lobby badly in a special-interest faceoff to decide who will bring coal to Texas from Colorado. The slurry folks may be eventual losers, however; the pipeline project is contingent on assurances of a Colorado water supply, and they may not be forthcoming.

The Texas Trial Lawyers won in their efforts to keep Industrial Accident Board records closed to employers and more or less won on the medical malpractice issue in that the bill finally sent to the governor was much weaker than what doctors wanted.

The people lost because legislators failed to levy a fair tax on the state's declining energy supply. And realtors and a few tax assessors, with the help of Sen. Tom Creighton, won by successfully stalling meaningful reform in property tax assessment and collection methods.

The people won, however, by finally wresting from the Legislature a statewide probation system and a recognition from lawmakers that it will prove to be cheaper and in the greater long-run public interest to have lawbreakers who

aren't threats to society out working instead of languishing in cages.

Little people—kids—lost out when equal educational opportunity was apparently sacrificed on the altar of lower property taxes. The outcome remains to be determined in the special session this July.

On the politician/people front, Speaker Billy Clayton didn't qualify for the "blind ambition" award, but perhaps the one for "nearsighted ambition." He wants to be speaker forever, or until something better comes along.

Chris Miller

State representative, Fort Worth

Memories of the 65th Legislature:

Highways take top priority in state spending at the expense of every other program in the state . . .

Legislators demagogue about big bad bureaucrats—and cheerfully create a super water agency headed by a super bureaucrat (the "water czar") . . .

A senator breaks the world filibuster record with a 48-hour talkathon while some of his colleagues carefully and deliberately lay plans to kill property tax reform . . .

Suits are filed against a Houston corporation for damages on behalf of employees harmed by contact with a chemical pesticide, but agribusiness interests convince the appropriations committee that Texas should purchase \$4 million worth of mirex, an equally suspect pesticide (sale of which will be banned after July, 1978) because of potential dangers to humans and animals . . .

The House exempts—by one vote—religious organizations from licensing standards for child care on the basis of "separation of church and state." A House committee considers a legislative investigation of certain religious organizations which *they* believe are bogus . . .

House members vote to prohibit abortions for welfare mothers and cut back recommended welfare increases for the children of those mothers . . .

The conference committee on appropriations removes another \$3 million (af-

ter the House has removed \$6 million) from the state textbook fund. Meanwhile, a House member pushes a \$5 million bill providing textbooks for private and parochial schools at the expense of the state . . .

Legislators push "law 'n order" bills designed to fill up state prisons, but vote to cut back funds for replacing the obsolete, overcrowded and understaffed hospital which serves Texas inmates . . .



No number of negatives make a positive. The only large positive results of the 65th Legislature were the bad bills that didn't become bad laws. Unfortunately, some did.

Rep. Clay Smothers, who has been a Republican, Democrat, Wallaceite and whatever else that came along and looked good for a ride, was voted "Slime of the Year" by reporters who cover the House and "Freshman of the Year" by members of the House. Enough said.

The biggest-winning loser was Sam Hudson, who introduced so many bills he didn't know what to do. So he began a fast, and thirteen days later got around to saying it was to protest inaction on the bills. He didn't get much action, but Hudson, who was quite chubby in January, lost forty pounds.



Bill Emory

Common Cause lobbyist

If, as the poets tell us, life imitates art, and if the definition of art can be stretched to include television, it is fair to say that the 65th Legislature chose to imitate the Gong Show. The performances were sometimes inept, sometimes impassioned, and occasionally courageous, but in the end the overall product was mediocre.

How else can you describe a Legislature which spent its time debating bills on massage parlors, prostitution, on-campus homosexual organizations, motorcycle helmet regulations, the 70 mph speed limit, and weight limits on concrete trucks while failing to pass property tax reform, utility or inheritance tax relief, major energy legislation, or a school finance bill?

Texas still has an inequitable property tax system. We have not adequately addressed the problem of inequitable educational opportunity, and Texas consumers will get no relief from the burden of high utility rates.

Who won? Ask the highway lobby. Texas will spend millions for highway construction. Ask the real estate lobby. Texas will not have property tax reform or county ordinance power. Ask the oil and gas lobby. The Legislature failed to pass a single major energy bill. Rate re-determination and take-or-pay contracts are still with us. The Legislature could not even agree on removing the state tax on utility bills. Who won? Gong!





Herman Adams

State representative, Silsbee

When we look behind all the bills, rules and procedures of a legislative session, a single dominant theme is usually evident. This year, it was apparent that legislators were most concerned about the expanding state bureaucracy. This can be attributed in part to President Carter's proposals for reorganization of the national government.

Three pieces of legislation dealing with state government reorganization were passed by the House. HB 1977 by Rep. Fred Orr, which proposed the organization of all regulated state agencies under a "cabinet system," received substantial support in the House but failed in the Senate.

Through the work of Speaker Bill Clayton, the House and Senate passed a bill which combined three state agencies with jurisdiction over water-related matters into one department, the Department of Water Resources.

A third bill, commonly referred to as the sunset bill, passed both houses and is, I feel, a beginning in the effort to cap the exponential escalation of state government. This legislation will require all state agencies to justify their existence.

Traditionally, the most effective way to handle bureaucratic escalation is through the appropriations process. However, this is a very difficult thing to do because of legislative logrolling.

But under the leadership of Speaker Clayton, we have an opportunity to continually review agency appropriations during the interim by use of the appropriations subcommittees of the House acting as agency "oversight committees."

I feel the greatest underlying achievement of this session is that we have given the bureaucracy notice that Texas state government will not tolerate waste and inefficiency.

Ed Kloppe

Research assistant, American Federation of State, County and Municipal Employees

It's that biennial experience of *déjà vu*. Remember the old days when county party conventions were decided in that fateful first vote count? Those commanding 51 percent would smile and hint: "You might as well go home. We won! Only *our* delegate slate, only *our* resolutions will be considered."

Similarly, when the current speaker had his 76 votes, the script for this session was written. Those not on his "team" must've felt tempted to pack up last January and do something more constructive for their constituents than waiting out the 140-day frustration.

One legislator, taking his cue from Gandhi, was driven to a hunger fast in the hope that his bills might reach the floor. Gandhi had more success. After all, he had to deal with the British Empire, which was not nearly as entrenched as the economic imperialists are in Texas.

To play on this theme a bit: what Gandhi managed to accomplish for the untouchables of India could never happen



for Texas' untouchables, not as long as it depends on the deliberative body called the Texas Legislature.

If you happen to be a farm worker, you can only dream that Texas might someday have a governor like the California gentleman who involved himself in *chicano* labor issues. If you're trying to raise your children on the largesse of Texas welfare, you can only hope for the day when Texas is not in the bottom ten states.

Any accomplishments? One comes to mind: the antics of the Legislature inspired Austin's brilliant Ben Sargent to do cartoons that put him in the same class as Herblock of *The Washington Post*.



Calvin Rucker

Executive director, Texas Conservative Union

Legislators are notoriously liberal with other people's money, the more so when the money is available without new taxes. Conservatives met their greatest frustration this session urging continence in the expenditure of a seductive revenue windfall. Legislators were deaf to the suggestion that the people of Texas

might get some of their money back. They neglected the ephemeral nature of the recent revenue boom, which, since it was farmed from oil and gas, is vulnerable to depletion and the Carter energy proposals.

I was particularly pleased by the freshman class in the House. Conservatives have suffered in the past through the absence of informed leadership; the freshmen matured quickly, promising intelligent and coherent direction to future initiatives.

In fact, the House acted upon several conservative proposals during the term, proposals unfortunately hindered by the Senate, a non-ideological gentlemen's club which considers initiative in any direction bad form. Senate deliberations are controlled by a handful of pragmatic elder statesmen with more regard for the status quo than for a particular political philosophy.

The session was characterized by Senate inertia. There was no great movement in any direction, save acquiescence to the inexorable pressure to increase spending. The ERA was not repealed, but the Commission on the Status of Women was not established. John Hill retained his new antitrust authority, but Senator Doggett failed to augment that same power.

There were winners and losers in the ruthless struggle for a place at the public trough. The agencies were well provided for; the doctors and the railroads were nudged aside. The taxpayers, of course, were never in the game.

Jay Naman

President, Texas Farmers Union

When writing once about driving down a road in the early morning isolation of a rural area and hearing some radio station's far-away farm show, Larry McMurtry commented, "Five-thirty in the morning is an awful time to be getting bad news." While that is so often true about farmers and market reports, it is almost an opposite situation when a farmer tunes his ear to the reports of the Legislature. There, he hears nothing at all. But that's bad news, too.

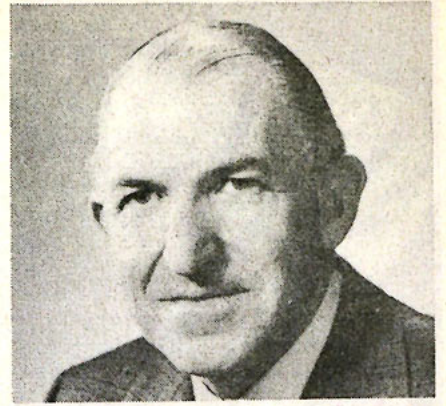
And that's a shame. Especially when you consider that Texas loses over two thousand farmers a year by simply letting them fall to high costs and low returns. Unfortunately, few people realize this, and even fewer (e.g., lawmakers) care to do anything about it.

It's not as if anything can be done about low farm prices in Austin. Most of

the policies affecting the market come down from Washington. But the Legislature *does* have the power to protect or destroy rural life by putting on the books such things as tax relief to remove some of the injustices of an inequitable system which hits landowners and homeowners the hardest.

Several issues pertaining to rural lands were brought before the members this session. However, there wasn't enough concern to slow down the investors and developers, who with their money continued to wield power over the livelihood of small farmers.

A very few bills which passed the Legislature did throw some tokens of relief in the direction of farmers. But they were only drops cast into the increasingly unsettled dust of major problems which are pushing the family farmer out of business. As long as the shelves of the grocery store remain full, no one notices



that fewer and fewer farmers are producing the commodities. It's conceivable that some day Texans might read that the early morning farm show has been canceled because the audience is not big enough. We might find that only a few well-capitalized corporations are able to farm.

John Bigham

State representative, Belton



To one who has served in the Texas House of Representatives since 1969, this session seemed to be the worst ever. But that may be because the problems facing the Legislature have grown more complex and sophisticated and the leadership has not adjusted accordingly.

Problems which seemed to plague the 65th Legislature stemmed primarily from leadership policies within the House. Much legislation was held up in committees or calendars until the closing days of the session, resulting in large consent calendars and little debate and less explanation of major legislation.

The emphasis on the governor's highway finance bill hampered the Legislature's ability to consider funding of other deserving programs, needs and requests.

And then there was the governor's support of a crime package so regressive in its approach to civil liberties that even many of the more conservative lawyer-representatives were fearful of the effects of the bills. However, they bit the proverbial bullet and voted for passage. Few wished to be seen by their constituents as "soft" on crime.

By early May, the House had passed all of its major legislation: property tax reform, public school finance, appropriations, utility and inheritance tax reforms, a medical malpractice law, generic substitution of drugs, etc. So, you cannot say that we were not working, though it would be fair to hold up our votes, emphases and lawmaking tactics to critical scrutiny.

Larry Bales

Proprietor, Scholz Garten, Austin
(Bales represented an Austin district in the Texas House during the 63rd Legislature.)

In January, 1973, 62 freshmen, pledged to reform the legislative process, arrived in Austin in the wake of Sharpstown. Some of these neophytes were people of great ability, some were mediocre, and some immediately reneged on their promise to vote for reform. Those who meant it when they spoke of reform joined with Price Daniel Jr., the speaker, and with the remnants of "The Dirty Thirty" to make a sincere effort to open up the legislative process. The results were mixed, but much was achieved. The 63rd Legislature was dubbed the reform session because of its achievement in passing a strong ethics bill, a lobby control bill, a tough campaign finance bill, an open meetings act, and an open records act.

Now, four short years later, Gus Mutscher is a county judge in Brenham and many reforms of the 63rd Legislature are in danger of being abrogated. The Legislature just adjourned would be comical if passing good legislation weren't such a serious matter. The 65th Legislature may well go down in history as the most inept and inane in Texas history. It has voted to place a halfway house next door to federal Dist. Judge William Wayne Justice's home in Tyler, thus giving legislative sanction to Rep. Emmett Whitehead's personal vendetta. It has also made chili the official state dish and voted to allow you to fly your flag at night. This preoccupation with trivialities is the distinguishing feature of the 65th Legislature. What happened?

The answer lies mainly in what the 63rd Legislature failed to accomplish. Because of constitutional problems, it was unable to pass legislation limiting the speaker to one term and eliminating the pledge system of electing the



speaker. I know Billy Wayne Clayton and he is not a bad man, but he is actively seeking a third term as speaker, and this is a bad situation. It makes the House timid and docile for fear of offending the sitting speaker. Until the speaker is constitutionally limited to two terms and until the pledge-system is eliminated, the possibility of another Sharpstown, created by an arrogance of power, will remain. Wake up Texans. It's time the cry of reform was heard once more in our land. □



House Speaker Bill Clayton

Austin

The problem, as some see it, is too much democracy in the Senate, too little in the House of Representatives, and a governor who doesn't care much about anything except no new taxes.

As the 65th Legislature wound down to a far from memorable conclusion, it appeared that Gov. Dolph Briscoe largely set the tone for a session which produced a bonanza for road contractors, a possible coal-slurry pipeline for Houston Natural Gas, a passel of law and order bills for the Texas constabulary, and almost nothing to make consumers and taxpayers stand up and cheer.

Briscoe allowed that the 65th might prove "one of the state's most successful legislatures," provided the House and Senate could work out their considerable differences over school finance and medical malpractice insurance. A compromise malpractice bill was passed two hours before adjournment, and a \$900 million school finance measure died soon after that, but Howard Richards, Briscoe's chief lobbyist, was still moved to say, "It's been the best year we've ever had."

'The highway boys'

In January, Briscoe delivered a state of the state address which promised something for almost everyone, but his legislative push came on those things closest to his heart: money for highway construction and an anticrime package, which emerged heavily amended but nominally intact.

The governor's proposal for a commission on the status of women and an elaborate plan to combine human service agencies died in committee, as did a few other items which apparently seemed much less important in May than they had in January.

Briscoe's approach, rooted in South

Report on the leadership

Drifting

By Saralee Tiede

Texas rural conservatism and a general conviction that when it comes to government, less is more, meshed remarkably well with that of House Speaker Bill Clayton, a small-town, West Texas farmer who shared the governor's interest in law and order, good roads, and property tax relief for those who live off the land.

The result of this meeting of minds, said Rep. Eddie Bernice Johnson, was that "no one had an easy time of it this session except the special interests—big business and the highway boys."

An urban moderate

Johnson, a Dallas black, watched a package of progressive housing legislation, including her ban on real estate redlining, wither in hostile committees.

"Without Hobby we wouldn't have gotten a dent in anything," she said.

Lt. Gov. Bill Hobby, the urban moderate in the state's leadership triumvirate, waged a somewhat solitary battle. Some say he didn't fight hard enough.

Still, Hobby put a stop sign in front of the \$600 million highway bill when it came thundering out of the House. The Senate's version of the bill was not substantially cheaper, but it prevented an unjustified and uncontrolled amount of revenue from flowing endlessly into highway department coffers.

Hobby quashed Briscoe's dream of wiretap authority and struggled to channel state school aid to poor districts rather than to low-tax rural and suburban districts as Briscoe and Clayton wanted.

Hobby's low-key style—his tendency to negotiate rather than demand, to compromise rather than bully—frustrated those who hoped the Senate would be a bulwark against the Briscoe-Clayton juggernaut.

"Hobby is probably the most democratic lieutenant governor we've ever had," said one urban senator. "He gets an A-plus for giving everyone a chance, for not pushing anyone around. But if I were lieutenant governor, I would be a slight bit more authoritarian."

To the disappointment of liberals, Hobby was inclined toward neither reform of what they regarded as antedilu-

vian Senate traditions nor assertiveness on behalf of progressive programs he personally favored.

A property tax reform bill, which Hobby had extricated from the hostile economic development committee, perished at the hands of a high-powered real estate lobby (see Rod Davis' story on page 21) and the time-honored Senate two-thirds rule.

But Hobby was surefooted at times and, as one Senate staff member describes him, "enormously impressive" in behind-the-scenes operations. He quietly engineered the demise of two highly emotional and potentially dangerous bills which skated through the House—the "Brother Roloff" bill exempting church-operated child-care facilities from state standards and a "right to life" measure setting harsh new limits on abortions.

He and his staff hammered out the scheme which will allow some low-income Texans to escape utility taxes, a

On top: the Briscoe-Clayton juggernaut, the low-keyed Hobby.

Briscoe priority nearly forgotten when the governor's highway plan gobbled up most available revenue.

Hobby devised the plan which allowed the state to increase its pitifully small payments to welfare families by \$5 a month per child without overloading a strained budget. The effort has been described as one of the few statesmanlike acts of a dismal legislative session.

Hobby's critics wish he could combine his progressive tendencies with Ben Barnes' ability to whip Senate prima donnas into line. "Hobby has a very limited conception of his own power," said one liberal lobbyist.

Rep. Wayne Peveto, a fiery Cajun who has been the driving force behind property tax reform legislation, blames Hobby for not winning over the four votes necessary to get his bill to the floor this session. Peveto, however, had spent a fair amount of time publicly blasting



Lt. Gov. Bill Hobby and Gov. Dolph Briscoe

Hobby, a tactic which didn't increase the lieutenant governor's enthusiasm for the uphill labor that property tax reform required.

If Hobby is to be faulted for his easy-going attitude, House Speaker Clayton is accused of dictatorial tactics and worse.

Liberals have had a skeptical eye on Clayton ever since he became speaker in 1974, convinced he was only biding his time before he returned a newly liberated House to the bad old days of iron-fisted control.

A substantial number complain that that day has come—that Clayton commands the structure so completely through a network of stacked committees and conservative lieutenants in key chairmanships that he has life-or-death control over all legislation.

Hundreds of Senate and House bills bogged down in committee, the victims, many thought, of Clayton's oft-quoted belief that the best legislature is one which produces the least legislation.

Lobby every member

"Clayton has enough surrogates so he doesn't have to lean on people," said Rep. Mickey Leland, a Houston black who started out on the speaker's team and ended up persona non grata. "He's taken the position that all his debts are paid to the liberals who supported him."

Clayton's two calendars committees, which control the flow of legislation to the floor, were the prime source of irritation.

"You have to lobby every member of those committees to get a bill set," said Rep. Frank Gaston (R-Dallas). "I resent having to kiss someone's ass to get a bill out."

Clayton's conservative cronies argue that the speaker has been, if anything,

overly fair with his committee assignments and his control of legislation.

"He has never called us in and told us to kill a bill," said Rep. Tom Uher (D-Bay City), one of Clayton's trusted henchmen and chairman of the powerful state affairs committee. (However, Clayton pressured Uher to release for floor action several bills Uher personally opposed).

Logjam and crisis

"Clayton lets everyone have a fair run," Uher said.

A case in point was Rep. Paul Ragsdale's equal employment bill. Neither Ragsdale, a Dallas black who cast the only vote against the speaker's re-election, nor his bill were favorites of Clayton's, yet the measure got to the floor in good season and whistled through the House.

Clayton visibly worked the floor only twice, on the highway spending bill and on the first cut made in the appropriations bill, the one which reduced an \$8-a-month welfare increase to \$3.

"If anything, the committees are too lenient," said Uher. "They let out bad bills just because the sponsors are persistent. The whole country is plagued by too much law."

Conservatives point out that Clayton allowed liberals to control the vital appropriations committee, even though it meant massive rewriting on the House floor when the appropriations bill emerged too stuffed with goodies to allow a teachers' payraise.

The House operated in schizophrenic fashion. Appropriations and school finance consumed endless days of debate. Then, in one day, the House rampaged through 150 bills with hardly a word spoken.

Rep. Bill Sullivant, a Gainesville

lawyer who decided to oppose Clayton for speaker, characterized House proceedings as "government by logjam and crisis."

"Very frankly, the House this session has been like a busload of good ol' boys on a trip. And no one goes up front to see where we are going until the bus hits something," he said.

The leadership painted itself into a parliamentary corner on the school finance bill, then yelped when the opposition sent the bill back to committee. The appropriations bill was sliced by more than \$300 million on the floor, a tacit admission that the budget committee process had broken down.

"A leader can strong-arm or lead," said Rep. Buddy Temple, an East Texas liberal who has had an eye on Clayton's job for four years. "There is virtually no leadership in a good sense. The system isn't fair and he set up the system, so he must take the blame."

The leadership gap plagues liberals and conservatives alike. "Defining leadership is a problem," said Rep. John Wilson, a capable LaGrange conservative. "Does it mean pushing a program or being fair and impartial?"

"No one can argue that Clayton isn't fair. He allows the membership to express its views. But as far as a program or a design for the future of the state, he's not a great leader.

"Obviously Briscoe has no design for state government, and I doubt that Hobby has one. Things are just aimlessly drifting, but the public must be drifting somewhere to tolerate this situation."

Wilson says Texas has a reflex-action government—legislation rarely passes unless it is the result of a public uprising—like utility regulation in 1975—or is the brainchild of a powerful lobby, like the highway bill.

"This was a frustrating session in which to serve," he said. "It was hard to find goals and directions."

'Nice guys'

Rep. John Bryant, the Dallas lawyer who heads the House coalition of liberals and progressives, is convinced the state is operating almost entirely without leadership.

"Clayton and Briscoe think the world is made up of people who think like they do in Spring Lake and Uvalde. Hobby is progressive, but I just wish he had more courage.

"Our leaders are nice guys. They're honest and decent, but the whole state is drifting. It sometimes seems that no one is looking at the long-term needs of the state. It's kind of like a bunch of school superintendents—no one is looking any farther than next year's budget." □

Saralee Tiede covers the Texas Legislature for The Dallas Times Herald.

Games people played

By Gary Keith

Austin

The future of American politics may rest with Texas. Consider the population shift our way and the national focus on Texas oil: the state's influence in Washington should boom. Unfortunately, Texas politics aren't worth national acclaim. We don't have a fulltime professional legislature, and unless there's a drastic change, the parttime government we do have won't offer Texas, much less the rest of the country, progressive leadership.

Everyone dreads the opening of another session of the Texas Legislature, and with reason. The 65th made some of the worst laws imaginable, while killing many good proposals. "Morality" bills—antiprostitution, anti-gay, anti-pornography—and law-and-order and highway legislation passed easily. But we have no school finance or property tax reform, and little increase in social services. Why? It isn't simply because progressives are outnumbered or often vote badly. More likely the answer lies in regional *Realpolitik*: anachronistic procedural rules, opportunism and personal clashes.

To understand politicians is to realize that they all play games. In the House, Speaker Bill Clayton's was the only one that paid: keeping members in line with the governor and the big boys. Legislation favored by Clayton and Dolph Briscoe reached the Senate after threading the maze of committees and floor action. These were laws in love with the status quo.

The speaker's game has a partner: the speaker's race game. Reps. Buddy Temple and Bill Sullivant both want to succeed Clayton. Look at Temple's votes, parties and flowers for female lawmakers with the speaker's race in mind. And note that Sullivant, a moderate-conservative Clayton supporter, introduced legislation to establish counseling and job-training centers for displaced homemakers—an apparent bid for liberal support in an upcoming speaker's race.

Other House members play the higher office game, using the House to reach the state Senate, an appointed position, or Washington, D.C. The most popular and successful strategists in this game get themselves on the team. Last session, Rep. Joe Spurlock was Briscoe's sidekick. This time, he was the governor's legislative aide. In September, he'll be a

Fort Worth district judge. Others want to play, too. Rep. Melchor Chavez would like to be a state district judge or senator. Surprise, surprise: he was a Clayton-Briscoe man this term. Those who sit on the sidelines pay the price. Rep. John Bryant, liberal leader of the House study group and a potential threat to the leadership, saw a number of his bills die. He wanted to be House sponsor of several Senate proposals, but let others take over because a Bryant bill would have trouble.

Another popular game is the introduction of hostile legislation. Black Rep. Mickey Leland tried to submit a bill prohibiting the sale of unpasteurized beer—a measure aimed at Coors, which has few black distributors in Texas. Rep. Phil Cates, who carried the county ordinance-making law, introduced a proposal to outlaw fireworks. The firecracker

Comment

lobby subdued their opposition to Cates' county ordinance law; he let his antiexplosive bill die.

A final game: liberal-in-a-conservative-district. In the fifties, Maury Maverick Sr. denounced as "shithouse liberals" those legislators on the left who would literally hide in bathroom stalls and wait out controversial votes. "Taking a walk" is still common. During the vote on the anti-abortion bill, several members weren't around for the vote verification—which was recorded. The same thing happened with the "Brother Roloff" bill.

Liberals often fear reprisals and vote accordingly. Early in the session, Clayton rammed through the highway bill, 121 to 27. Several representatives who wanted to vote "no" didn't, to avoid alienating the speaker and the highway lobby. Liberals this session were particularly frightened by "morality" legislation. People who thought that the antigay rider on the appropriations bill was unconstitutional voted for it anyway. Members who knew that the antiprostitute, -porn and -crime measures wouldn't accomplish anything said "aye" to look good back home.

These strategies and games have one goal in mind: image-building. A proposal's substance is less important than its effect on the next election. The success or failure of a particular

bill matters less than "taking a position." If you can tell constituents that your stand was "good," that's enough.

Conservatives build their images by harping on thrift and practicality. They tell the folks back home that they tried to limit spending, but the liberals foiled them. Actually, liberals often fought wasteful, special-interest appropriations. This session, the big spenders were the Clayton-Briscoe conservatives. Clayton and appropriations committee chairman Bill Presnal led the floor fight to cut appropriations, striking \$43 million in increases in aid to families with dependent children. But when higher education cuts came up, both men refused to trim Texas A&M's budget—the school, Clayton's alma mater, is in Presnal's district. Every session, conservative Rep. Jim Nugent gets money (more than \$250,000 this time) for the Fleet Admiral Chester W. Nimitz Memorial Naval Museum Commission, which is in his district. Legislators spent the entire budget surplus on highways and pork-barrel projects like Nugent's.

Briscoe and Clayton call the anti-crime package a major achievement. What they don't say is that most of the bills in it were greatly weakened and that none in any form would reduce crime. They don't mention that the anti-porn and antiprostitute laws won't solve anything, that they're only symbolically important—good coin at election time.

Liberals, rarely powerful, get little pork barrel and so have to keep their names in the local news with trivia like congratulatory messages. Only those from "safe" districts (mainly blacks and *chicanos*) can afford to lead. Many of the others feel that they must vote for bad bills and avoid controversy—they want to be in Austin for "important" things and therefore keep a watchful eye on rich rightwingers in their districts who might bankroll a campaign against them someday.

Liberal lawmakers feel, in short, that they have no choice, no freedom of action. In this we all share responsibility for the Legislature's output. To cast an unpopular vote, a politician must have constant support—and pressure—from progressive forces. If the 65th session was a bomb, everybody's to blame. If we continue to default, our new place on the national stage will bring us ridicule, not applause. □

Gary Keith is a doctoral student in political science at Brandeis University. He worked in the Capitol this spring as a legislative aide.

The session's worst lobby

By Rod Davis

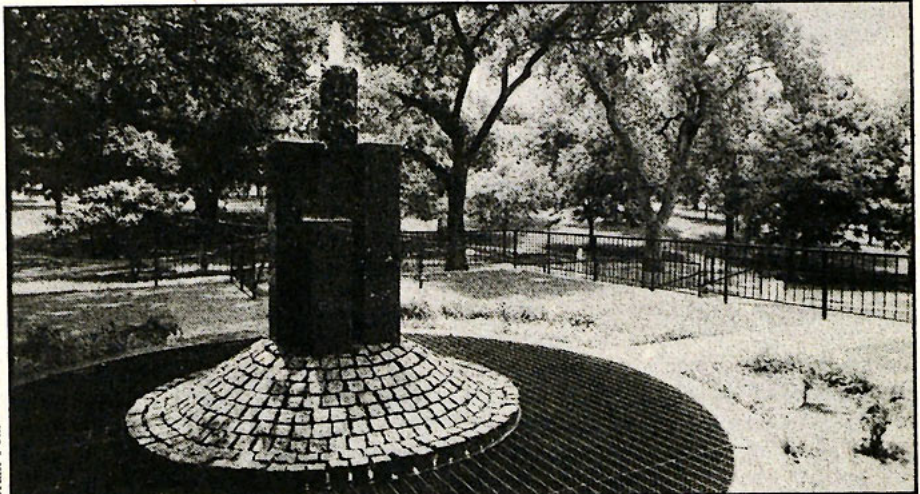
Austin

The world of the Legislature is the world of Low Things, a place where bot-toming out is an art form. To win any special measure of opprobrium there, one must outperform men and women who do for a living what others do for five to ten years. Or two to five, depend-ing on the jury. It is a commonplace to suggest that there are as many crooks as nooks in the Capitol (itself constructed by convict labor), but perspective and care are required, lest the truly grotesque become too familiar. Those who take and those who give, those who legislate and those who lobby, share an identity, it is true; but there are distinctions and downward gradations worth noting. To wit:

At the bottom of the bottom of the 1977 Texas Legislature was the Texas Association of Realtors, a lobby of com-paratively modest membership, but whose wealth and lack of aplomb have easily made it the most controversial pressure group in town, more ridiculed than even the Right-to-Life zealots and more openly despised than the Texas Medical Association, the Texas Associa-tion of Bankers, or the highway lobby—all very stiff competition.

Shotgun donations

The TAR represents the approxi-mately 35,000 licensed realtors in Texas, who are to be found in cities and coun-ties of every size. Through its political funding arm, the Texas Real Estate Politi-cal Action Committee, the TAR has spent a *recorded* total of \$203,118 for candidates and causes since the state campaign contribution reporting law went into effect in September, 1975. (About 40 percent of the money TREPAC raises goes to the National Realtors Association for disbursement to con-gressional and presidential campaigns.) The TAR is not Texas' top-spending lobby—the TMA, for example, spent \$467,782 in the same 21-month period—but the TAR is singular in the democratic quality of its bounty. In 1976, TREPAC contributed to the campaigns of roughly *three-quarters* of all sitting legislators (see box), as well as to the governor, the lieutenant governor, and the speaker (and the Democratic party). Says TAR chief lobbyist Gerhardt Schulle: "We don't separate a segment of the Legisla-ture. We approach everyone." Checking



Grant Fehr

Making their mark: realtors' lobby put a \$50,000 fountain on capital grounds.

up on candidates back home, Schulle might have added, are local realtor boards and individual realtors; such home-district pressure isn't an unusual tactic for a lobby, but in the case of the realtors it is, generously put, overdone.

It is difficult to trace the influence of TAR financial contributions because of the shotgun pattern of donations, but it doesn't take much to see where major contributions (say, \$1,000) have gone, and why.

Last year, every House committee chairman except Ben Reyes, Craig Washington and Eddie Bernice Johnson (a brown and two blacks) accepted TREPAC contributions ranging from \$200 to more than \$1,000. Ten of the most powerful senators (again, see box) received from \$1,000 to \$8,700. Some current officeholders survived impress-ive TAR opposition. The TAR spent \$5,000 on Joe Gibson's failed attempt to defeat Sen. Grant Jones, and at least \$10,000 went to former Corpus Christi Sen. Mike McKinnon's unsuccessful re-election campaign against Carlos Truan last fall.

Although it represents a single profes-sion and, presumably, a single set of interests, the TAR has in the last five years applied lobbying pressure on be-half of an incredible variety of legisla-tion. Schulle says he is concerned with "anything that affects real property and real property rights. Ninety percent of the bills we're involved with don't affect our profession but our property owners and the right to own property. Our basic

concern is to protect the rights of real property owners. You could say we look at it from a selfish standpoint, but when you take away property rights you take away value."

In 1975, the TAR took positions on 86 bills. Of the 12 bills it favored, 10 were passed. Of the 74 it opposed, 72 were defeated and the 2 escapees were gutted in a manner "acceptable to the TAR," Schulle says.

'Gumming up the works'

This session, the TAR had an "inter-est" in about eighty bills and lobbied ac-tively for about half of them.

Sad to say, TAR's efforts are rarely directed toward the betterment of man-kind. The most concise characterization of the TAR program is provided by Aus-tin Sen. Lloyd Doggett: "The fact is that they're against everything good and for everything bad. T-A-R . . . that's a perfect name . . . TAR. They really gum up the works." Doggett may be biased. The TAR has successfully blocked his bill to let Travis County have county ordinance-making power for the last two sessions. Doggett dislikes Schulle so, he has banned him from his office.

What is TAR for and against? *Texas Realtor* magazine summed up TAR's 1975 effort by noting its lobbyists were "active and successful in the defeat of environmental legislation." As well, they opposed land-use legislation, city land use and extraterritorial jurisdiction,



TAR chief lobbyist Gerhardt Schulle

county land use and ordinance authority, statewide land use control, etc.

The TAR opposes almost anything in any way connected with the expansion of public control or governmental authority—in short, anything that could affect “real property.” It also encourages legislation making it more difficult for more Texans to become realtors (while refusing to raise standards for those who already are) and favors fewer restrictions on corporate campaign contributions. This session, the TAR also worked hard for a bill that would have exempted Texas from provisions of a new federal consumer antitrust law.

In 1974, then-TAR President Franklin Jeffers, chafing at the new political reporting laws requiring TREPAC operations to be conducted separately from the TAR, sketched the new political dynamism among realtors: “The Texas Association of Realtors could be and will be the most powerful organization there is in Texas. We even outnumber the lawyers. If we all do our part in building a fund for TREPAC, the politicians of Texas will look to TAR and they will become our friends very quickly, and we will be able to progress as realtors should progress. . . . You can see how much money we would have in the till [he called for \$280,000 a year]. You can see that these people we want elected to run this great state of ours would protect the land, protect the realtor, and the property owner of Texas.”

Does it scare you to think your destiny might be controlled by people in white shoes, who, as one legislator said, “contribute nothing, produce nothing, just take their commission”? It should, because in the 65th Legislature, the TAR has accomplished exactly what it set out to do.

By May 6, Schulle was able to tell

TAR members in a memo that although the 1977 session was “the toughest in legislative history . . . many of the bills that we have been opposing are now in a position of having almost no chance of passage unless they have already passed one house of the Legislature.”

Schulle was concerned with only unresolved bills—property tax revision and county ordinance power. Their defeat would mark the high point of TAR influence in the Legislature. Despite heavy lobbying opposition, however, both bills had squeaked through the House in mild versions; Schulle’s memo was a signal that home district arm-twisting as well as Capitol corridor buttonholing were needed to cut them dead in the Senate.

Senatorial resistance

Property tax revision, a confusing bill with some good points, was sponsored by Rep. Wayne Peveto of Orange and Sen. Grant Jones. Although the bill was watered down by House amendments, Peveto thought it had a chance in the Senate until Sen. Tom Creighton, who had received a \$5,000 TAR campaign contribution last year, said he wouldn’t even report it out of his economic development committee unless it could be demonstrated to him that Peveto and Jones had the necessary two-thirds majority to bring it up.

With plenty of senators down on TAR’s major donations list, Peveto and Jones had no chance. Peveto began roaming the Capitol like a deranged holy man cursing the TAR in general and Schulle in particular. “I don’t think it’s right for a lobby to have that much power,” he lamented. Faced with senatorial resistance, he went on a counterattack, knocking several otherwise safe “local and consent” Senate bills off the House calendar. Lt. Gov. Bill Hobby, presiding officer of the Senate, complained that “trying to coerce people by threat was about as counterproductive a process as is imaginable.” But to Peveto, what did it matter? Creighton had already appointed himself and Sens. Bill Moore and Ike Harris to a subcommittee to “study” the bill, and no one needed to tell him the way that wind blew.

An eleventh-hour attempt to help Peveto came from Common Cause, which held a news conference to identify Senate members on the TAR breadline. The named senators were furious, as was Schulle, whose May 6 “legislative bulletin” summed up the goings-on this way:

“An unfortunate situation happened on HB 846 (tax revision). We were negotiating with the sponsors of this legislation when an unjustified attack by Common Cause was made against our industry and Senate members who were supporting our position. This attack accused senators who supported our position in opposition to portions of HB 846 as being bought by the real estate

lobby. This attack and subsequent attacks by certain members of the press have made it now impossible to amend out and withdraw our objections to HB 846, a position we were certain to reach prior to this cheap-shot, character-assassinating [news release]. I am certain that none of the sponsors of this bill were responsible for these attacks. If, however, we were to withdraw our opposition after this publicity, we would open ourselves up to more political abuse, coercion, blackmail, etc. in the future.”

The TAR, of course, triumphed, and tax revision never made it to the Senate floor. Grumbled Peveto, who had, interestingly, received \$1,000 from the TAR in 1976, “I feel like I was double-crossed and the House was double-crossed. Property tax reform is dead for this session and probably forever.”

What TAR wants

Rep. Phil Cates of Pampa received similar TAR treatment when it came to disposition of his county ordinance bill. Also defeated in 1975, Cates’ legislation would have given county commissioners, on approval of a majority of county voters, the right to make ordinances similar to those made by cities. If you have ever shuddered at claptrap housing outside incorporated cities or been snarled at by packs of dogs or had a view spoiled by mounds of trash, you understand the value of Cates’ bill, which the TAR vehemently opposed as an abridgement of what it called “development rights.”

“There’s no real need for the bill,” Schulle contends. “The commissioners courts are throwing up a smoke screen. What they really want to control is the platting of subdivisions—platting codes, building codes—because that is the



Rep. Wayne Peveto

money part. Massage parlors, rabid dogs—" he shakes his head contemptuously—"what they really want is the money part."

According to Schulle, building codes are more or less laid down and enforced by lending institutions. "Our people don't mind putting in good subdivisions. They have sufficient controls today. We'll all admit general ordinance authority would give [commissioners courts] more control—but a dictator state is more efficient than a democracy. Just tell us what you want, and we'll work with you."

But the TAR gets what it wants, not what we want. Doggett's bill for Travis County passed the Senate 17-12 (the vote denoted strong opposition for a home county bill), but was knocked off the calendar in the House. The chairman of the House calendar committee, Roy Blake, received a \$1,000 campaign contribution from the TAR last year.

Cates got his bill through the House, but it was hopelessly cut up. Amend-

ments tacked on by TAR beneficiaries John Wilson, Joe Wyatt and Fred Agnich made it more difficult for voters to grant county authorities ordinance power and, further, limited the scope of ordinances. Zoning, for example, was removed from ordinance-making purview!

"The amendments didn't totally gut it," Cates said unconvincingly, "but it showed the effects of special interests. Folks ought to have the right to govern themselves. Not one realtor in this state is elected by anybody. County commissioners, as bad as they may be, are subject to election. People should run the government for better or worse rather than special-interest groups."

Well said and totally to the point. Cates' bill died in the Senate.

Political pollution

Cates, like Grant Jones, could never accurately be called a liberal. Yet, because they landed on the wrong side of TAR causes, both were subjected to various sanctions. Before the 1976 elections, Cates was summoned before a

star-chamber proceeding of home-district realtors who wanted him to explain why he carried county ordinance in 1975.

The point wasn't lost on Cates. "I only won my first election by two votes," he recalls. "I worry about everybody's political threat." Somehow, however, he convinced the realtors he was okay and received a \$200 contribution—though he had no opposition.

Only a threatened filibuster by Lloyd Doggett prevented what probably would have been swift passage of Sen. Peyton McKnight's TAR-favored bill allowing political action committees, like TREPAC, to incorporate *without* being subjected to the limitations on political contributions by corporations. Doggett described the bill as perhaps the "worst" proposal of the session. "You're trying to make legal what Nixon and Maurice Stans did," Doggett told McKnight. "It's a horrible bill that will pollute the entire political process."

In the House, the bill was carried by

TAR contributions through TREPAC

There is no clear pattern in TAR contributions made to members of the Legislature. It would be simpler to list those who haven't received TAR money (through TREPAC) than those who have.

Though they didn't face re-election in 1976, both Lt. Gov. Bill Hobby and Gov. Dolph Briscoe received TAR support. House Speaker Billy Clayton received \$2,000 in 1976. A laundry list of

House members, liberals and conservatives, received contributions ranging from \$100 to \$1,000 for the 1976 primary, runoff and general election campaigns.

What follows are lists of senators, House committee chairmen, and finally House members who received \$1,000 or more from TREPAC. These contributions, filed with the secretary of state, probably constitute only a fraction of the total TAR campaign outlay. Individual TAR members donate to candidates, and their contributions are virtually impossible to track down.

SENATE

Gene Jones	\$8,700
Ike Harris	\$5,000
Walter Mengden	\$5,000
Jack Ogg	\$5,000
Bill Braecklein	\$5,000
Glenn Kothman	\$5,000
Mike McKinnon*	\$10,000
Tom Creighton	\$5,000
Chet Brooks	\$1,000
Joe Gibson**	\$5,000
Tati Santiesteban	\$3,000
Max Sherman	\$2,000
Frank Lombardino	\$1,000
Bill Moore***	\$1,000

*defeated
**opposed Grant Jones
***received in 1975

HOUSE

Sponsors of bills:

Charles Evans, <i>pares patriae</i> bill	\$1,000
DeWitt Hale, elections bill	\$1,000
Wayne Peveto, tax bill	\$1,000
Phil Cates, county ordinance bill	\$200

HOUSE (CONT.)

Committee chairmen:

Bill Presnal, appropriations	\$320
Walt Parker, vice chairman appropriations	\$4,000
Joe Wyatt, ways and means	\$1,000
Joe Hanna, energy resources	\$1,200
Herman Adams, elections	\$200
Gib Lewis, intergovernmental affairs	\$1,000
Charles Evans, judicial affairs	\$700
Jim Nugent, transportation	\$1,000
Tom Uher, state affairs	\$1,500
Tim Von Dohlen, constitutional amendments	\$1,000
Lyndon Olson, higher education	\$200
John Wilson, health and welfare	\$200
Bill Sullivant, environmental affairs	\$200
Bob Davis, insurance	\$500
Ben Grant, judiciary	\$500
Tom Craddock, natural resources	\$1,000
Ron Bird, regions, compacts & districts	\$1,000
Jerry Donaldson, financial institutions	\$1,800
Chris Semos, business and industry	\$200
Tom Massey, public education	\$1,500
Bennie Bock, liquor regulation	\$200
Joe Hubenak, agriculture	\$500
Lynn Nabors, criminal jurisprudence	\$500
Roy Blake, calendars	\$1,000
Tom Schieffer, local and consent calendars	\$500
Pete Laney, administration	\$200

HOUSE (CONT.)

Other candidates (\$1,000 or more):

Bill Ceverha, Dallas	\$1,500
Kent Newson*, Dallas	\$1,000
John Hawes*, Waco	\$1,000
Bill Coody, Weatherford	\$1,000
Camm Lary Jr.*, Burnet	\$1,000
Don Rains, San Marcos	\$1,000
Joe Lee Kirgan*, Fairfield	\$1,000
Latham Boone*, Navasota	\$1,000
Bud Sherman*, Fort Worth	\$1,000
Al Koriath*, Dallas	\$1,000
Tony Dramberger*, San Antonio	\$1,200
Abe Ribak, San Antonio	\$1,000
Don Cartwright, San Antonio	\$1,300
Tony Garcia, Pharr	\$1,000
Mike Ezzell, Snyder	\$1,000
Ben Bynum*, Amarillo	\$1,000
Robert O'Kelly*, El Paso	\$1,500
John Hoestenbach, Odessa	\$1,000
E.L. Short*, Tahoka	\$1,200
Joe Allen, Baytown	\$1,500
Milton Fox, Houston	\$1,000
Robert Simpson, Amarillo	\$1,000
Frank Gaston, Dallas	\$1,300

*defeated

Dewitt Hale (a \$1,000 man), but it died in committee.

A bill the TAR wanted passed very badly was the *parens patriae* legislation which would have exempted Texas from a new federal law mandating treble damage awards in certain antitrust and consumer lawsuits (*Obs.*, Feb 11). Realtors don't like the damage-award law (Schulle calls it a "hyper class action" measure) because it could be used against TAR's quasi-closed shop membership and trade practices like Multi-List. Rep. Charles Evans of Hurst, chairman of the House judicial affairs committee and a member of the TAR \$1,000 club, sponsored the exemption bill. Defeated on a trial House vote, it was never revived despite TAR arm-twisting. Atty. Gen. John Hill, incidentally, was among those opposing Evans' bill.

The black hat

If almost every position TAR takes seems patently antisocial, there is always an explanation. Just drop by the garish TAR offices in Austin or write for a free brochure. Or go to lunch.

In reports filed with the secretary of state's office for the first three months of the session, Schulle reported lobbying expenses of \$1,872.91, while assistant TAR lobbyist Mark Hanna listed \$632.18. All Hanna's expenses were for entertainment, while Schulle's were mostly for postage and printing. Charles Babb, TAR attorney/lobbyist, spent \$346.40, all for entertainment. Two other TAR lobbyists, Austin realtors Joe Perrone and George Sandlin, reported no expenses.

Lobbying on behalf of the TAR isn't left entirely to Schulle's or Hanna's discretion. Overseeing them, and selecting their targets, is the forty-member legislative committee, which is chosen from the TAR's 200-plus member board of directors. TREPAC also has an oversight committee that works with an extensive network of local realtor boards to determine who gets what campaign-contribution time. According to Schulle, the local groups have a lot to say in money-giving deliberations.

The whole setup is terrifically efficient. You got a troublesome guy like Cates, you call him up and intimidate him just a little—enough. Can't get along with someone like Jones or Doggett? Get the local boards busy in the home district, spend whatever it takes. The list of contributors to TREPAC is filled with \$20 pledges. What you do is keep as many realtors as possible stirred up about legislation, and you've got an organization as effective as the teachers or doctors. And supplementing the smaller brokers, of course, are the giant developers. They give at the office.

Does the TAR legislative program represent the feelings of realtors? Rep. Buddy Temple of Diboll, a political mod-

erate with extensive land holdings, doesn't think so. "I've never found them on the side of any progressive legislation. They've taken over the black hat that people like the railroad lobby used to wear." Temple, who will oppose Bill Clayton for the speakership in 1978, is on the outs with the TAR anyway—in 1975 he tried to strike a grandfather clause from a realtor-licensing bill that would have exempted realtors from the same restrictions and educational requirements that they wanted to impose on newcomers. His amendment was trounced and the bill passed, grandfather clause intact. Temple says the TAR was extraordinarily busy in his home district during the 1975 session, and he expects TAR-backed opposition in his next election attempt.

Schulle, like many lobbyists a former state representative (from San Marcos), is not thought of by many as either shrewd or charismatic. Hanna has the look of an upwardly inmobile ex-jock. They share the TAR's prehistoric views

Some consider the realtors the worst lobby in the Legislature. But, says a TAR lobbyist, "We're not concerned about that."

and a kind of overweening perseverance. When asked if he knew that some members of the Legislature look upon him with little affection, Schulle shrugs.

"One reason people may feel that way is that we're involved in more legislation. You have to get down to the meat of the subject sooner. You don't have time to talk longer. We've had to kick people in the can."

Hanna winces and clarifies: "We're forthright."

Do they know some consider them the worst lobby in the Legislature? "We're not concerned about that," Schulle replies. "All we're trying to be is concerned about our goals. Who's number one or ten or fifty doesn't make any difference. Anytime you're effective, you're going to get criticism. We're just much more open on our position than any other group before the Legislature."

Schulle regards himself as something of a crusader for participatory democracy.

"That's what democracy is all about—participation. Democracy is not a spectator sport.

"We tell our people they have an obligation to the real property owners of this state to contribute to candidates who share their philosophy. We wish everyone would participate." Participation, he says, means cash contributions

to political candidates, campaign work, and lobbying.

Legislators say pretty much what lobbyists say: a campaign contribution doesn't bind anyone—it's just a gesture of support. Perhaps. Or it might be as Hanna says: "I wouldn't say any legislator should agree with the TAR on every single issue. . . . If there is influence, if you participate during the political process, you have access to operations during the legislation."

Perhaps the very worst thing about TAR influence on state affairs is the realtors' pretense that they're protecting us all. In the double guise of partisan for democracy and defender of property rights, the TAR lobby is able to justify the application of pressure on any sort of legislation—when the protection of private property is the game, anything goes.

This obsession with property rights leads inevitably to reactionary positions on most issues. It is true that TREPAC donations go to both liberals and conservatives, but you'll not find a liberal among the really entrenched TAR legislative operatives. The TAR, for all intents and purposes, is an alter ego of Calvin Rucker's Texas Conservative Union, an ultrarightist lobby.

A word for this

It makes no difference that Schulle paints TAR activities as participatory democracy. Putting aside the closet conviction of most large property owners that democracy is the *last* thing to be desired, the gross intrusion of money distorts democracy at any level. It is wildly unrealistic to assume that, say, tenants' organizations in Texas (the few that exist) have anywhere near the power of the landlords. Democracy, in the TAR view, consists of ten people with \$1 million each competing for influence with one million people with \$10 each.

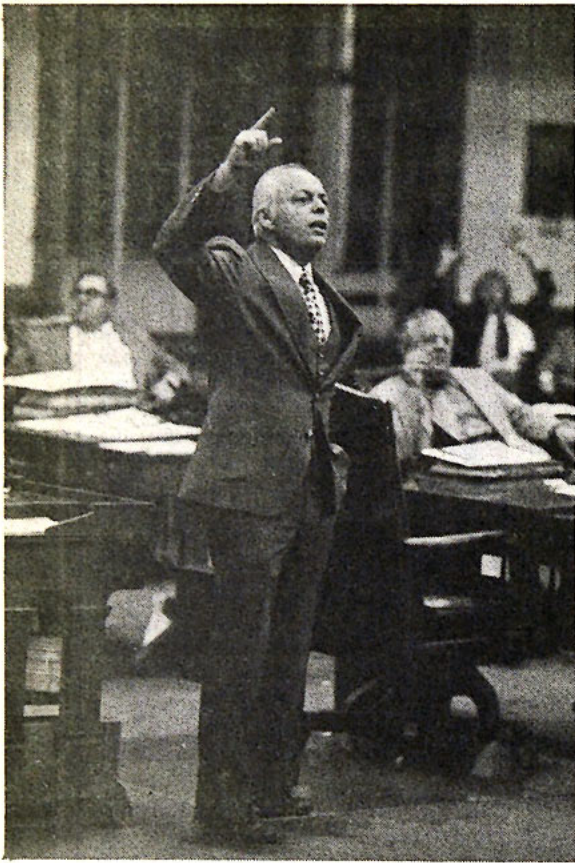
Yet most Texans buy this version of fair play. If you have a beef, garner up support and let somebody hear about it. Write letters, dress your women in pink, and pack every committee hearing. Causes become mega-causes and attention is given to those with the most money and resources. This is how the lobbies help us. There is a word for all of this, and it is not "democracy."

Laws, however, come and go. The true measure of the success of the realtors is found on the southeast quadrant of the Capitol grounds: an utterly tasteless fountain; with accompanying placard, paid for with \$50,000 in TAR money as the realtors' bicentennial gesture of goodwill to the people of the state of Texas, whose proposed new constitution the TAR helped to defeat in 1975, the same year the fountain was dedicated. □

Rod Davis is an Observer contributing editor.

Sine die

Photos by Alan Pogue

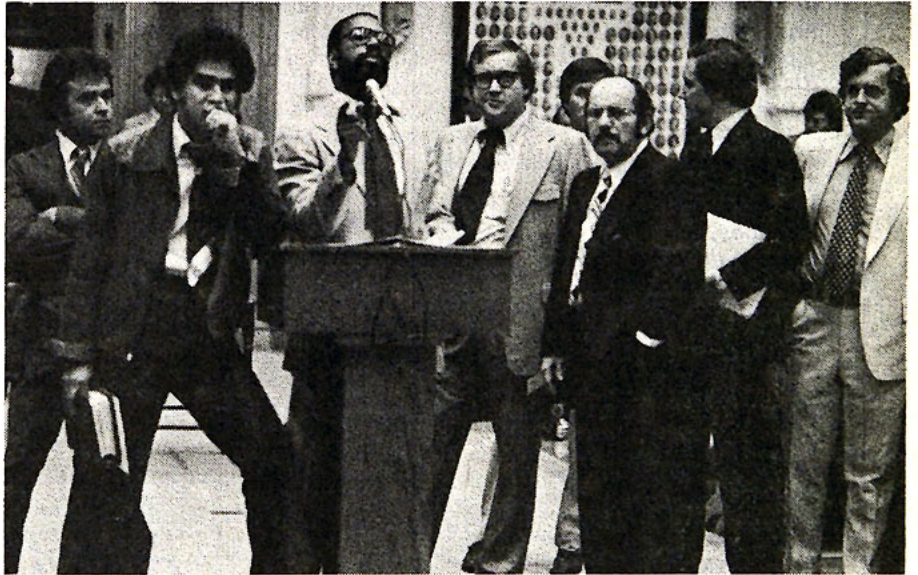


Sen. Babe Schwartz, the Galveston Bayer

Rep. Mickey Leland as the session winds down

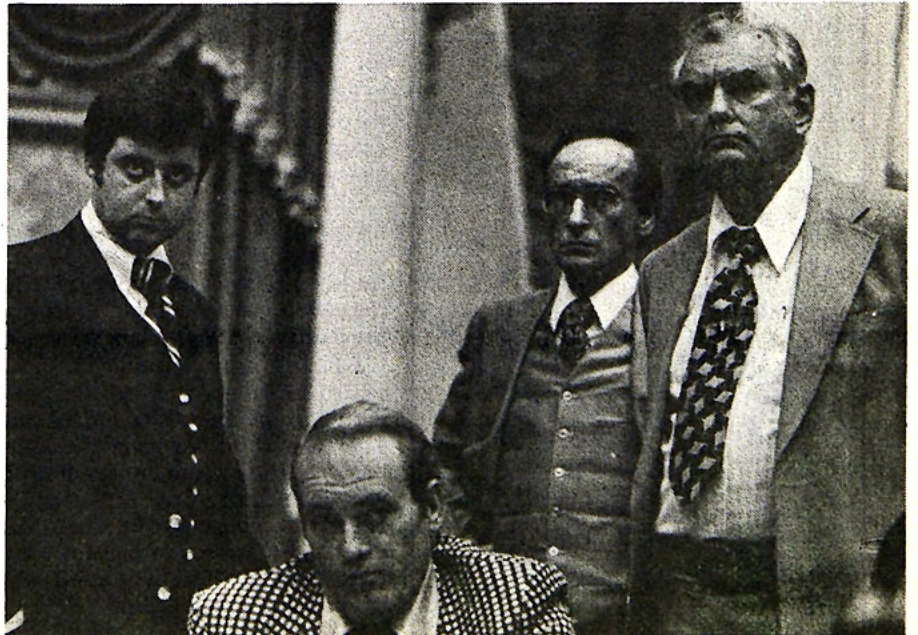


Plans and ploys, confabs and strategems



Rep. Craig Washington makes a final point . . .

. . . while some of his colleagues consider it.



Time Out

Billy's Theme

(To "Rhinstone Cowboy")

*I'm a rhinestone plowboy.
Ridin' heard on the House
And a-makin' Dolph's
programs go.
Rhinestone plowboy
Getting contributions from people
I don't even know.
And orders coming over the phone.*

*I've been twisting their arms
so long,
Pushing the boys along.
To keep them all in line
on the governor's program.
Yes hustle's the name of the game
And if things go wrong Billy boy's
not taking the blame.
I've done a load of compromisin'
To keep my star a-risin'
But I'm gonna stay where
Briscoe's smiling on me.*

*I'm a rhinestone plowboy.
In a double-knit suit and an
image that's all new.
Rhinestone plowboy.
Helpin' Dolph fight crime and just
shoving his programs through,
Yes guv, I'm sticking by you.*

Mary Alice Davis

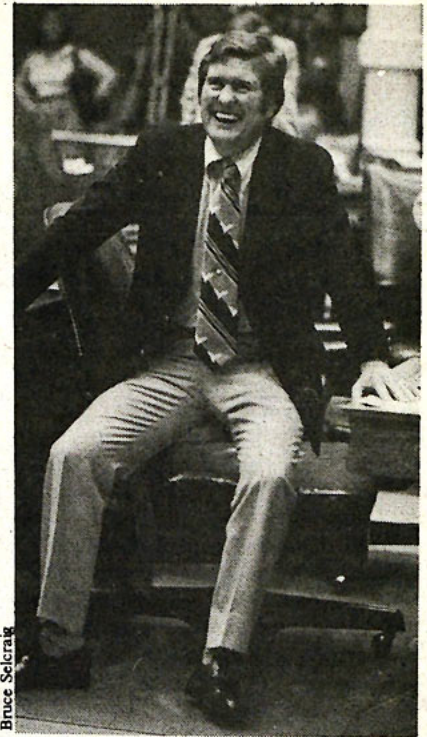


How's that?

Jim Boren, who for fun and profit heads a small but powerless organization he calls the National Association of Professional Bureaucrats, often gives this advice to public officials: "When in doubt, mumble." He apparently has a disciple in the Texas House—Rep. Leonard Briscoe. During debate on the ill-fated property tax reform bill, CSHB 846, the Dallas Democrat rose and solemnly offered this amendment:

"Any taxing unit that is created by or under any general, special or local law enacted before or after the enactment of this title unless a law enacted after enactment of this title by or under which the taxing unit is created expressly provides that this title does not apply may adopt the provisions of this title."

If this makes sense to you, you might consider a race for the Legislature. No one on the floor could figure out quite what Briscoe meant, including Briscoe, but 34 members voted for his amendment, once again verifying something Lincoln said about fooling some of the people all of the time.



Bruce Selcraig

Why is Gib Lewis laughing? Probably to keep from crying, as well you might if you and your colleagues had cracked a joke as big as the 65th session. Thing is, the joke was on us. The Fort Worth Democrat will be back for more when the special session convenes in July.

Accomplishments

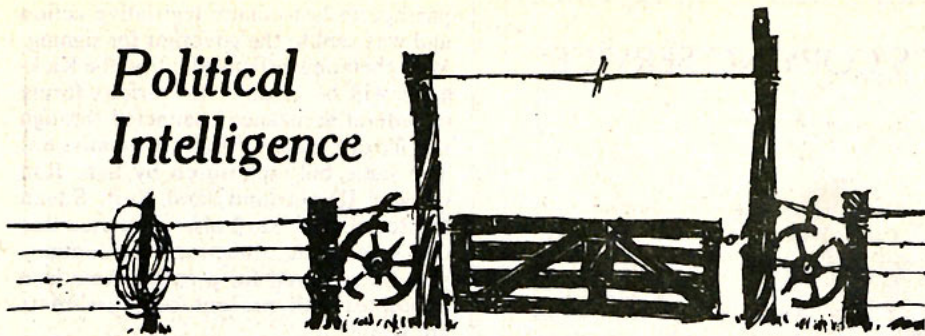
Those who say that the 65th was a do-nothing Legislature simply haven't looked at the record. What about the bill Rep. Emmet Whitehead got by his colleagues, the one that put a halfway house for youthful offenders next door to federal Dist. Judge William Wayne Justice's Tyler residence? That's one way of letting a judge know you didn't like his decision requiring the state to provide community-based facilities for delinquents.

What Rep. Jim Clark did is important, too. He thought it was reprehensible that the state's penal code referred to accused criminals as "actors." In Clark's view, the usage amounted to a slander on the acting profession. So he got the operative word changed to "accused," and ours is a better state for it.

There's so much more. Take, for instance, the bill boosting the out-of-state fishing license fee to \$10.50, and the House resolution setting up a special interim committee to investigate religious cults, and Rep. Brad Wright's thoughtful proposal to require all state college students to take (and presumably pass) a course in free enterprise economics before graduation. And what Texan will forget that this is the Legislature that finally denominated chili the official state dish?

But they really got down to business in early May, when Rep. Bill Clark presented the House with the chance to commend former speaker Gus Mutscher, who got into some indictable unpleasantness a few years ago but now has worked his way back up to Washington County judge. The Clark resolution called Mutscher "an outstanding former presiding officer." Mutscher's stewardship, the thing read, was characterized by "efficiency, firmness and good humor." Clark urged the House to commend Mutscher "on his many achievements in public office and extend best wishes to him for continued success and happiness." The resolution passed without benefit of a roll call vote, but 36 members rushed to the podium to be recorded as voting "no." □

Political Intelligence



● Houston Mayor Fred Hofheinz' June 8 announcement that he wouldn't run for a third two-year term was an honest-to-God shocker. Just days before, city hall reporters had been thinking out loud about the mayor's reelection strategy for the fall.

In a public statement, the 39-year-old Hofheinz said that the pressure of running the nation's fifth largest city had taken its toll and that another term in office might do him in. "I believe that mayors can serve too long. The time has come for Houston to have fresh momentum," he said.

Many others think it is time Hofheinz' political career had some fresh momentum, too. Hofheinz' decision to put mayoral politics behind him has encouraged talk that he is getting ready for a run at John Tower's Senate seat next year. The rumors have more than a little plausibility: few Democrats are thought to have a better chance of defeating Tower, who's been in the Senate since 1961.

Meanwhile, there has been no shortage of bodies willing to take Hofheinz' place in city hall. Two previously



Fred Hofheinz

announced mayoral candidates, former district atty. Frank Briscoe and former councilman Jim McConn, were elated to learn that they would be running for an open office. Houston police chief and Hofheinz ally B. G. "Pappy" Bond abruptly quit his post and joined the

race. In the "I'm-thinking-about-it" category are Republican councilman Louis Macey, former state district judge Andrew Jefferson, a liberal black, and Steve Oaks, former chairman of the Harris County Democratic Party who says he might return from his new law practice in Washington to run for mayor.

Bond could inherit much of the Hofheinz vote, but he is unpopular in Houston's minority communities, his police department's many recent reforms notwithstanding. Jefferson, who managed the mayor's last campaign, is thought to be the man most attractive to Hofheinz supporters. As a strong black candidate with a realistic chance of winning, he might be able to unite the city's non-white voters—something that has rarely been done in the past.

Ailing

● Two senior members of the Texas Congressional delegation, Rep. Bob Poage (D-Waco) and Olin Teague (D-College Station), have undergone major surgery this year, setting off a good bit of speculation about their political futures. Poage is expected to call it quits after forty years in the House, and eleventh district hopefuls are already lining up for his seat. Conservative Tiger Teague had his left foot amputated in January, but his staff and other sixth district sources say he will probably run for a seventeenth term.

Poage, the oldest member of the House at 77 and second in seniority only to George Mahon (D-Lubbock), had a malignancy removed from his colon last month. Doctors termed the operation a success, but weeks in the hospital followed and Poage had to deny rumors that he would retire before his term was up. Few, however, think Poage will be in Washington next January.

Plenty of folks would like to take his place. Texas House members Lyndon Olson (D-Waco) and Dan Kubiak (D-Rockdale) are sure to run for Poage's seat, and more competition is likely from former state Rep. Lane Denton, Marlin banker Marvin Leath and oilman Jack Burgess.

Teague, 67, survived a stroke in 1975, but after the amputation of a foot badly

injured in World War II, some are wondering if he can stand up to the strain of another campaign. "We were all feeling sorry for him," says a staff aide, "but after having that foot hurt him for thirty years, he was sort of glad to get rid of it."

Usually a landslide winner, Teague got one of the closest races of his career in the 1976 primary from Ron Godby, who may run again for the sixth district seat



Teague

Poage

next year. Another possible candidate is conservative Texas A & M economics professor Phil Gramm, who was trounced by Lloyd Bentsen in last May's Senate primary.

● Campbell Taggart, the \$700-million-a-year baking firm based in Dallas, was in the news twice in May. First, CT's Rainbo subsidiary in El Paso signed a consent decree served up by the U.S. Justice Department, which earlier had charged Rainbo and two other Texas firms (Mead Foods of Amarillo and Kahn's Bakery of El Paso) with price fixing on bakery items.

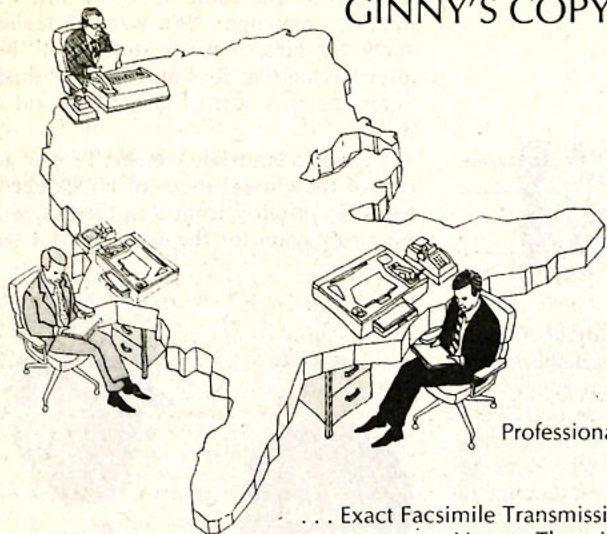
A consent decree is a bit of judicial hocus-pocus that spares everyone the burden of trial—essentially, the corporation under investigation does not have to admit that it has been doing a bad thing (like fixing prices), but it does promise not to do the bad thing in the future, and it usually pays damages for the bad thing it does not admit doing. In this case, CT laid out \$36,667.

Second, the bread giant (which markets its goods under the Colonial, Earth Grains, Hillbilly, Kilpatrick's, Manor, Merico and Rainbo labels) announced that it was going into the restaurant business. It has bought El Chico, the \$40 million-a-year Dallas Mexican food firm that has 86 restaurants and markets a line of canned and frozen products in grocery stores.

The Kickapoo bill

● A bill granting recognition as Texas Indians to the Kickapoo tribe of Eagle Pass (*Obs.*, June 3) won

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passage in last-minute legislative action and was sent to the governor for signing. With their new official identity, the Kickapoo will be eligible for various forms of federal assistance channeled through the Texas Indian Affairs Commission. The same bill (sponsored by Sen. Ron Clower [D-Garland] and Rep. Susan McBee [D-Del Rio]) also stipulates that one seat on the three-member commission be reserved for a native American appointee. All present commissioners are white.

The Torres case

● It will be a hard verdict for Houston's Mexican-American community to accept, but it appears doubtful any Houston police officer will be tried for murder in the May 6 drowning death of Joe Campos Torres.

Coverage of the alleged police murder has filled the pages of Houston's newspapers for six weeks, no small accomplishment in a city where murder is commonplace and 24 police-homicide cases have gone to grand juries in the past three-and-a-half years. The interest shown by the Justice Department, FBI, and criminal lawyer Percy Foreman have given the Torres case the staying power the others lacked.

From the testimony of 20-year-old patrolman Charles Elliott, who first reported Torres' death to police officials, investigators have constructed this narrative of the incident:

Torres was pulled from a Friday-night brawl by officer Terry Denson, who along with four other officers beat the 23-year-old Vietnam veteran while he was still handcuffed. The arresting officers then took the drunken Torres to their precinct station for booking, but a desk sergeant said Torres should first be taken to Ben Taub Hospital for treatment. Denson, 27, left with Torres, but instead of going to the hospital, he met the other officers on Commerce Street, and together they took Torres to a nearby pier on Buffalo Bayou.

Denson said, "Let's see if the wetback can swim," and asked Torres if he could. Torres reportedly said that he was able to swim, so Denson pushed him into the bayou twenty feet below. The five officers beamed their flashlights on Torres to see if he was swimming away. Convinced that he was, they drove off.

Two days later, Torres' body floated to the surface.

Only hours after the body was found, Denson was arrested during a station-house roll call and charged with murder. The four other officers were fired. They appealed their dismissals to the Civil Service Commission, but later dropped their cases.

The sense of outrage was immediate and broadly felt. Many officers, espe-



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cially younger cops, were angered by what they saw as a brutal murder. Mayor Fred Hofheinz, district atty. Carol Vance, and various citizens' groups pleaded for the Justice Department to prosecute the Torres case. Vance even offered his own prosecutors to the government, but the Justice Department has told Vance to take the lead in the case. The FBI, however, is pursuing its own investigation into the possible violation of Torres' civil rights. Foreman, who has been retained by the dead man's family with financial support from various citizens' groups, is expected to file a civil suit against the city for "wrongful death" damages.

Orient ex Tex

When she left on a special two-week tour of China on May 17, Austin Rep. Sarah Weddington took with her the good wishes of the House, a congratulatory resolution praising her for the trip, and an official designation as "Texas envoy" to the People's Republic. Communicado for the length of her trip, Weddington returned to Austin to learn that all those cheers from the House had quickly turned to jeers.

It's not what Representative Weddington had done in China that bothered people, but what she had left undone in Austin. She was absent during the final two weeks of frantic legislative activity, and there were plenty of constituents and colleagues upset that she was not with them fighting to the bitter end. On departure, she said "I either have most of my bills passed or know that the rest aren't going to be passed," a remark that some considered a little too casual. Indeed, Weddington's presidential primary bill (*Obs.*, May 6) made it through the House after she left, but it was effectively talked to death in the Senate by Jack Ogg's (D-Houston) minifilibuster. A number of senators felt Weddington should have been on hand to try to do what she could with Ogg. Similarly, some of her constituents were upset that she was eleven time zones away while a bill to give Travis County certain ordinance-making powers was ripped apart in a House committee. Then there was the vote on HB 900, the bill to exempt church day-care operations from state regulation—at two critical junctures, the measure moved forward in the House by a one-vote margin. Frustrated opponents of HB 900 were not pleased to see Weddington's empty chair, and it was about then that legislators began to ask snippily whether anyone had heard lately from "our Chinese representative."

Looking back, Weddington says she does not regret her trip and does not feel she let anyone down: she says she knew that Ogg was opposed to her primary bill, but that since he is not anyone she

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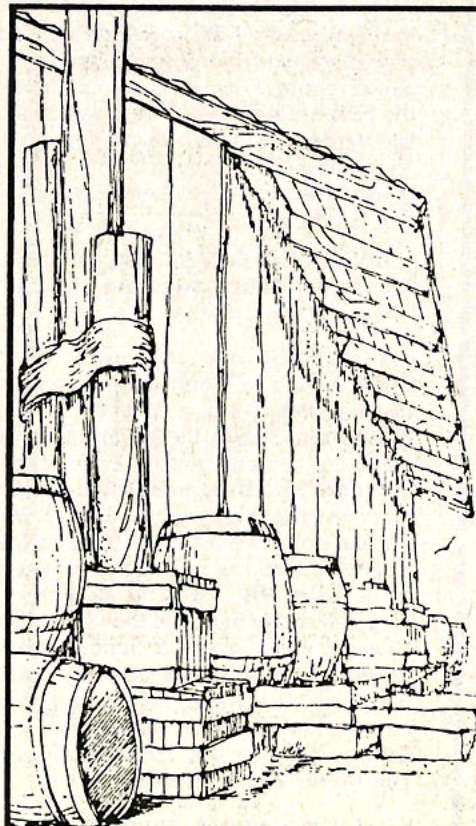
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carries much weight with, there was little she could have done; the Travis County legislation was one of those bills she knew was dead; as for HB 900, there were other liberal legislators (including Austin's Gonzalo Barrientos) who missed the vote from much less a distance than China. All in all, Weddington says, no one has pointed to a single missed vote or debate where she could have made a crucial difference, and if she had it to do over, she would still go to China.

Affirmative reaction

- Officers at San Antonio's National Bank of Commerce know that to do business with the U.S. government, you have to play by the feds' rules. But when the rules suddenly included the implementation of an affirmative action program for the hiring and promotion of women and minorities, well, NBC decided to fight in court rather than cooperate.

Late last month the U.S. Labor Dept. warned NBC that it would have to comply with federal affirmative action guidelines within twenty days or give up millions of dollars in federal deposits. It was the first such warning ever issued by the government to a bank.

Secy. of Labor Ray Marshall claims NBC held more than \$139 million in U.S. money in 1976, but bank president Bob Seal says Marshall is talking about "flow through" cash; NBC's federal deposits probably stood closer to \$2 million on any given day, Seal says. Nevertheless, the bank refused to go along with Labor and earlier this month won a temporary restraining order against Marshall from federal district judge Adrian Spears in San Antonio.

If you live in San Antonio and all this sounds unfamiliar, you have the city's two newspapers to blame.

Tom McGowan, city editor of the *Light*, would say only that his paper's decision not to run a May 28 story on NBC's run-in with the government was made on "a higher level." *Light* managing editor Ken Byrd admitted receiving a relevant NBC press release Friday, May 27, but for reasons of "time and laziness" failed to run it. The next morning, he saw the NBC story in the *Express-News* — neatly buried in the fifth section — and concluded that a Sunday follow-up was essential. But nothing ran on Sunday. Meanwhile, wire service accounts had appeared in other Texas dailies, including *The Houston Post* and *The Dallas Times Herald*.

- Clouding the future of the proposed Tennessee Colony Lake, largest reservoir in the Trinity River development scheme (*Obs.*, May 20), is a dispute between major companies that

own rights to lignite on land in central East Texas that will be flooded if the project is carried out.

Texas Power and Light wants the lake built as planned. The utility company already operates one lignite-fired plant in Freestone County on the west bank of the Trinity, and is part of a consortium that is building another facility directly across the river in Henderson County. TP&L wants to exploit its mineral rights and strip for lignite on the Henderson County site as soon as possible. The lake, if built, would cover stripmining scars on some of the land, and save the company a considerable reclamation bill. All TP&L asks is that levees be built to keep water out of the mine sites until they're stripped.

A little south of the TP&L leases, both Dow Chemical and North American Coal Co. own lignite rights which they consider long-term investments. They have no immediate plans to mine and so want to stall lake construction indefinitely.

This conflict apparently was behind remarks by Col. John Wall, district engineer from the Army Corps of Engineers' Fort Worth office. He told a May 31 meeting in Liberty, sponsored by the Trinity River Public Involvement Program, that the Corps "is making a re-evaluation of the Tennessee Colony site because of lignite deposits in the area."

John Henry's advice

- *The Texas Observer* traveled to the nation's capital May 26 for a benefit bash to raise money for its expansionist schemes, taking along 70 dozen Rosita's tamales, 20 cases of Pearl beer and one John Henry Faulk. Fourteen nationally prominent journalists and writers sponsored the event, which drew more than 400 folks. Among those on hand were Texas Reps. Jim Mattox and Bob Krueger, Iowa Senator Dick Clark and the *real* Don Yarborough. It was an all-around good time, sweetened considerably by a net of \$7,000—about twice what was expected. John Henry suggested the *Observer* get out of journalism and into the party-giving business. For each of our Washington subscribers and good friends who worked so hard to produce this success, Dolph Briscoe has agreed to let loose 30,000 cubic feet of natural gas. The governor feels certain the special session of the Legislature will okay a pipeline for house-to-house delivery. □

This issue's political intelligence was written with the help of Wade Roberts, John Spragens, Laura Richardson, Dick Reavis, Ray Reece, Jo Clifton, Don Gardner and Paul Sweeney. —Eds.

Crime bills

Nothing new in an old war

By Warren Burnett

Odessa

If you bet in January that the Texas Legislature would do next to nothing to slow the crime rate, you win. And should you feel that the state's political leadership has largely ignored the evidence of history and social science when it comes to crime control, you might be on to something.

The 65th Legislature consecrated Texans to the notion that crime problems are best solved by heavier application of failed approaches.

We lead the nation in percentage of population behind bars, and this year we took particular legislative pains to see that Texas stays number one, defaulting, meanwhile, on the chance to do those things criminologists say we must to reduce crime.

Professionals who study crime and criminals are close to agreement that the likelihood of arrest and swiftness of

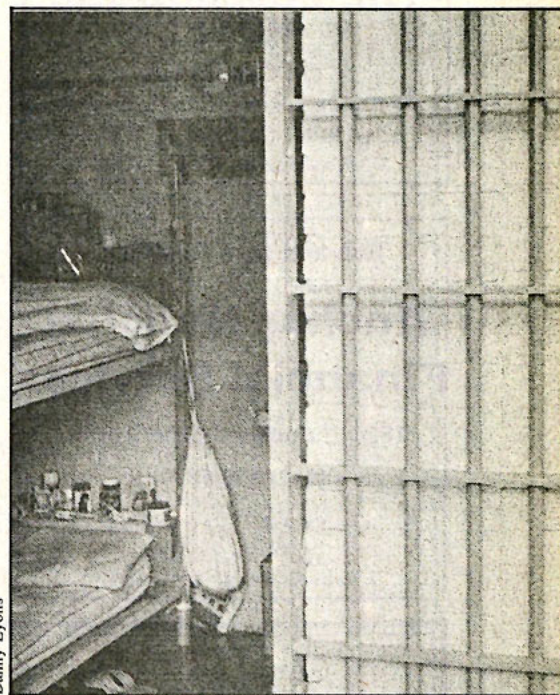
us to expect, Governor Briscoe began more than a year ago to make war on the lawless. A select committee of House members—appointed by Speaker Clayton—traveled about the state, for the most part talking with crime victims and law enforcement people.

The committee's unsurprising findings told of crime on the rise and of people wanting something done about it.

'Hard time'

Popular feeling was tailored for an incumbent governor with a will to succeed himself. What headline writers were later to call the "Briscoe anticrime package" became the governor's legislative priority.

The core of the governor's law packet was a bill that increases "hard time" in prison and burdens convicts who have served their sentences with new, post-prison obligations. Sponsored in the Senate by Bill Meier of Euless and in the House by Tom Uher of Bay City, it tells



Danny Lyons

Crime in America is long past the problem stage. To reduce the risk of becoming victims of crime, more than one-half of America's elderly have changed their ways of life.

punishment—not severity of penalty—should be our weapons of choice in the crime battle. And penologists across the country are beginning to say that more than half of the prison population "doesn't belong there" and could be safely returned to free society.

Unsurprising findings

Crime in America is long past the problem stage; it is in all senses an emergency. We momentarily distract ourselves by noting that Houston's per capita murder rate is more than three times that of Northern Ireland, but we must live with the grisly fact that more than one-half of America's elderly have felt obliged to limit or change their ways of life to reduce the risk of becoming victims of crime.

Here is our response to the emergency.

Showing the boldness he has schooled

Texas judges that they may no longer sentence a defendant to probation—regardless of mitigating circumstances—when the conviction is for the aggravated level of rape, robbery, kidnapping and sexual abuse, or for many lesser felonies when it is found that the defendant used or displayed a deadly weapon while in the commission of his crime or in immediate flight from it. In all these cases, however, *juries* are still permitted to assess probation. Where have the judges gone wrong? one asks.

The bill makes certain that many convicts spend more time in the penitentiary by requiring that a longer term be served before parole may be considered by the Parole Board. Again, it is as though we are saying that the performance of the Board of Pardons and Paroles—members are appointed and supervised by the governor—contributes significantly to the crime problem.

The bill goes on to arrange for "mandatory supervision," a new conditional release scheme that greatly increases the time that former inmates must live as their parole boards wish. The old system, by more or less speeding up the calendar, had allowed prisoners to serve a full sentence in a fraction of its time. It was a pretty good deal: actual days served were added to "good time"—extra days lopped off the term, sort of a three-for-the-price-of-one arrangement—to total time served. That meant that a man sentenced to ten years could, at the end of six, walk out of prison and never look back.

Investigative tools

Now, the same inmate will be released at the end of six years, but won't be quit of the authorities. He'll have to report to his parole board for four more years—to the end of his full ten-year term.

Briscoe proposed three investigative tools for police. Most controversial was his bill to legalize wiretapping by lawmen. He did not get it, and did not fight for it, seeing early in the session that it was out of reach.

The courtroom use of oral confessions was approved, with the limitation that

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statements be electronically recorded and used only to impeach testifying defendants. Search warrant authority was stretched so that warrants may now be issued for suspected items of evidence, and not just for the fruits of a crime as in the case at present.

Lawyers and lawmen generally agree that neither oral confessions nor broadened warrant authority will prove of consequence in any effort to raise arrest and conviction rates. Few, indeed, who stand ready to confess for the Sony would balk at signing a statement to the same effect, and who can remember when a Texas magistrate turned down a police application for a search warrant of any kind?

With wiretapping gone, what survived of the governor's claimed move against organized crime is no more than a penalty increase under existing conspiracy

Few can claim that watered-down bail rights will bear on the causes of crime.

statutes. This should pose no new threat to criminals, organized or anarchic.

The right to bail, both before trial and during the appeal process, will be restricted. Today, one convicted and sentenced to fifteen years or less is entitled to bail as a matter of right. Under the new law, bail during appeal will be for the judge to decide, and we will vote on a constitutional amendment which permits denial of bail before trial when a defendant free on bail is accused of another felony, or when a deadly weapon was used in the crime of the first instance.

An argument of some plausibility can be made for the proposition that the denial of bail to those suspected of crime reduces lawlessness. But many are uneasy about diluting the presumption of innocence, and few can claim that watered-down bail rights will have any effect on the causes of crime.

Twenty million dollars

Beyond the measures he enthusiastically supported, the governor will have to ponder signing a few bills that came to life independent of his planning. Most important might be one mandating a uniform, statewide probation system. Twenty million dollars (about a third of what backers said was needed) has been set aside to start the program. It can only add to the effectiveness of a program already working quite well, but under a handicap of ill-conceived administration. The bill improves things by setting up a nine-member commission composed of judges and citizens assigned the job of overseeing a statewide probation opera-

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tion and enforcing uniform competency requirements for probation officers.

Losers to the Sooners

A speedy trial act was passed, one generally obligating the state to be ready to try a felony case within 120 days of arrest and the more serious misdemeanors within 90 days of arrest. A campaign has been started to stay the governor's fountain pen. Defense lawyers and prosecutors have found common ground in fighting the bill, and some judges who say the court system is too weak for the added strain wish them well. The bill would take effect July 1, 1978. To be sure, it would help blunt the problems of crime, but it would require us to spend much more money for courts and more people to run them. We aren't likely to do that; however, our lawmakers have authorized the employment of 432 new penitentiary guards.

Finally, we lost a race to Oklahoma. We were two days behind the Sooners in getting to our governor a bill doing away with electrocution and substituting "intravenous injection of a lethal sub-

stance" as the killing means in capital cases. The tardiness cost Governor Briscoe sixty seconds of mention on the Cronkite news. The time went, instead, to Oklahoma's Governor Boren.

Interestingly, the bill—already signed—leaves wide discretion with the director of the Texas Dept. of Corrections when he selects the deadly compound. Director Estelle, who has been described as "looking into the entire matter," has had little to say about his chemical choices.

Since the notion behind the bill is to make state execution a little less offensive to us concerned citizens, one hopes that Estelle does not rule out putting a tincture of the psychedelic in the admixture ultimately chosen. How comforting to know that the needle's victim might have lived a lifetime or two while his blood stopped moving, and that death was made to look for him in a place where E is seldom close to equalling mc². □

Contributing editor Warren Burnett practices law in Odessa.

Adjourned . . . from page 2 conservative agenda. It didn't have to be like that. Instead of debating whether to give highway contractors \$600 or \$800 million, legislators could have recast the debate around a state transportation plan that included highways, railroads, air service or, for that matter, hot-air balloons.

Billy Clayton is not the only one allowed to present a legislative program. Sure, he controls the committees—he stacked them this session to serve his own needs—but it is not as though progressives were without support or power. There were at least a feisty fifty or so in the House who generally could be counted on to keep their fingers in the dike and pull together an occasional majority for a people's issue. Similarly, in the Senate, Lloyd Doggett, Bill Patman, Babe Schwartz and Carlos Truan stood foursquare, rallying enough support in committees and on the floor to beat back swarms of bad bills and keep the session from turning into a rout.

Organization and homework

The point is this: there is no ideological majority in the Legislature, and it makes no sense to think of legislation in strict liberal-conservative terms. Like most of us, lawmakers are pragmatic and display both liberal and conservative tendencies. With as many solid progressives in the House this year as rock-ribbed conservatives, the swing vote was held by about fifty moderates. A well-developed progressive program could

have been as attractive to them as the leadership's special-interest package.

A successful session would have taken some organization and lots of homework long in advance of opening day. This cannot be thought of as a job for legislators alone. All Texas progressives would have had to involve themselves in shaping and pushing a good program. As things turned out, we were left to look on as progressive legislators scrambled to and fro, and to joke about the mindlessness of it all at adjournment.

Maybe a vision

The effect of the progressives' disorganization in the Legislature is worsened by the constitutional time limit on law-making. Texas is the third most populous state, with complex issues and powerful economic forces contending for its future, yet we restrict the House and Senate to an artificial, 140-day work period more conducive to scavenger hunting than legislating ("Here's your list of bills. Bring home all you can in 140 days!"). It's silly, and it produces silliness.

We ought to fight for annual sessions of at least six months' duration, and it's time we paid legislators grown-up wages, even though many of the 1977 crop acted as if they just rode into town on a turnip truck.


These two structural changes add up to no panacea, but their adoption would help reduce the frantic nature of biennial government and allow progressive members to devote full time and attention to the development of a program—and maybe even a vision—for Texas.

J.H.

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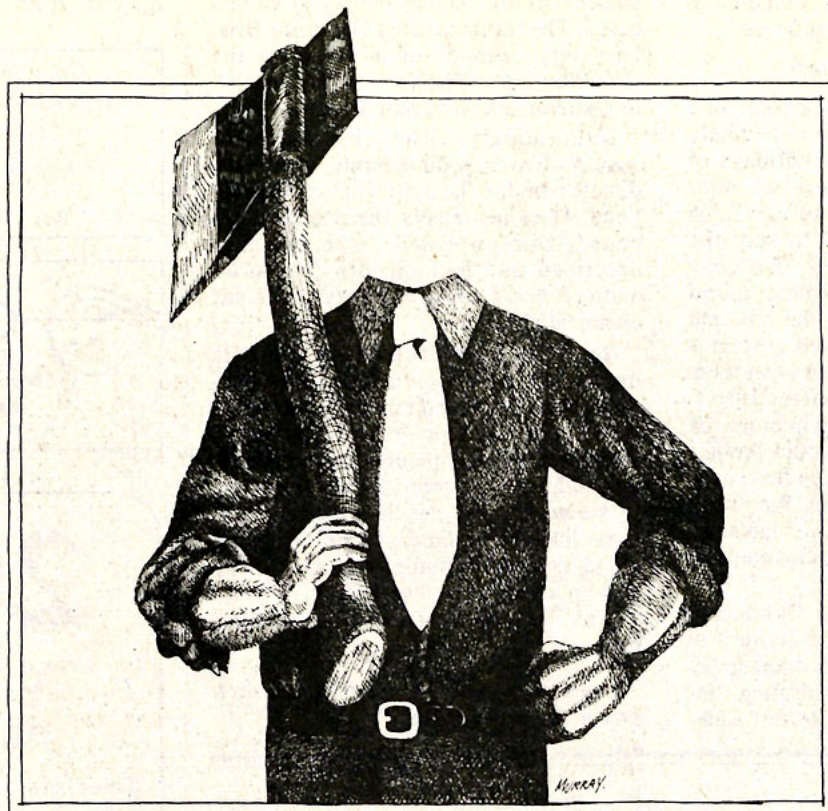
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"Some budget slashers are missing the point."

"Budget cutting in state and local governments is politically popular. Unfortunately, it's not always financially smart.

Take New York for example. Without much thought, the state proposed to shut down 135 day care centers, serving 7,500 working families, in hopes of saving \$20 million.

In fact, this 'saving' would have created \$18.8 million in *spending* by other government agencies, both state and federal.

A Columbia School of Public Health study calculated that for every dollar cut from day care spending, 94 cents would have to be spent on increased welfare, Medicaid, foster care and hospital payments.

And you can't begin to put a price on the loss of human dignity working people suffer when lack of day care forces them to join welfare and unemployment lines.

Careless budget cutting isn't limited to New York, however. The state of Massachusetts recently decided to save \$6 million by cutting payments to welfare patients in state hospitals.

But someone had to pay the hospital bills. So taxpayers in a number of cities including Boston — where property taxes are the highest in the nation — had to pay for the 'savings' claimed by the state.

As the union representing state and local government workers, we see these kinds of blind budget decisions being made every day.

We know legitimate budget cuts are hard enough to live with. But false cuts are intolerable."

"The business of government is people."

—Jerry Wurf, President



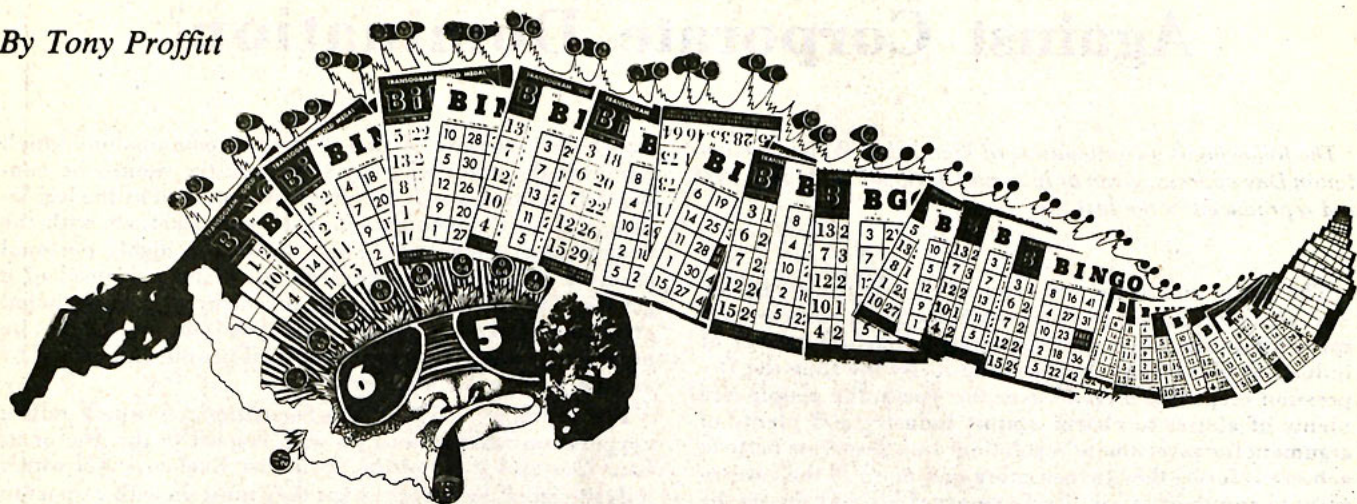
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Bingo was his name, sir . . .

By Tony Proffitt



Austin

There is almost a sense of relief in reporting that it will still be unlawful for the Legislature to sanction gambling, specifically bingo.

Before the Legislature adjourned, it appeared that lawmakers were going to let the voters amend the venerable Texas constitution to allow churches, charitable organizations, and maybe even American Legion posts to conduct legal bingo games and raffles.

But House members couldn't muster the hundred votes necessary to put a constitutional amendment on the November, 1978, general election ballot, and Sen. Frank Lombardino's senate joint resolution (SJR 2) was killed a mere fifty hours or so before everybody went home. The hopes of bingo players died with the resolution.

Menace of government

Proponents said current laws made criminals of nuns, priests and assorted do-gooders who were just trying to raise a little cash on bingo to help the downtrodden.

Opponents of the resolution called bingo a social evil: gambling is gambling; it's a perversion. Legal bingo, they argued, would signal the Mafia that Texas was ripe for organized crime in the form of mob-controlled raffles and the like.

Lombardino's legislation failed because of the menace of organized crime.

No one mentioned the menace of organized government.

Had the amendment been put on the ballot and approved, it would have given future legislators the opportunity to add layers of additional personnel, procedures and organizational units to state government. It would have meant, among other things, a new bureaucratic state agency to regulate bingo.

A new Bureau of Bingo (BOB) would

have given the governor at least three new high-paying jobs for friends who'd be appointed to the agency's policymaking Bingo Board. Sooner or later BOB would have needed a State Bingo Building and probably an adjacent parking garage to handle a swelling work force.

In the meantime, BOB's Uniform Licensing Office for Standards and Enforcement (U LOSE) would have had to set up rules and regulations for legal bingo—the government couldn't let the game be played in its current casual and haphazard fashion.

The first administrative fight at BOB would have been over card size standards, with battlelines drawn between bingo game operators favoring small cards to give bingo buffs multiple plays in the smallest possible seating area, and senior citizens pushing for large cards with easy-to-read numbers.

It's possible that we would have seen the Texas Farm Bureau and Exxon square off on the issue of counters. Agricultural interests and environmentalists could have been expected to support natural counters (beans, corn, cotton, wheat and rocks) to cover numbers. The big chemical companies, of course, would have plumped for synthetic counters—plastic and rubber products. The chambers of commerce probably would have sided with Exxon in hopes that a new bingo counter industry in Texas cities would ease economic woes.

Hygiene standards

Early on, the state would have wanted to license bingo callers. A test to weed out the mumble-mouths and establish decibel levels would have been devised. It probably wouldn't have been as tough as the Bar exam, but at least a notch above the one for aspiring morticians.

Health and hygiene standards for

bingo parlors would also have had to be enacted. Some think a "free substitution" rule would have gone on the books early as a consumer measure for players who might be in the bathroom during a call.

Faced with such complicated issues as late-night playing permits (similar to late-night drinking permits for bars), curfew and "last call" rules, and minimum ages for juveniles, the Bureau of Bingo could have become as large as the Texas Education Agency or the Department of Public Safety.

The bingo lobby

Hundreds of inspectors would have been needed to spot-check bingo parlors and protect against fraud. Clerks, secretaries and technicians would have joined the state payroll to handle the mountains of paperwork legalized bingo would create.

It's remotely possible that the University of Texas law school would have dropped oil and gas law courses in favor of classes in bingo law.

A powerful bingo lobby would have developed, lurking in the darker shadows of the Capitol each legislative session to press for "favorable" bingo legislation.

And, sooner or later, the Great Texas Bingo Scandal would have taken its place in the state's political history alongside the Sharpstown bank, the veteran's land, and the slant-hole oil scandals.

With reform in the wind, some future legislature would have banned bingo.

This nightmare will never happen. The 65th Legislature has slain the bingo dragon. □

Tony Proffitt is a freelance writer living in Austin.

'The Cause of the People Against Corporate Domination'

The following is a continuation of Wendell L. Willkie's Foundation Day address, given at Indiana University on May 4, 1938, and reproduced in the last two issues.

The moral and economic dislocation thus caused by the war must be regarded as a primary cause for the extravagant speculation, the abuse of industrial power, the neglect of industrial trusteeship that followed it. By the time the Depression crept like a cloud over the world, the people had plenty of abuses to charge against industry and plenty of argument for government regulation. In a desperate haste to achieve reforms they turned more and more to the government to run their affairs. In Germany, Italy and Russia the power given to the government is today complete. In England, France, Canada and the United States the people still retain the ultimate power, but have encouraged the government to assume more and more responsibility for their jobs, their health, their old age, their security.

The cause of liberalism today, therefore, has changed. In the prewar years we fought against domination of the people by Big Business. We now face the domination of the people by Big Government. I am not speaking of the United States alone, but of the trend which is apparent throughout the world. The liberal who fought against one kind of domination thirty-five years ago should find himself fighting against this new kind of domination today.

The liberal will, of course, be sympathetic with the principles of much of the social legislation of recent years, but the liberal will also be on his guard lest this trend go too far and suppress the individualism and initiative which are the basic factors in the continuing advance of any civilization.

Remember that almost every time you have a necessarily complex law regulating an industry nowadays, you must set up a commission to administer it. We started with the Interstate Commerce Commission in 1887 and gave it new powers under Theodore Roosevelt in 1906. Then we had the Federal Trade Commission and the Federal Power Commission under Woodrow Wilson, and expanded the Federal Power Commission under Hoover. Since then, we have rapidly added others: the Securities and Exchange Commission, which controls security issues and security markets; the Federal Communications Commission with control over broadcasting, telephoning and telegraphing; the National Labor Relations Board, which controls the labor relations of industry; the Bituminous Coal Commission, which can set both prices and wages in the bituminous coal industry; the Agricultural Adjustment Administration to carry out the changing provisions of the agricultural acts; and dozens of others.

No believer in true democracy can view this trend toward a commission form of government without alarm. As the government has extended its control over industry, it has

transferred exercise of that control to commissions which establish the rules whereby that industry should be conducted. In other words, the rules are not fixed by the legislature, but by the commission: they may fluctuate with the commission's personnel. Thus we have a highly personal form of government—a government of men, instead of a government of laws—in which the favor of a commission chairman determines the conduct of an industry that may be employing several hundred thousand people and owned by several million stockholders.

For example, it is not the Securities Act which tells a corporation what it must do with respect to the sale of its securities and it is not the Securities Exchange Act which tells the Stock Exchanges what they must do with respect to the securities traded in their markets. In both instances, one must look, not to the law, but to the commission to find out what the requirements are. And it is not the Wagner Act which can guide a corporation in forming its industrial relations program. It is the National Labor Relations Board. No broadcasting station can read the law governing broadcasting and find out what rules it must observe. It has to consult with the Federal Communications Commission.

So numerous are the departments, bureaus and commissions of all kinds now dominating the life of America that a year or so ago the United States government began issuing an annual special directory for the guidance of the public. It names and describes eighty-two such departments and agencies, affecting almost every factor of the nation's life. We have more than one million federal officeholders—not including any state officeholders—and at the last count they were increasing at the rate of one hundred an hour. The salary list of the federal government now amounts to billions of dollars a year.

In number of employees, in salary payments, in annual budget, in scope of activities, here is the greatest corporation in the world. This corporation has what you might call a regular operating budget of about \$3.3 billion, but it has a special budget of perhaps \$4 billion a year for public works, for unemployment relief, for agriculture.

The existence of Big Government on such a scale represents as much of a test of the true liberalism as did Big Business twenty-five years ago. The true liberal is as much opposed to excessive concentration of power in the hands of government as to excessive concentration of power in the hands of business. In other words, he maintains his freedom against all comers.

For example, in the period before the war, certain industries in the East grew fat on high tariffs. The liberal was opposed to these high tariffs because they were little more than subsidies given to a favored few. Likewise, today the liberal is opposed to subsidies given by the government to its own agencies for the purpose of competing with the people's business.

To be continued in the next issue.

 Bernard Rapoport, President P.O. Box 208, Waco, Texas 76703
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An appreciation

Stuart Long: 1913-1977

By Ben Sargent

Stuart Long may not have saved the 65th Legislature from itself, but it's nice to think he might have made a difference had he lived to cover the calamitous proceedings this spring. The session just passed would have been the sixteenth running for Long and his estimable news service.

—Eds.

Austin

When Stuart Long died last February, the conservative *Austin Citizen* claimed in an obituary that Long was, at the end, not a liberal but a "moderate conservative."

Said the *Citizen*:

"With wife Emma, the first woman to be elected to the Austin city council in the 1950s, Long advocated what were then considered 'ultra-liberal' causes—labor rights, fair housing, elimination of the poll tax, equal rights for minorities.

"By today's standards, Long could be considered moderate-conservative, but years ago his and Mrs. Long's politics were considered almost radical."

The *Citizen's* implication that the recent respectability of those causes had changed Long from a "radical" to a "moderate conservative" is, said Emma Long, "just a bunch of bull."

It is bull, but it's also a tribute to Stuart Long's integrity and spirit that the "moderate conservatives" finally wanted to claim the veteran reporter as one of their own.

They didn't always want to. "Moderate conservatives" often ran afoul of Stuart Long's indignation in his forty years of covering the Capitol.

"It wasn't Stuart that changed," notes Emma Long. "The times did—what we worked for and believed in just came to be accepted."

'Didn't feel courageous'

Some of those things were pretty radical when Stuart Long first championed them. Things like racial equality. And sunshine in government—open records, open meetings. And conservation of resources—the oil and gas industry sought to have Long removed from the School Land Board because he always insisted on fair prices for mineral leases. And protection of the environment—Long's *Texas Pollution Report* and

Texas Water Report began intensive coverage of the field years before environmentalism was *de rigeur*.

"We didn't feel so courageous," Emma Long says. "We were just dedicated."

In one of his confrontations with the powers-that-were—his 1950 banishment from KVET-radio's microphone for his outspoken commentaries—Long told the papers that he fought for "principles above all else."

The core of the man, the thing that commanded the fear and rage of his political targets, the love of his friends, and the awe of young reporters, was this lifelong fight.

There was no naivete in him. In the gritty, vile world of Texas politics, Long was one of the savviest observers. He knew where all the bodies were hidden and how the system worked. His knowledge was encyclopedic.

But in a world where fighting for principles is little more than a tired slogan,

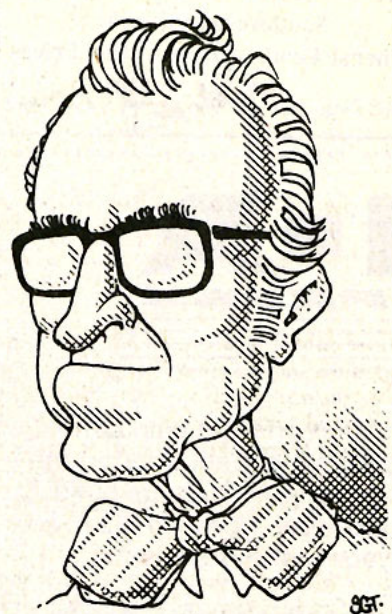
In the gritty, vile world of Texas politics, Long was one of the savviest observers. He knew where all the bodies were hidden and how the system worked.

Long really believed in the possibility of justice. He dedicated his life to its realization.

Recalls Mary Jane Bode, second in command at Long News Service for a dozen years, "Stuart taught me and others near him to honor, beg for, fight for and defend the truth."

He fought for principles, all right, and had an impressive string of wounded and howling politicians to show for his efforts.

Gov. Coke Stevenson denounced Long to a gathering of journalists. A stung legislator accused him in a speech of lying and "letting his editorial filth slop into the news columns." Lt. Gov. Ben Barnes tried to deny Long and his staff Senate press credentials. A state senator (Long had called him an "imbecile") tried to buy favorable coverage by



stuffing a five-dollar bill into Long's shirt pocket.

Long's clashes with officialdom began early. As a 23-year-old newspaperman, he had hardly begun publishing a weekly in Kermit when he learned that the mayor was mingling public funds with his private bank account. The mayor's son threatened to "beat the hell" out of Long and "do it every Friday" until a retraction was printed. Long got a broken nose, but the mayor didn't get a retraction.

Thirty years later, the clashes were still frequent. Paducah Rep. Bill Heatly, for years poobah of the House appropriations committee, was burned frequently by the sunlight that the Long News Service cast on him. He responded not with his fists but with an elevator shaft, inserted into an appropriations bill and built squarely through the middle of Long's Capitol office. The elevator scared Long about as much as had the Kermit tough.

Said Long, "If nobody's mad at us, we're not doing our job."

A steel core

He was an unlikely looking champion—a rail-thin wraith of a man with a deep, soft drawl and a piercing gaze above one of the huge loud bow ties that Emma Long made by the dozen. Austin writer Brenda Bell, one of the many novices Long trained, remembers him as a "lanky gray spectre . . . bow tie slightly askew, bending over me like a long nail."

His opponents, however, discovered that the "lanky gray spectre" had a steel core—once Long smelled a story, he hung on until he had the facts, and damn the consequences.

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"He really loved a news story," recalls Bode, "broad, big, small or merely anecdotal.

"You literally could see the adrenalin charge as he set the phone receiver back on the hook and loaded newsprint into the antique electric IBM upon which he produced a daily flow of hard stories, scoops, features, political columns, series on education, aerospace, fusion, fission, securities scandals, land scandals, insurance scandals, Sharpstown."

Occasionally his work was dangerous. In the early sixties, Long and Jimmy Banks of the *Dallas News* and Bo Byers of the *Houston Chronicle* uncovered a snake's nest of bribery involving state officials. After three months of digging, the reporters turned their findings over to the Travis County grand jury.

New blood

But neither news story nor indictment ever resulted—the key witness was killed after talking to the reporters. After that, said Long, "we simply couldn't prove our suspicions."

Long himself "always had good leads and good sources," says Bode, but he thought that a citizen shouldn't need leads and sources to find out what his government was up to. In the early sixties, Long began pressing for laws guaranteeing open meetings and open records, an effort that would bear fruit a decade later.

"Stuart had more to do with open meetings and freedom of the press than anyone I know of," says Mrs. Long. "When he couldn't do a lot himself, he'd call his subscribing editors and get them to call their legislators."

He contributed to Texas journalism not only new laws, but new blood—the Long News Service staff for thirty years included an unnumbered parade of beginning reporters whom, says Bode, Long "hired, coached, cajoled, threatened, overworked and overcodded" into professionals.

Meteorological disaster

Brenda Bell: "In the few months I worked for Long News Service, I found I could learn a lot but shouldn't expect any favors. Novices were treated in sink-or-swim fashion." The hectic pace and continual uproar of LNS' daily routine, Bell adds, "made me wonder how many years it would take before I became a real reporter."

Long News Service traditionally takes on twice as much work as it has staff and pours out copy from a tiny Capitol pressroom that looks like a normal city room might look after some meteorological disaster.

Long worked like mad for twenty or so client newspapers, publishing seven special reports each week (water, insur-

June 19 / Sun. / Austin: American Friends Service Committee presents "Chile Lives," a documentary film on the military overthrow of the Allende government. Discussion follows. Friends Meeting House, 3014 Washington Square. Information: Julie Howell (512) 474-2399.

June 22 / Wed. / Austin: Interested persons meet to form a local chapter of Amnesty International. An AI field organizer will be on hand. First task: a letter-writing campaign to free political prisoners. 7:30 p.m. at Parish Hall, All Saints Episcopal Church, 209 W. 27th St. Information: John Hollrah (512) 476-1341.

June 23 / Thurs. / Houston: Atty. Gen. John Hill addresses the Press Club of Houston Forum. Open to the public; \$10 admission. Noon, grand ballroom, Whitehall Hotel. Reservations: (713) 659-4309.

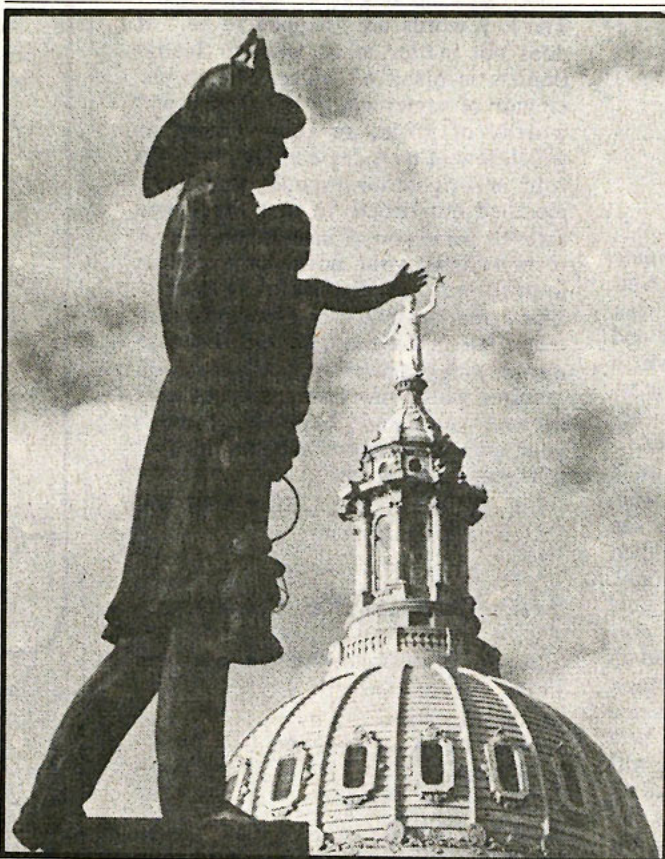
June 24-26 / Fri.-Sat. / Austin: Texas Committee on International Women's Year meets to discuss, formulate resolutions on feminist-related issues. Public invited; registration is \$5. Thompson Conference Center, University of Texas campus. Information: Barbara Langham (512) 476-9098.

June 27 / Mon. / Austin: A. Philip Randolph Institute meets every fourth Monday of the month. Topics: voter education,

Near Future

By John Gjedde

This calendar of political and related events is an information service for Observer readers. Please mail or phone in items to the Observer office at least three weeks before the scheduled event.



self-help for minorities, the poor and uneducated. Open to the public. 7 p.m., AFL-CIO Building, 1106 Lavaca. Information: (512) 476-6731.

July 4 / Mon. / Dallas: Democratic party "Funfest" has food, potables, raffles and fireworks. Democratic clubs and organizations provide booths for fundraising, information. Raffle ticket is included in the \$1 admission; children under 12 free. Afternoon and evening at the Woman's Pavilion, Texas state fairgrounds.

July 4 / Mon. / Presidio: Members of the Texas Committee on Natural Resources and other concerned environmental groups embark on an inspection tour of the upstream Rio Grande and discuss ways to prevent its proposed clearing and channelization. Information: (214) 368-5976.

July 4 / Mon. / Houston: Party and elected officials are among celebrants at the Harris County Democratic party "Funfest." Admission (\$1) includes a raffle ticket. No charge for children under 12. From 3 to 8 p.m. at the Bavarian Gardens, 3926 Feagan.

July 12 / Tues. / Dallas: State board meeting of the Texas Coalition for Juvenile Justice. For TCJJ members. 10 a.m.-3:30 p.m. at the YMCA, 3012 Maple Ave. Membership information for individuals and organizations: Pat Cumberland, Rt. 1, Box 122-C, Atascosa, Texas 78002. □

ance, pollution) and supplying various national publications with stringer copy. Long, says Bode, was not satisfied with "sending just a single story" to all his papers, "but working just as though we were employed fulltime for each and every one of them.

"We were batting out those specialized reports and oil-and-gas notes as though we created technical news and political gossip from somewhere in between our kidneys and our fingertips."

Through this daily chaos, Long moved like a serene ghost, routinely putting in ten or twelve hours a day and stretching it to sixteen during legislative sessions.

Recycled paper clips

Long's hard work was matched only by his thrift. IBM once told him his battered typewriter was the oldest electric still in use, and the hired hands were assigned manuals even hoarier. If you moved Stuart's desk away from the wall, you could see "Army Air Corps" stenciled on the back. He insisted that reporters use both sides of every sheet in a

notepad, and it is said that Long recycled the same box of paper clips for thirty years.

Long was born in Portales, on the High Plains of eastern New Mexico, the son of a school teacher and a druggist. J. Frank Dobie once insisted that Long, in spite of his origins, had "one of the world's only true Texas accents."

Complex, unlimited man

After graduating from the University of Texas, Long started his Capitol career in 1935 with an interview with Gov. Jimmy Allred. He worked for two Austin papers and the old International News Service before he and his new wife, the former Emma Jackson, headed for the West Texas oil boom, where they published weeklies in Kermit, Wink and Grandfalls. World War II took him into the Marines.

After the war and a New York stint at the short-lived daily *P.M.*, Rep. Lyndon Johnson, whom Long had met in the thirties when Johnson was Texas chief of the National Youth Administration, hired

him at the family radio station in Austin. A year later, Long and partner John McCully started Long News Service.

In 1975, Long's hard work, long hours, and lousy habits caught up with him. The doctors diagnosed the clutching pain in his chest as lung cancer, and this February it finished him.

The last time I saw Stuart he lay in a hospital bed; a nerve had just been severed to ease the pain. But he didn't talk about that—he was elated that a Democratic president was returning to the White House, and the firehorse in him was chafing to cover the new legislative session. But he never returned to the Capitol.

"We never presumed to know the limits of this complex man," says Bode. "He probably was limited only by the time available to him." □

Ben Sargent is the principal editorial cartoonist for The Austin American-Statesman and a former LNS staffer.

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Dialogue

Myopic Observer

In your May 20 issue, you insinuate that we did not run a photograph of Nettie Daniels on our cover because she was black. This insinuation is insulting and totally false. Here are the facts, which your writer chose to ignore when he heard them and which he failed to acknowledge when he put pen to paper.

For our May issue, we decided to use a photograph of everybody's typical Mom proffering a piece of apple pie, under the headline "Mom, we love you." We then found an appropriately typical model, equipped her with the equally typical slice of apple pie (which we made ourselves and which unfortunately ended up looking like smoked oyster pie), and took the cover photograph. All this happened before our research led us to the best apple pie and Nettie Daniels. There was never any intention to use on the cover whomever we happened to find as the cook of that pie. The woman on the cover is clearly intended to be exactly what your writer described, "Everyone's Rural Granny." That's why the large cover headline reads "Mom, we love you." The headline type says "Mom," the photograph is meant to be "Mom." It is not meant to be Prudence Mackintosh, Larry McMurtry, Famous Texans' Moms, all of whom are listed—along with the best apple pie—in the subheadline describing the various stories around the "Mom" theme. This smaller headline was written a good month after the cover concept was decided and two weeks after the cover was shot. If there is any ambiguity, which I doubt, it was purely unintentional.

Finally, we planned from the beginning to use a closeup of the best apple pie along with a photograph of its creator in a four-page spread. When we had to cut from four pages to two, we had room only for the two-page photograph of the pie itself. This happens every month when we have to adjust our plans to how many pages we actually have.

A color photograph of Harvey Martin and his mother, who happen to be black, and three poor families, who also happen

to be black, do appear in the same issue. The key words are "happen to be." It does not matter to us whether Nettie Daniels is black or white. She is the creator of something of excellence and worthy of pride, an achievement to which few of us today can lay claim. In your self-righteous myopia you have muddled our tribute to that excellence with the same sort of insinuation and irresponsibility your normally excellent journal finds so distasteful in others. This irresponsibility is especially reprehensible in this case, not only because tarring with the indelible brush of racism requires particular prudence, but also because you should have had, through your own experience, a better idea of how magazines work.

Bill Broyles, editor, *Texas Monthly*, P.O. Box 1569, Austin.

The Van Slyke case

A copy of the following letter was sent to the *Observer*:

Mr. Davis Grant
General Counsel, State Bar
of Texas
Austin, Texas 78711

Dear Mr. Grant,

After reading "Onward and Upward with the State Bar" by Steve Russell (*Obs.*, June 3), I urge you to move the State Bar to dispense with its appeal of the Glen Van Slyke case. Speaking as a former law school classmate of Van Slyke and as a Vietnam War veteran, I fail to understand the importance of prohibiting this able young man from practicing law in this state.

This brief letter does not address itself to the cases supporting the positions of the adversaries in the case. Nor does this letter address itself to the question of whether or not the State Bar is in court without authorization from its own board of directors. Rather, and simply stated, the Board of Law Examiners, after a lengthy administrative hearing, unanimously concluded that Van Slyke "possesses present good moral character and fitness" and was thus eligible for the bar examination. This certification by the Board is sufficient evidence to convince me that this one-time antiwar student should be allowed to take the examination.

Michael J. Donahue, 1211 Hyde Park, Houston.

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