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Interview with

Ben Bynum

July 3, 1973

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Oral History Collection

Ben Bynum

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Amarillo, Texas

Date: July 3, 1973

Dr. Marcello: This is Ron Marcello interviewing Representative Ben Bynum for the North Texas State University Oral History Collection. The interview is taking place on July 3, 1973, in Amarillo, Texas. I'm interviewing Representative Bynum in order to get his reminiscences and experiences and impressions while he was a member of the regular session of the Sixty-third Texas Legislature. To begin this interview, I'm going to ask you a couple general questions on the Legislature before we get into any specific legislation. How did the presence of seventy-six new members in the Legislature--in the House--affect House business? What effect did this have on House business?

Representative
Bynum:

Well, I think, Ron, that the effect was not as great, probably, as a lot of people thought it was going to be before the session started. Everyone was very concerned and worried about what affect the many new

faces that were elected on a reform sort of ticket would have. In practice and in fact, I suspect that there has never been such a competent freshman class. We had some outstanding members in the freshman class this time. They worked in very well. They were ready and eager to learn. But the effect generally was, I think, that we had a lot of extended debate on very minor, technical sort of things. Many of the freshmen would become really uptight about insignificant things, although they seemed very important to them at the time. Politically, it created some problems. For example, with so many people in the Legislature for the first time, they had a tendency to worry about some issue or some vote coming back at home to jump at them. I think those who have been in the Legislature for a while know that those votes you worry about, your major issue votes, are the ones you seldom hear about. It's passing some trailer brake bill that comes back to bite you in an election. But the freshmen didn't know this, and it's not the kind of thing you can tell anybody. So I think they spent a lot of time talking about, worrying about and wanting to vote on minor things.

The effect being to greatly extend some of our debates, considerations and a number of amendments, both in committee and on the floor. We spent many, many, many more hours in committee this session than in the last, and we spent nearly 33 per cent more time actually on the floor of the House in session. Some of this, of course, was caused by the reform posture. One of the real positions of reform is a free, open debate. I think that's good. But with the new members and the reform, we would often become bogged down on amendment after amendment. Some of the old hands quickly learned that you couldn't filibuster in the House but that you could amend a bill to death. So there were attempts on several occasions to try to put amendments on a bill until . . . you could just kill a bill by eating up so much time that everyone would get exasperated and vote against the bill.

Marcello: Including the man who sponsored the bill.

Bynum: Yes, in several cases. So from that aspect, I would say really the main effect was that it did extend the time. It made us over-consider what were really fairly minor, insignificant points. But all in all,

the pre-session fears about the freshmen members and the large number of freshmen just didn't materialize. They were good members, productive members, responsible members. It really didn't cause any great problems.

Marcello: Awhile ago, you mentioned that there were several members of this freshman class in the Legislature who were especially outstanding. Would you care to mention a couple of those people?

Bynum: Well, I think you'd have to say that people like Craig Washington was an outstanding member in anybody's book, but especially because he was a freshman black. Ray Hutchison was an outstanding freshman member. I think Bob Davis, who served on my Insurance Committee, was probably one of the most prepared and knowledgeable young members of the Legislature. You can name a handful of really outstanding ones. Larry Bales, Jim Mattox, Hawkins Menefee--all were really outstanding members. I think Pete Laney from Plainview would really be characterized in my opinion as a solid, good freshman member. There were just a number of them.

Marcello: You may have answered my next question in part, but what made these people particularly outstanding?

Bynum: I think generally their willingness to put time into it. But you've got to say their personal abilities, their skill or personality--all these things contributed to their ability to effectively legislate. And I think some of them overcame preconceived ideas about how they were going to react in the Legislature after the session began. As a result, the rest of the membership were very impressed with their ability and their knowledge and their general ability to enter into a political arena successfully, that is, the give and takes of politics, the compromise, the when to push and when to pull back. That's all the key to successful legislation and success in a legislative body. So I think these qualities are what made these people particularly outstanding. Really, it's basically a knowledge and skill sort of thing--knowledge in what you're doing, skill in dealing with other people.

Marcello: I would assume that the fact that these freshman representatives were not familiar with the House rules slowed down business considerably.

Bynum: Yes, I haven't checked on it or seen any figures, but I would guess that there was more parliamentary

wrangling, probably, than in any other session of the Legislature.

Marcello: Well, just think back from your own experience. I think this was perhaps one of the more difficult things that you had to go through. Or perhaps, again, you may have had a better knowledge of House rules than some of the other freshman members.

Bynum: I think that's right. One of the problems, though, was that there were a large number of freshmen who spent a great deal of time reading and studying the rules prior to and upon their arrival in Austin, thus giving them a book knowledge of the rules. Sometimes, taking that book knowledge and putting it into practice on the floor is a little difficult. Sometimes this led to problems. Some of them thought that they were experts on the rules and would get into a rule-type wrangle whereby they could be outmaneuvered sometimes by more experienced House members. But there were a lot of those freshmen who made real efforts to become knowledgeable on the rules. Bob Davis, I mentioned him a minute ago, is an example. He often got carried away with his own knowledge of the rules and would get very frustrated when the

speaker would not rule in the way that he thought was correct.

Marcello: I would assume that being put down over a point of order or because of some sort of a rule might also tend to make a freshman representative clam up a little bit. Did you ever find this to be the case during your first term? In other words, being put down because of some point of order or something of that nature may have . . .

Bynum: There's no question. Every freshman down there--I guess probably all members--have a real need for acceptance. When you get shot down, it's embarrassing to be made fun of. But there's always someone around who pats you on the back and says, "Don't worry about it. There'll be another day." I can't think of any specific instances where someone was put down so bad that they crawled back into their hole. I think usually people know, whenever they get involved in that kind of thing, it's a sometimes win, sometimes lose type situation. So I'm not really sure that it banged people around. I remember once I was a freshman, I raised a point of order which was completely wrong. It was especially embarrassing to me

since I'd actually checked with the parliamentarian first, who had given me some bad advice. After my utmost humiliation, he later apologized. When I raised my point and was promptly shot down, it was most embarrassing. But you get over those things, and in a body like that there's no one that hasn't been there before. I don't think anyone ever feels too badly about it. Sometimes people will get so emotionally involved in a bill or in a point of order that they may become extremely mad when they don't prevail. But generally, that happens less with the freshmen than with the older members. The older member is so positive he's right, and then when he isn't, he may have a tendency to become upset with the speaker or some other members. But generally everyone has the give and take attitude and there isn't a real problem with that.

Marcello: I guess, in a way, being a state legislator is in many ways comparable to being a college professor. You develop a thick or a tough skin after awhile, I suppose.

Bynum: If you don't have one when you're in politics, you're heading for a rough road. You have to develop a thick

skin because you're going to get beat about the head and shoulders sometimes no matter what. Occasionally it's quietly done by only one or two people in private, and sometimes you are criticized by the press when you don't deserve it and other times when you do. You have to develop a thick skin. If you can't get up in the morning, read the paper, take a lambasting, laugh it off, and get back to business, you're going to have a hard time in politics. Things of this sort are unavoidable and will happen to everyone in politics.

Marcello: Where would you place this Legislature on the political spectrum--liberal, conservative, moderate?

Bynum: I think you'd have to call it moderate. More liberal . . . well, when we talk about . . .

Marcello: More liberal than usual.

Bynum: Yes, and it depends on whether you talk about the whole Legislature or just the House.

Marcello: I'm speaking of the House.

Bynum: I would say the House was moderate to moderately liberal. The Senate was more conservative this time than in the past which probably balanced out to about the same place. During my first session in the Sixty-second Legislature, you had a very conservative House

with a more liberal Senate. Liberal or conservative depends on how you define your terms. I never really liked labels because I think labels belong on tin cans. It depends on what criteria you're talking about. The House was, I suppose, liberal in that it passed some very, very strong reform legislation and some other bills. Yet, on the other hand, we didn't seriously consider or come anywhere near passing an income tax or corporate profits tax which are considered liberal moves. We completely killed all attempts at any real ecology legislation which most people consider a liberal kind of position. So from that standpoint, I wouldn't say that we passed any great statewide liberal laws by the general standards of the term. But in response to reform we certainly were making very major, sweeping changes with regard to our own government.

Marcello: But here again, I don't know if you could place this reform movement on the liberal-conservative spectrum because I assume positions overlap. You found both liberals and conservatives in that reform movement. Quite obviously, with seventy-six new members, they weren't all liberals just simply because they were running on a reform platform.

Bynum: That's right and believe it or not, some of the new members who ran the hardest against the excesses of Mutscherism were the quickest to take up the stanchion against the other reform bills. For instance, John Wilson from La Grange, who beat Charlie Jungmichel primarily on the issue that Jungmichel was a Mutscher man, was bitterly opposed to the reform bills. Herman Adams, another new member, was also one of the biggest fighters against the reform bills. John Hoestenbach from Odessa, also new member, was one of the arch-foes of the Ethics Commission. And Sullivant, another new member, was a strong foe of parts of the Ethics Commission. So actually, your major opposition to the reform bills in most cases came from freshman members. As you say, it's really not a liberal-conservative sort of an issue. But generally speaking, your really strong "gut-conservatives" . . . if conservative means reluctance to change, it was a pretty liberal move because we were making some very broad, sweeping changes in the kind and nature of government. So that's why I don't like labels, and I really don't think that they're a very good idea. But I think you would have to

characterize this House as a more change-minded body than the previous House that I was in.

Marcello: Was there a team running House business this time around as had been the case under the Mutscher regime?

Bynum: No, I don't really think there was. There's no doubt that there were a group of committee chairmen and others who were influential and undoubtedly close to the speaker. But other than the reform package, the speaker had almost no program. He had no real desire to influence legislation. From that standpoint, there wasn't really any need for a team. There was never any arm twisting, where a group met in, say, the speaker's office and went out and attempted to persuade all the other members to go along with what the game plan was. There just was not the inner team that you saw. Now I don't ever think you'll have a House organized in such a way where a speaker appoints committee chairmen and makes other appointments where you don't end up in a situation where a speaker has a group of people who are close to him, who he talks to, who he asks for advice. That's inevitable. But from the standpoint of there being a group that met and went out

and said, "This is the word from high. Let's get about it. Let's get it done." There was almost none of that this session.

Marcello: And this was the sort of thing that happened in the last session you were in.

Bynum: No question. No question. There was a very, very close-knit, very strong team that utilized whatever tactics they thought necessary during that session to get their way. It's my understanding that Barnes operated the same way, and Tunnell before him operated in essentially the same way. I think that's in essence what reform was all about. I believe that's actually what Price Daniel was concerned with--to do away with the complete guidance of legislation from the chair. At the present time you've got to have order in the quorum, and the chair is always going to try to move things along and certainly has opinions and at times expresses those opinions. For example, at times the speaker would call me up there and say, "Where are the bills out of the Insurance Committee?" Or if we had been debating a piece of legislation on the floor, he might call two or three people up who were having lengthy amendments and say, "Look, you've

run with three amendments now. They've all been defeated. We're going to be here all night if you don't pull some of these amendments down." Sometimes the legislators would pull some amendments and sometimes they wouldn't. One of the good things about the speaker is that he is seldom punitive. He just does not vindictively take things out on people who oppose him. Nor does he seem to demand and expect absolute loyalty from those whom he has appointed or whom he considers close friends that vote against him. For instance, on one of the very gut issues of the session, the so-called Agnich amendment to the ethics bill--and I may be getting ahead of you at this point. Anyway, in relation to that amendment, I think if you'll check back, you'll find that only three or four of his twenty-one committee chairmen actually voted with him on that amendment. There were many of us, I think, who probably regretted our vote. We didn't understand the full ramifications of the Agnich amendment at that time. But no pressure was exerted and certainly the speaker could have put that pressure on. Nor were there any recriminations against any of us afterwards. We were jibbed some,

like "Sure appreciate all that good help" and other comments similar to that. But never was there any "I can't believe you've done this to me" or that sort of thing. There was just none of that.

Marcello: This more or less leads into my next question. Perhaps in part you've already answered it, but I'll ask it anyway. How far did the House leadership go in the direction of encouraging independent debate, discussion, comment?

Bynum: Oh, I think they went probably as far as they could go. Not so much by daily requesting comments or things like that. But by the rules they passed and the tenor they set, they didn't even close off debate. There was never any effort to stop this sort of thing. Committees met for hours on end to take testimony. I think the leadership really went out of its way to ensure that debates or discussions were never terminated. It's such a natural thing that if you don't stop it, it inevitably will continue. So I think the leadership really went out of its way to encourage debate, discussion, and comment. In fact, my major concern with the session is that in future sessions we need to find a way to deal with this

filibuster by amendment that I was mentioning, without in any way stepping on the toes of the rights of the members. I'm not sure exactly how we can go about that, although I might have some ideas. But that just wasn't a problem this session. The problem was really the contrary. How to cope with so much freedom and openness was the actual problem. You know, after all, the appropriations bill . . .

Marcello: Well, we'll probably talk about it a little later on, but I think that that's a good example of this openness that we're talking about.

Bynum: Here we spent two weeks on a bill where previously, I believe, the longest the House had ever spent on a bill was a day and a half.

Marcello: And it wasn't really a controversial appropriations bill this time around to any great extent.

Bynum: No, it was purely a situation of going through that bill piece by piece and letting every person voice every little personal aggravation that he had about any state agency or anybody. We would spend hours on these various riders and appropriations. For the first time in history, I guess, the House membership really knew what was in that appropriations bill.

They had studied it. Amendments to it were drawn and in the extended two-week debate even those who didn't really care what was in it, if they just sat there, received some information concerning the bill through osmosis. So really I think for the first time in history, the general membership of the House knew what the appropriations bill consisted of since it was debated at such great length.

Marcello: Who were some of the representatives who seemed to have the ear of the speaker? In other words, who were some of the people that were close to him during the session?

Bynum: Well, I think first that you'd have to look at the people who were with him when he made his committee selection. I was there during the whole committee selection process, and it's my recollection that dealing with us in that was DeWitt Hale--he was almost always there--Joe Allen, Dave Finney, Hawkins Menefee, and, oh, let's see. It seems like I'm forgetting some people. If I had a list of the Legislature, it would help. It's hard for me to recall. Excuse me just a minute, Ron, Carl Parker was another one that was there and I think one of the

people very close to the speaker. In addition also partially Jim Nugent was involved in that selection process.

Marcello: How was it that these individuals were called in for the selection process in choosing the committee chairmen?

Bynum: Well, I think primarily because they were early supporters and . . .

Marcello: Now did you say that you yourself were included in this group?

Bynum: Yes, I was. They were early supporters of the speaker in most cases, or they were people who were so knowledgeable about the personnel in the House that the speaker felt it was important to have those people present. I think that was the case with DeWitt Hale. DeWitt Hale was never really the type of person who was a big Price Daniel man particularly. But DeWitt was so knowledgeable, so capable, and such an old hand, that when the speaker went through this very difficult time of trying to place people on committees--and he was working with a whole new set of rules which DeWitt had written--it helped very much to have DeWitt there to make sure that we were

putting the right numbers and things like that on committees. So I think from that aspect two factors were prominent in the selection of committee chairmen-- very close personal friends but also people that the speaker considered valuable to the selection process.

Marcello: What criteria did he use in selecting the committee chairmen?

Bynum: Well, I think the first criterion he used was that he wanted people who were competent in that area. And I think the second criterion undoubtedly concerned those people whom he felt he was close to--early supporters of his, people he owed that kind of backing to. There's no question that in the selection of committee chairmen you go through a process of choosing those that are very close to you. I think what he did first in his own mind was to determine which people he wanted to make committee chairmen. Then he would take a list of the committees and decide which ones went where. Some committees probably had vacancies or blanks because there weren't people that fit into those notches. Secondly, he would look at the membership list and decide who would be good there. It's very, very difficult to do.

It's quite a trying process, and I don't know of a speaker who has ever worked as hard as he did in his process to try and balance these committees. He worked very, very hard at balancing the committees politically, ethnically, party-wise, and every way that he could. He was imminently fair. I've never seen fewer real complaints about the decisions he made as when that committee list was circulated. There just wasn't very much you could gripe about. His major committees, such as State Affairs and Jurisprudence were so well balanced that no one could really kick about them. So there wasn't any committee that was balanced this way or balanced that way. There wasn't any committee that was a speaker's committee, that he could send all of his pet legislation to. It just wasn't that way. I think most people recognized this. He worked diligently to balance out, and he also worked quite hard to make every member of the House happy with the committee assignments.

Marcello: I think with these general questions behind us, we can move into some of the major issues or areas that the Legislature considered during this past session, and quite obviously I think we need to start off by

discussing the ethics legislation. As we all know, Speaker Daniel did come forward with a rather extensive package of ethics legislation. Now I'm not taking these in any particular order, but I suppose it might be best to start out first of all with the anti-lobby bill. Was that the first one that was discussed? Do you think it would be best if we took these in chronological order, or does it really make any difference for our discussion here?

Bynum: I don't really think it makes any difference what order you take them in. They weren't passed in chronological order. Of course, the speaker's package included the nine reform bills, and then it was generally considered that House Bill 10, which was the shield bill, the newsman's shield bill, was sort of a part of that package. It was never an official part of the speaker's package, but it was House Bill 10, and the speaker made it very clear that he was in favor of the bill. So from that aspect it was almost as if it were part of the package. I don't think it makes any difference. We can start with lobby control or whatever direction you want.

Marcello: Okay, let's start then with the lobby control bill. First of all, it seemed to be opposed in the very

beginning by a hard-core group of Republicans and some conservative Democrats. Why were they fighting it?

Bynum: Well, I think they were fighting it primarily because it simply tightened up the regulations on the lobby and on lobby reporting. There's no one who wants to be put in a situation where his opponent can come up in the next campaign and say, "According to the records in the chief clerk's office in the House of Representatives, the beer lobby spent \$800 last year entertaining my opponent. And then if you'll check his record, he voted with them." That's just not the kind of thing that I think any politician wants to see or hear in a campaign. In addition to that, there was a real philosophical question, and that is the right of any person to influence legislation. As the bill was originally drafted, if a member of the Amarillo Chamber of Commerce came down to Austin to see me and discuss a problem, he had to register as a lobbyist, and if he spent more than \$150, he had to report it. An airplane ticket from Amarillo to Austin costs nearly \$100, and with two nights lodging you're over \$150. The philosophical question,

then, is how much right of access does any citizen have to his government? I think that all of us agree that lobbying is clearly a legitimate and very important part of any governmental operation, particularly a Legislature that's paid on a part-time basis and works on a part-time basis. They cannot begin to assimilate the information they need, and the lobby provides very vital information to every member of the Legislature. I don't really think anybody disputes that. So the question is, how much right do they have to participate freely in the governmental process? How much should you hamstring them? I don't think any of us wants to pass bills that make participation in government more difficult. This is one of the problems that we have in the campaign disclosure bill or the ethics bill. We don't want to pass a bill so rigid that good men are afraid to participate in government for fear of constantly being lambasted. So you have to walk that narrow line. Therefore, this is a philosophical question you're discussing, and I think pragmatically that there were simply a lot of people who didn't want any lobbyists to have to report

as they didn't want to see their names in those reports, or they just didn't think it was a good idea. A number of members were very close to the lobbyists.

Marcello: Who were some of the members who seemed to be opposed to this lobby control bill? Who were most vocal in their opposition?

Bynum: I honestly can't remember, Ron. I don't recall all the people who were really bitterly opposed to it. It seems to me that Bill Clayton was in opposition. Dean Cobb, I think, was bitterly opposed to the bill. It's difficult for me to recall the individual personalities that actually opposed the bill and fought it. Of course, some people would philosophically fight on . . . some people were very strongly in favor of the bill but simply wanted to make sure that any constituent that came down to see his own representative was not placed under the bill. There was real concern about an association, such as a Trucker's Association and other people with similar interests who wanted to ensure that an association of this type could participate in political activity without causing the destruction of the association.

But I really can't remember specifically any people who were fighting those bills. There were so many of them, and you must take three of them into consideration, I think, together, and that's the lobby bill, the ethics bill, and my campaign disclosure bill. Those were the three that all contained enforcement by the Ethics Commission.

Marcello: Now was this the gut issue of these bills? What seemed to be the gut issue of the lobby control bill? Was it the idea of public disclosure, or was it this other point that you just mentioned previously?

Bynum: No, I really believe in the lobby bill the gut issue was how much did a lobbyist have to disclose. There was a lot of smoke about the Ethics Commission, but I still firmly believe that the gut issue was the disclosure of how much and to whom the money went.

Marcello: How much would this hamper the activities of a lobbyist?

Bynum: Well, I don't know. You get different opinions from different people. There were a lot of lobbyists claiming that it would virtually put them out of business. The lobby was big for proclaiming that isn't going to hurt me, but it's going to hurt you. They'd say, "I can't ever help you in a campaign,"

and "If you force me to disclose everything I give, then it's going to look bad on you when you're running for office. It won't hurt me, it will you. It'll just look bad for you." I'm not sure. The association people were very upset because they were afraid that if they were forced to disclose too much, it would injure their tax situation. A member of an association who pays dues to that agency can write those dues off because it's for a professional group. Yet, pure money given for a campaign contribution is not tax deductible. They were concerned that if the records were put in, they could be put into a position whereby the IRS would no longer accept dues payments as dues for the association but would say that the association was purely political. These were all underlying issues. Like I say, the whole issue of the hometown lobbyist. . . really, that's what we were fighting about. Now the ethics fight was really strongest on the ethics bill. There were two major issues in the ethics bill, maybe three--who should report, what they should report, and to whom should they report, that is, an Ethics Commission. As I recall the sequence, the lobby bill

was one of the first to pass, and it passed with a very few amendments and left the Ethics Commission intact. The ethics bill then came up, and we spent nearly three days, and finally just gutted the Ethics Commission in that bill. The Agnich amendment went on it and the Sullivant amendment went on it.

Marcello: Okay, before we get into them, let's just finish up very, very briefly on the lobby control bill.

Bynum: Okay.

Marcello: What were your own personal feelings with regard to an Ethics Commission enforcing this lobby control bill?

Bynum: I was strongly in favor of an Ethics Commission, and I was strongly in favor of an Ethics Commission enforcing this bill, the ethics bill, and my bill.

Marcello: Incidentally, when we mention an Ethics Commission with regard to these three bills, we are speaking about one Ethics Commission?

Bynum: That is correct and there was tremendous confusion because each bill was an individual bill, and each bill set up an Ethics Commission. But it all tied together in the end, and it was the same commission.

Marcello: Okay, why did you think the Ethics Commission was perhaps the best way to enforce this bill?

Bynum: Well, because there really isn't any enforcement. If you just file with the chief clerk of the House or file with the secretary of state, the filings are there but there's no one to check on it except the press. If someone were to bring a complaint to the attorney general asserting that the law was violated, then the attorney general could come in and investigate. But no one was ever appointed to actually enforce the law. That is, no group or executive secretary existed that would look at the filings and could go to a lobbyist or for that matter to a politician and say, "It looks to me like you didn't file enough," or "Something's the matter here." I think you ought to have civil enforcement and if the person refuses, then that person takes it to the commission, and the commission then decides if there's a violation. The commission would then turn it over to the attorney general or district attorney or whoever.

Marcello: In other words, if I'm correct in understanding what you've said, to have placed this financial disclosure with the secretary of state would have meant that, yes, it would be open to public scrutiny, but chances are very few people would ever check it.

Bynum: Right. Really, under the circumstances, it leaves enforcement almost strictly to the press because after all the press is usually the only one who ever examines any of these records. Occasionally an opponent of a political person down the line might inspect the files but that's really not the case with lobby control. Thus, you have no enforcement body. That's my real concern. I think you need an enforcement body. I believe that's true of lobby control; I think it's true of ethics. Now you can argue fairly strongly--and I really don't agree, but I'll accept the argument--that with lobby control and with ethics you only need the disclosure. The disclosure is what's important. But with my campaign bill, you have to have enforcement. The Senate, as you know, was dead set against the Ethics Commission and stated this from the outset. I finally convinced the Senate of the extreme importance of an enforcement body provided for by the campaign bill. They couldn't accept an Ethics Commission since at that time the cleavage was so great. Thus, we finally established an Elections Commission.

Marcello: Okay, well, we'll get on and talk about those in a little while, but sticking with this lobby control

bill, and the Ethics Commission actually, how would you answer those people who contend that an Ethics Commission would be too politically motivated? In other words, I'm referring to the process by which this Ethics Commission would be selected.

Bynum: That was an argument that was used by a number of people. They kept saying, "Well, it's political." But, after all, it needs to be somewhat political and have an understanding of political processes because what you're enforcing concerns political processes. They need to have that understanding. Every committee, every state agency, and for that matter, every college and university is filled with politics. There's no question about that. What you need to have is a balance so that the committee doesn't go after some particular candidate, person, or industry. The way it was set up--whereby you have the governor, the lieutenant governor, the speaker, the attorney general, and the two judges of our two courts appointing it--I can't believe that every one of them are going to appoint people of a like mind that are all going to get together and say, "Well, we're going to do just one thing."

Historically and traditionally in Texas politics, the governor and lieutenant governor are at each other's throat, and the speaker and the lieutenant governor are usually at each other's throat. Consequently all of them fear that the attorney general will be their opponent in the next election. Those people aren't about to appoint a single monolithic group. I think a great balance would exist in that situation as I believe they would attempt to appoint a group that would strive to do the best job. I recommend that you look at two things: one, the Constitutional Commission which was appointed by the same group, and secondly I think every one agrees they did a very good job of balancing, of fairness, and seeing to it that all groups were represented. I haven't heard anyone charge that the Constitutional Commission is a political animal as such, that it, you know, is some kind of hack operation. Also, if you will go back and check, you know that in the last session of the Legislature, we passed an ethics bill, which was declared unconstitutional. But under that bill, three of the people who were to make appointments had previously completed this task. Outstanding Texans

and outstanding people were appointed to the earlier Ethics Commission--the likes of which no one could question. So I just don't think that's a very good idea. In my opinion, that's a smoke screen. I am referring to someone that doesn't want to report or doesn't like the idea of having someone in there claiming it's political. In my opinion that position is absurd and, in fact, of course, that was the argument underlying the Sullivant amendment, which I think is the silliest thing in the world--to draw people out of a hat.

Marcello: Which we'll talk about in a minute. One last question on the lobby control bill. Were you ever contacted personally by any lobbyists with regard to this particular bill?

Bynum: Yes, I was. But it was after the bill had actually passed the House. I think one of the key issues, if you're going to talk about the lobby control bill and the history of the lobby control bill, is not what happened to the bill in the House but what happened to the bill after it passed the Senate. Now this was where the fight occurred, and it was really one of the most significant historical events in this

session of the Legislature. The House passed a very rough bill. The Senate passed a very watered-down variety. Some even argued it was weaker than present law. The lobby massed its forces, absolutely--which was one of the few times I've ever seen the whole lobby get together on something. But they all discussed the issue and unanimously agreed that the House should concur with the Senate bill, the decision being not to send it to a conference committee. The speaker in contrast took a very strong stance demanding that the bill go to a conference committee.

Marcello: Why did the lobby not want it to go to a conference committee? Because they figured that some of the House provisions would be retained?

Bynum: It's my opinion that the lobby had written the bill that the Senate passed. I really believe that the bill was technically messed up--I'm not talking about the principals but the wording of it. For instance, it's my recollection that the way the bill was worded in the sense that it kept referring to legislation, and it defined legislation as a bill currently being considered or going to be considered by the Legislature, meaning that once the legislation

passed, it was no longer legislation and a lobbyist could go and lobby the governor about vetoing or signing the bill, which actually wouldn't be considered lobbying. He wouldn't have to report it. There were a lot of technicalities similar to that in the bill making it difficult to determine whether they were there purposely or accidentally, but they were contained in the bill when it emerged from the Senate. But the lobby was in favor of the bill. They thought it was what they wanted, and they were afraid to go to conference for fear that too much of the original House provisions would be included in it. They went on an all-out campaign, set up a type of central control headquarters in Gene Fondren's downtown office. He's a former member from Georgetown who represented the railroad lobby. When he left the House originally . . . well, he was running against Gus Mutscher for speaker. He then received an offer in Washington to lobby for the railroad, which he accepted. He's now back in Austin as a lobbyist for the Automobile Dealers Association. Anyway, they set up a central control headquarters in Gene Fondren's office whereby all the lobbyists were down at the

House contacting members and calling back in and counting their votes, while the speaker was engaged in the same task. It was a hard, tough, gut fight as to whether or not the House was going to send it to a conference or not. The speaker won by an overwhelming vote, practically 100 votes. The House voted to send it to a conference committee at which point the speaker appointed three conferees who were generally considered favorable to the lobby position. The bill that came out was, I think, a reasonable bill and really is not that onerous on the lobby. But it was a hard, tough, gut fight, and I think the real issue of that whole lobby bill was the vote by the House on whether or not to concur on the Senate amendments and take the Senate bill or whether to go to conference.

Marcello: This may be an unfair question because you possibly might have to answer it on the basis of hearsay, but what part did Ike Harris play in the Senate version? Now I gather that perhaps he was one of the more vocal opponents of the House version of the lobby control bill.

Bynum: Ron, I just can't answer that question. I was so busy with House issues that I really know very little about

what was going on in the Senate unless it concerned one of my bills that I was trying to get through the Senate. I don't know, hearsay or otherwise, the details of the Senate debate on the lobby bill. I honestly can't tell you.

Marcello: Well, that's why I wanted to preface my question with those remarks because I was pretty sure that you would have to answer it on the basis perhaps of hearsay.

Bynum: I can't even answer on hearsay. That was happening in conjunction with my attempt to shepherd my campaign bill through the Senate, and I was too tied up in that process to worry about another piece of legislation.

Marcello: What kind of behind-the-scenes maneuvering took place between Hobby and Daniel over this lobby control bill? They did get together from time to time, did they not, to try to work out some sort of a compromise? Do you know anything about that?

Bynum: Well, I don't know very much about it, but I do know that they were in contact. I also know that although each of them publicly were periodically taking pot shots at each other, really more over the Ethics

Commission than over the details of the bill, that in truth and reality they were both keeping fairly close touch in attempting to work out compromises in relation to the lobby control bill. In addition, I want to say that I think Lieutenant Governor Hobby made an honest effort to pass that legislation along the lines that he thought ought to be done.

Marcello: Why do you think this?

Bynum: Merely from the conversations that I had with his people and the speaker. I know they were in touch; I know that the lieutenant governor was trying, I think, in good faith to pass the bills, not like the House had, but to at least initiate good bills.

Marcello: Okay, let's go on then and talk about another part of the reform package. Let's talk about the ethics bill. As you said, there were three of them that we can more or less discuss, I think, at one time: the lobby control bill, the ethics bill, and, of course, the campaign financial disclosure. Let's talk next about the ethics bill. You mentioned awhile ago that there were three gut issues involved in the passage of this ethics bill. Would you repeat those, and then we'll go over them one by one.

Bynum: I think the first issue involves who is going to report. Will it be elected officials? Will it be these appointed officials? Will it actually be employees? Will it include local people, school boards, county commissioners' courts, mayors, this sort of thing? This is a very major issue. When you become involved in decisions as to whether we're going to include county commissioners, city councils, and commissions, needless to say, they really do come unhinged. Strong philosophical arguments develop.

Marcello: I think it even went down to college boards of regents, did it not, and this sort of thing?

Bynum: Right. And a real philosophical question evolves. Here most of these people--most city commissioners and boards of regents--are non-paid positions. Often, it's very difficult, particularly in small communities, to even find good people to run for these. If you tell them that if you run and serve for nothing, which is a headache job to begin with, in addition to that, you're going to have to lay out your entire financial structure for everybody in town to talk about. It really creates problems, particularly in small areas. But on the other hand, you get into the

question that these boards let contracts and have major financial dealings. Now doesn't the public have a right to know whether or not these people have anything to do with these kinds of dealings? It's a tough philosophical question. Therefore, the first question is who will report?

The second question is what will they report? How much? You can approach it from several standpoints. You can say, "Well, one theory is always just to let them turn in their income tax statement" which actually reveals only how much they made and not necessarily from all sources. Another avenue of approach is to say, "Well, they simply have to list everything-- every stock, every bond, every transaction they have." Another way to look at it is to simply say, "Well, all they do is show where they made their money." Lawyers must identify their clients. You can report, "Well, I made X number of dollars off the sale of New York Stock Exchange stocks and bonds" without naming them. Another one would say, "Well, all you do is report your income and its source." So there's a lot of latitude here. Another vital question in relation to this is reporting of debts. There's a

strong objection to an elected or any other type of official having to disclose his debts. For instance, if I as an elected official disclose that I owe X bank so much money or someone else or a person so much money, a note, there's nothing to prevent some special interest from coming in, buying that note after I have exposed it, and then pressuring me with that as leverage. They can say, "Either you pay that now, or perhaps if you're good to us in our legislative program, we won't be too anxious to call that note." Therefore, there's a strong objection to disclosing debts, which is a really strong philosophical question.

Ultimately, you become involved in the third point which is the commission, and that is, who do you report to and who enforces it? Do you set up a separate body for enforcement? Do you simply report it to the Secretary of State or the Attorney General, and let them look at it to decide whether or not it's proper or what? You have in that matter of ethics three tough questions. Who does it? How much? And to whom? They are difficult questions. It's little wonder that that bill created more controversy and more

debate than any of the other so-called reform bills-- the ethics package. It is a very difficult problem to solve. I think I heard somewhere that that particular bill was re-written more than a hundred times from the day that it was first introduced until it was finally passed.

Marcello: I would assume that these three issues are what consumed most of the time in the debate on that ethics bill in the House.

Bynum: There's no question about it. Of course, ultimately it boiled down to two or three specific issues under each of these. There was lots of wrangling and haggling, I know, over disclosure of interests in stocks and bonds--whether or not you should simply declare it as bonds or whether or not you should have to state A. T. and T., General Motors, General Electric. There was a great deal of argument, particularly in the conference committee, on how far down in the structure of state government such as employees and appointees, you would go. The Senate didn't want to descend very far while the House wanted to go, I think, down to anybody that made \$12,000. They finally reached a compromise on that. But it's very, very difficult hammering out one of these bills.

Marcello: Well, what did you think of the original bill that was put forward by Daniel? Incidentally, who carried that bill? Who sponsored it?

Bynum: Jim Nugent was the primary author, and then . . . each of the ethics bills, the nine bills in the package, had a primary author who was a senior member of the Legislature and a secondary freshman author. It's my recollection that the primary author was Jim Nugent, and the secondary author on that was Larry Bales.

Marcello: Was there any special reason for this sort of procedure? Why a primary and secondary author? Maybe I'm asking this question out of ignorance. I don't know if this is a regular legislative procedure or not.

Bynum: No, it was not a routine procedure, but rather a special one. Of course, there's nothing new about a bill having a sponsor and sometimes one or eighty co-sponsors. But Price Daniel had the bills drafted in September, October, and November, had them ready by December, and then began the process of asking people to carry them. Back in December and in the early part of the session there was excessive discussing

concerning the freshmen banding together and producing this strong organization. There was also talk about whether or not freshmen would be chairmen and co-chairmen of committees and things like that. So I think it was a decision that the author would be someone who had carried legislation before. Then each bill would have as an equal co-author a freshman member. I think the idea was to involve the freshmen in the process and allow them to receive some of the credit because often it was the freshmen who ran the hardest and made the strongest campaign record on ethics reform. So from that standpoint the different members were selected. I know Price came to me and asked if I would consider sponsoring one of the bills. I told him yes. He replied, "I have these here. Which would you be interested in sponsoring?" I expressed several opinions, and after working it out, they stated, "Well, we'd prefer that you carry number . . ." which ultimately became number four. This was actually my first preference. Let's take the choice of Nugent. Nugent, after all, has carried an ethics bill in every session of the Legislature for the last twelve years, making him the

logical choice. Had they not asked Nugent to sponsor that bill, he probably would have introduced one of his own purely out of a matter of pride of authorship. That selection, then, was made almost by chance. Bigham had carried a lobby bill before, so they asked Bigham to continue carrying his lobby bill. Some of the choices were fairly natural choices. You were talking earlier about a team. You can look at the authors of those bills, see who they were, who were major chairmen, and you would pretty well have the nucleus of a team. At least, rather than a team, you might refer to it as a group of advisors.

Marcello: Well, let's just go in and talk a little bit about that ethics bill, and I'm going to need a lot of your help here because quite frankly I had a helluva hard time following that bill with all of the amendments and what have you. Let's talk first of all about Daniel's original bill. I think that's what my question concerned. How did you feel about his original bill?

Bynum: Well, I was really basically committed to the original bill. I thought it was a good bill--everything tied together.

Marcello: In other words, this contained a provision for an Ethics Commission. It contained the provision to cover both elected and appointed officials. And how far did it go in the direction of disclosure?

Bynum: It went a long way in the direction of disclosure.

Marcello: A rather detailed disclosure, we'll say?

Bynum: Yes, a rather detailed, explicit disclosure of all holdings and of all income.

Marcello: But not debts?

Bynum: I don't believe that it included debts. I'm not sure of that, Ron, I can't really speak to that. That bill, as it went through the process, was changed. There was so much discussion of it that it's hard for me to remember in my own mind what was original and what was in the early draft.

Marcello: I'm glad you feel that way because, like I say, it was very, very confusing to me. Who were some of the people that opposed the original bill? Here again, was the House divided along liberal-conservative lines in the opposition, or was this more or less an individual sort of thing?

Bynum: It was truly an individual sort of thing. I don't think you could refer to it as a liberal-conservative issue. I don't know that it's fair to say that any

of those bills had much opposition because in the House when you finally came to the final vote on all of them, they passed by tremendously large margins. There was hardly anyone who openly opposed them. To state that the people were against them, about the only two who come to my mind are Billy Williamson and Tom Uher, who were flat opposed to any reform bills period. I think primarily because they were so opposed to the speaker. Actually, there weren't very many people who were against the concept. I don't recall anybody openly saying, "I'm against the ethics bill."

Marcello: How could you?

Bynum: Yes. So it then became a matter of who was against what and how they were going to attack it and wear it down.

Marcello: Well, again, I think it boils down to their positions on the three major issues that you just outlined awhile ago. Take, for example, the Agnich amendment, and I think this is perhaps something we need to talk about with regard to that bill. The Agnich amendment was the one which more or less did away with the idea of an Ethics Commission, isn't that correct?

Bynum: No, that's not what the Agnich amendment consisted.

Marcello: No, I'm sorry, that was the sealed disclosure statement or something of that nature?

Bynum: Right. Agnich was the sealed disclosure statement which sounded like a good bill. You're talking about what I was originally for. Initially, in my personal opinion, what I would really like to see done with ethics legislation is to establish a Constitutional Ethics Commission and allow all disclosure to go through that Ethics Commission--that it is a private disclosure to the commission that they can view and see anytime they desire. Then the commission can constantly be checking any official, elected or appointed, that's included under it concerning conflicts of interest. If a conflict develops, they could turn it over to the proper authorities. To me, that's the very best answer. That, by the way, was what Nugent originally proposed two years ago, and it was submitted to the people in a May 18th special constitutional election. You may remember that election. We were about to discuss the welfare ceiling when we had to call a special election; so we had a welfare amendment, an amendment on water bonds, and then we had that Ethics Commission amendment. The

Ethics Commission amendment went down to a rousing defeat because also included in it was that the Ethics Commission would recommend pay. The people saw it as a subterfuge for a pay raise. In my opinion, the amendment was ideal, the exact way it ought to be handled. The Ethics Commission had disclosure. They had the right to oversee who had conflicts of interest. They made recommendations on salary, but those salary recommendations needed approval by a record vote of the House. So a legislator couldn't go home and say, "Well, that big pay raise I got, I didn't have anything to do with." He couldn't get away with that. It was a great concept. If I still had my druthers, that's what I'd like the very most--a Constitutional Ethics Commission that can't be monkeyed with during every session of the Legislature. I think that's the very best concept.

From that standpoint, this was one of the reasons that the Agnich amendment appealed to me because . . . and Agnich was telling people--I never really found out whether it was true or not, although now I think it wasn't entirely true--Agnich claimed that's the way the federal government operated. Of course, Agnich

was the national Republican committeeman, and everyone felt he was probably knowledgeable in that field. So that amendment became the sealed envelope amendment.

Marcello: Now who could check on that sealed financial disclosure?

Bynum: The commission could. The commission had to vote to open that envelope. The problem with that is--and in hindsight I think it's a real serious problem--that if I as an elected official have given my envelope to that thing, and the commission then thought they had reason enough that they voted to open it, it would destroy me or convict me before anyone has even looked at it--just the headlines screaming, "Commission Votes to Open Bynum's Envelope." Obviously, they've got to have cause, and the amendment said they had to have cause before they could so vote. That's the real problem with the Agnich amendment. But at that time, in that circumstance, and in that tenor, it sounded like a wise idea. It sounded like a compromise.

Marcello: I gather, then, that you voted for the Agnich amendment.

Bynum: I did vote for the Agnich amendment, and it was one of the votes that I wished I could retract. But I don't. Like I say, at the time it appeared to be a good compromise. It sounded like that you had disclosure

but that you weren't opening everyone's private life totally to the public. It sounded like a good idea and I think various people felt the same way. Of course, that emerged after two long days of debate. At that point, nobody knew what the bill contained. It had probably been amended ten or fifteen times already, and it was sort of a hodge-podge. It was confusing and very difficult to actually know at that point what we were doing. It was tedious and hard knocking the thing out.

Marcello: Well, wasn't it over the Agnich amendment that the liberals tried to stage some sort of a walk-out so that there would not be a quorum when it came time to vote on that amendment? And, of course, they failed.

Bynum: Well, that's not quite right. The Agnich amendment was added to the bill late in the afternoon. Then after that, there were still numerous amendments and debates going on, and the House adjourned for dinner and then returned at 7:30 or eight o'clock. By that time, it had been on the bill better than two days and everyone was in a foul mood. It was obvious that the speaker had really lost control of the bill;

the authors had lost control of the bill. By this time they had also stuck the Sullivant amendment on there and everything else. So efforts were taken to remove the Agnich amendment, to reconsider the vote by which the Agnich amendment had been added. The vote was very close, and by the way, by this time I had changed my mind. I voted to reconsider. At this point it was very close and finally was nearing the point of the actual passage of the bill. Everyone-- the authors of the bill and some of the "liberals"-- felt that if they had some more time they could possibly turn some more people around. It was at that point, late that evening, that various legislators had left the floor. There was a vote whereby there were only fifteen or twenty people over a quorum there. Various people looked at each other and had the idea that if they didn't vote, they couldn't pass the bill. Then it would just sit there and they would have to quit. Consequently, numerous people dashed off the floor. But it was not an organized effort or a well-done effort and it didn't work.

Marcello: Well, quite obviously, I think they only got about twenty-five people to absent themselves.

Bynum: Well, yes, just because it wasn't planned and it wasn't coordinated. It simply wasn't well done, so it just didn't work.

Marcello: Now, this is something that . . .

Bynum: But to finish what I was saying to begin with, the walk-out was really an effort to not to be able to pass the final bill as amended, not on the Agnich amendment.

Marcello: Well, getting back to this Agnich amendment, what steps did Daniel and Nugent and Larry Bales take in order to stop the amendment? I think they were all opposed to it, were they not?

Bynum: Oh, yes, very, very strongly. The two authors, Bales and Nugent, were arguing from the mikes, just blue in the face, against it. They were using every argument they could conceive of against it. Then the Daniel people, not so much because he directed them to but because they felt strongly about it, were circulating around the floor, trying to inform other people that it was a bad amendment and to vote against it. But it all transpired in, say, less than thirty minutes, so there really wasn't much that anybody could do.

Marcello: Well, what I'm leading up to is that some of the newspapers alleged to some slick parliamentary maneuvers on the part of the Agnich people, and I was wondering if you had any knowledge of those "slick parliamentary maneuvers" that these newspapers were talking about.

Bynum: I don't think there were really any slick parliamentary maneuvers. After we returned from dinner, there were efforts on both sides to keep the Agnich amendment and put some others on there. The anti-ethics forces at that point knew they had the upper hand, and they tried to go for the jugular vein. The Daniel people were attempting to maneuver around on these motions to reconsider and things like that. It really wasn't so much slick maneuvering, I don't think, as it was, if I recall, that the Daniel people just didn't have the votes at that point to change it. They left the bill like it was.

Marcello: Well, what happened then to the movement to reconsider the Agnich amendment after it passed? It passed and then there was a movement to reconsider, is that correct?

Bynum: That's correct.

Marcello: Again, led mainly by, I think, Bales, in this case and probably Nugent.

Bynum: Right. They just didn't have the votes. It was closer. The motion was made to reconsider the vote by which the Agnich amendment was passed. There were just not enough votes, but I think it was much closer than the vote by which the Agnich amendment actually went on the bill.

Marcello: In other words then, the Agnich amendment was on the bill that was passed out of the House and over to the Senate.

Bynum: That's right.

Marcello: That's something I didn't completely understand--if it was on there or not.

Bynum: Not only was it on there but also the Sullivant amendment.

Marcello: Okay, let's talk then about the Sullivant amendment next, which more or less gutted the Ethics Commission.

Bynum: Right. The Sullivant amendment utilized the argument that you referred to earlier concerning politics and involvement of politics. Sullivant initiated an amendment which, as I recall, stated that each of the district judges would submit the name of a person who

had been the foreman of a grand jury sometime within the preceding year.

Marcello: In other words, there would have had to have been about 226 names submitted?

Bynum: I think that's right.

Marcello: I think there are 226 district judges.

Bynum: Okay. So each of them would have submitted a name, and then they would have reached into a hat and pulled out thirty-five or thirty-six.

Marcello: Lottery.

Bynum: I can't remember how many they had on there, but it was a random selection. That amendment was also put on the bill, so the bill actually left the House with those two amendments on there.

Marcello: Well, what happened to the Ethics Commission then? We mentioned an Ethics Commission awhile ago having been on the ethics bill, the lobby control bill, and the campaign financial disclosure. Now this bill went out without an Ethics Commission in it, right?

Bynum: Well, they still had an Ethics Commission, but it was in an entirely different form as the one that had already been passed in the lobby bill.

Marcello: But it would be selected differently.

Bynum: So at this point, you had two completely different Ethics Commissions.

Marcello: Well, apparently Sullivant was convincing enough that the majority of the House voted for this bill.

Bynum: Well, I just can't describe to you the frame of mind and the mood of the House at that point in that debate. They were confused; they were tired. The prevailing attitude became, "Let's just vote for anything on this bill. It's bad as it is. We want a bill, but let's just pass anything." Good judgment was not being utilized. By the same token, two weeks later, when I carried my bill, I was very concerned about the Agnich amendment again and the Sullivant amendment. I was really more worried about the Sullivant amendment. My bill was important to this whole thing because, you see, by the time I got up with my bill, which was the last of the nine to pass the House, we'd passed one bill with the Ethics Commission intact--the lobby bill--one bill with the Ethics Commission all messed up.

Marcello: The Sullivant amendment.

Bynum: Well, the Sullivant and the Agnich amendment to the ethics bill.

Marcello: Yes.

Bynum: It was important that my bill pass intact so that two out of three bills had the Ethics Commission the way we wanted it. They did not introduce the Sullivant amendment to my bill on the first reading, well, really, on the second reading when they could have put it on there by a majority. They got their wires crossed. Everybody thought Sullivant was going to do it, but he'd agreed not to do it, so it wasn't introduced. Then, the next day, on the third reading . . . you can amend a bill, but it takes two-thirds to amend a bill. Anyway, one of the Dallas Republicans introduced the Sullivant amendment and it would have taken a two-thirds vote. Well, it hadn't received a two-thirds vote before, so I was fairly confident we didn't have a problem. But in actuality it only received about thirty-five, forty votes that time.

Marcello: Well, how can you explain that--that it passed the first time, and it didn't pass the second time?

Bynum: I think the major explanation, to tell you the truth, had been the horrible publicity that the state newspapers had given the passage of the Agnich and the

Sullivant amendments. The newspapers--editorially, front-page news story-wise, and cartoon-wise--had just raked the House over the coals for the passage of the Agnich amendment. The public had risen up in arms about it. By the way, it was Dick Riddles that tried the Sullivant amendment on my bill. I think the House had just interpreted public sentiment and realized they had made a bad mistake. I think they realized that Price Daniel, Jr., and those carrying the reform package had the ear of the public and that to tangle with them would cause trouble at home. I think that's the main reason. Plus, I think that in the cool light of day, many people realized that sort of thing was ridiculous.

I laughed at the Sullivant amendment . . . I stood at the front microphone when they introduced it, and I said, "This is the silliest thing I ever heard." I said, "Pulling people and choosing them for something important and enforcement and decision-making out of a lottery is as foolish as choosing the Insurance Commission by lottery or choosing the Highway Commission by lottery or choosing the Secretary of State by lottery." I stated, "You say

you don't want politics in it. Then I submit to you that we should permit everybody who wants to file for your job next session file for your job, and then determine it by lottery. It makes about as much sense." This persuaded everyone to laugh and it just didn't get anywhere that time.

Interestingly enough, and to show how sensitive people were about that Agnich amendment and the mistake the House had made--I think we all, because of the press, agreed it was a mistake. Because of that, the only serious amendment facing me was an amendment that Bales, of all people, carried. Bales was chairman of the subcommittee that handled all the ethics legislation. It went through State Affairs. Bales and I had spent a great deal of time working on my bill. I felt very strongly that it needed to provide in my bill that someone who did not report his campaign disclosure should be removed from the ballot. Well, there's a constitutional question with that. In regards to an office that the Constitution sets up the qualifications--such as being twenty-one years old and a resident, something like this--there is a question about whether or not you can add

qualifications. The present law states that someone who doesn't file a campaign disclosure can have his name removed from the ballot if they're not running for an office for which there are constitutional requirements.

Well, I came up with a new idea. My idea was that I would provide that anyone who did not file it, the Ethics Commission could give them a chance to file it. If they didn't file it ten days prior to the time they took office, and if they had been elected, their office would be declared vacant. Bales had always been a little uncertain and uncommitted about it. But at one point, Paul Worley in the secretary of state's office and the attorney general both said they thought that it was all right. But the day I was to present my bill, Bales became nervous. He came to me and said, "Bynum, you ought to take that out of there. It's unconstitutional." And I replied, "Well, Bales, I don't think it's unconstitutional. I want to leave it in there, and let some candidate have the nerve to test it." I continued, "I don't think anyone will ever test it anyway, and I don't want to omit it." Of course, everyone was worried about the

problem of my bill, since it was the last bill and they were expecting some real problems. And as I previously stated, it was quite important to the people who were strongly in favor of the reform movement for my bill to pass intact in order to ensure that two out of the three bills would go to the Senate right. Bales further remarked, "Well, they're going to run with you on that amendment the first time. You're going to get beat down on it, and once they beat you, they're going to go after you just like they did on the ethics bill and gut you one after the other. Once the dam breaks, Bynum, you're destroyed." And I replied, "They ain't going to get me." Anyway, Bales then stormed off for awhile, and just before I started to present it, Bales appeared and remarked, "Ben, I think you're so wrong about that. What I have is an amendment to remove that." But he said, "I'm going to run with that as the last amendment. I won't knock it at you first." But he stated, "I'm going to run at you as the last amendment." "Well, Bales," I said, "I wish you wouldn't do that. Let's just leave it in there. That will give us something to bargain

with when we confront the Senate in conference."

Bales then remarked, "No, it's just unconstitutional, and we shouldn't leave it in there."

Nevertheless, I presented the bill, and it went amazingly smooth. I finished that bill within three hours and only about six or seven amendments. We defeated everyone of them except two or three that were technicalities which I accepted, primarily dealing with the advertising aspect of it. But sure enough, the last amendment was Bales' amendment.

Bales introduced his amendment with the purpose of removing that clause and presented the argument that it was not constitutional. Subsequently, I proceeded to the front mike and said, "It's interesting that Mr. Bales, of all people, should introduce the Agnich amendment to this bill." Bales went under, and I continued to argue against it implementing the primary argument that our business was to legislate, and that it was the courts' business to decide what was constitutional and therefore, we should do what was right and not worry so much about what was constitutional. I really thought I was going to lose it. We finally took the vote, and after my comment about it being the Agnich amendment, I prevailed with

what was probably an unconstitutional provision almost to a point. Bales laughed afterwards and conceded, "Well, after you said what you said, Bynum, I'm glad my amendment didn't pass."

Marcello: Getting back to that ethics bill just one more time now, we see the Agnich amendment passed, which called for sealed financial disclosure; the Sullivant amendment passed, which called for the selection of the Ethics Commission by lottery. Now what happened to the part of the ethics bill concerning who was to be covered--elected or appointed officials?

Bynum: It's my recollection, Ron, that in a series of amendments--some were adopted, some weren't--it was watered down somewhat. We took local people, school boards, county commissioners and city commissions out of it but we attempted to leave everybody else in it. But as I said, my memory on that is a littly hazy, and I'm not positive about what happened to that part of it. That bill went through so many changes that I can't remember exactly what it contained when it left the House. But I think there were probably fifteen or twenty amendments dealing with that. A few of them passed; most of them didn't. But I think

it probably did water it down somewhat from the original version.

Marcello: Well, anyhow, eventually what happened was that the Senate passed this version of an ethics bill, somewhat watered down, of course, and the bill had to go to a conference committee. And as I gather, for some time, they had a rough time getting the Senate conferees to attend those meetings at first, did they not? Didn't they have trouble tracking them down?

Bynum: Well, the truth is that the Senate didn't want to pass that bill or the lobby bill--either one. But they knew that publicly they could not just kill it. So they attempted to do everything in their power to slow down and de-rail those bills. When they first appointed that conference committee, I think the Senate didn't come to the meetings. Finally, Nugent and the speaker complained so emphatically about the Senate's attendance, that they did start coming. It's my understanding of that conference that they were deadlocked in the conference with the House conferees on one side, wanting the ethics reporting extended to many more people.

Marcello: Probably Oscar Mauzy was with them on that point.

Bynum: Right.

Marcello: I think in all fairness to him, we shouldn't say that every Senate conferee was . . .

Bynum: Oh, I'm not . . . no, not every senator . . .

Marcello: . . . approved the watered-down version.

Bynum: There were a number of senators who were strongly in favor of the reform package. I'm talking about the majority. At that point, I think the House wanted the Ethics Commission. In the final compromise, the House dropped the Ethics Commission, and the Senate agreed to have more people included in the bill. I think that was really the final compromise made in the eleventh hour. But it was really difficult to hammer that bill out.

Marcello: Now the third one of the reform bills I think we need to talk about next is the one having to deal with campaign financial disclosure. This is the one, I think, which you're most familiar with. So I'm going to let you carry the ball from here and take it from the very beginning, let's say, from the time that the whole idea of campaign financial disclosure was conceived, your sponsorship of the bill, and then the various pitfalls that were encountered in the House.

Bynum: Well, I think to begin with, you practically have to backtrack to the last session when I was a member of the Elections Committee. I have always been very interested in election law and in making so e broad changes in the election law. Specifically, this bill was part of the speaker's reform package, and as I said earlier, the speaker worked with a number of people in drawing up the nine reform bills which he felt were the culmination of his campaign promises, both to the House members and to the people of Texas as he carried out his speakership campaign.

One of these bills was the campaign reporting disclosure bill. This bill, I think, was drafted primarily by Buck Wood, Randall Buck Wood, who was employed in the secretary of state's office holding the position of chief election officer under Bob Bullock and perhaps some of Bob's predecessors as secretary of state. Buck Wood had since become the lobbyist for the Common Cause group. I'm not sure exactly what his title was, but he was the main legislative representative of Common Cause. With this background, he was extremely knowledgeable in the area of campaign disclosure and campaign finances

because he'd worked with the reporting and disclosure of all the statewide candidates in the secretary of state's office. So he drafted the original bill. The speaker asked which bill I wanted, and it was my choice. Ultimately, it was introduced and became House Bill 4. At that same time, the speaker said that Mrs. Chris Miller, one of the freshman members of Tarrant County, would be my co-sponsor on the bill, which pleased me. I didn't know Mrs. Miller, but I had heard many complimentary things about her. Thus, the bill was introduced. We took the bill, and it was referred immediately to the State Affairs Committee. The State Affairs Committee, I think, had approximately four or five of these bills. Some of them were also in the Rules Committee, but these major bills went to the State Affairs Committee. The chairman of the State Affairs Committee, Dave Finney, working with the speaker, appointed a five-member subcommittee that became styled the Bales subcommittee or the ethics subcommittee of the State Affairs to which all of these bills were sent directly to be heard and worked out. When the committees were appointed, I was named chairman of the Insurance

Committee and a member of the House Administration Committee. Both were full-time jobs, of course, and particularly the house administration work at that point, at the beginning of the session, was very burdensome because between the change of administration consisting of the old Rayford Price people and the new Price Daniel people, there had been very little transition. Joe Allen, chairman of the House Administration Committee, and the speaker were committed to a number of reforms within house administration to clean up many of the problems we'd had with leased furniture, postage stamps, and many of these policies that we became involved in. We participated in several things, some of them quite controversial. They appear to be fairly minor things, but believe me, they consumed a lot of time--such as doing away with pages. I was involved with those things, and generally the speaker and others seemed to be focusing their attention on the lobby bill, the ethics bill, the open meetings bill, and some of the less controversial bills of the package. So perhaps because I was busy with other things and not pushing for my bill, and perhaps because it seemed

to be less of a limelight sort of bill, it ended up at the end of the package, and some of the other bills went through ahead of it, which was fine. We couldn't pass them all at once. Of course, I began immediately, after the bill was introduced, to have feedback from all types of parties. I received a number of phone calls and conversations with various county chairmen and party officials who had worked with it, read it, and were concerned about the bill.

Bob Snead, a lobbyist for several insurance companies, has been for a number of years the county chairman of Travis County, Democratic county chairman, and he is considered one of the most knowledgeable people in the state with regard to filing papers and proper procedures for running for office. Being in Travis County, which is considered somewhat of a political hotbed, by necessity he was inevitably knowledgeable on that. Bob is by character a very meticulous man. He's very sure of whatever ground he's on, so as county chairman, he was really familiar with it. He and I had several discussions. In fact, he actually took the bill and made penciled recommendations on the bill as to what he thought would be

needed changes and what he thought was impractical about the bill.

Consequently, I began the process of taking the original bill that had been introduced and I redrafted it into what I thought was a stronger, tighter bill by eliminating some of the original problems. One of the original problems of the bill was that it didn't fit together well. It had assorted language in it concerning corporations not being allowed to contribute to campaigns but labor unions were never mentioned. I felt if we mentioned one, we ought to mention the other. So I began to rewrite and redraft the bill eliminating some excess verbage, dealt with some of the problems, and tightened it up. After I had written a preliminary copy, I took that copy to the ethics subcommittee, and we began to work on it. I had a formal hearing, a public presentation, at which there were very few public witnesses. No one actually appeared to be against the bill. Two or three people just appeared in favor of the principle of the bill, but mostly it was a question and answer session between myself and five members of that subcommittee.

After that, we redrafted the bill to solve and answer some of the problems that a few of the committee members had. I remember Jim Mattox from Dallas was very concerned about campaign practices, particularly with regards to the last minute smut sheets put out by one candidate to another. The bill does, as it was finally passed in its present form, relate to that in some ways, specifically, it provides that all printing, advertising must have a form filled out as to who bought it. Anything that is printed must include the printer's name as well as the candidate's name. Mattox kept wanting to go farther and talk about what could or couldn't be printed. I argued that this bill was not a fair campaign practices bill but rather a disclosure bill. And if he wanted to get involved in practices, then fine, we could do that. Also, there was a great deal of discussion in relation to limiting campaign expenditures, which is part of the same concept. But we decided that it would be difficult enough to pass this bill with full disclosure without delving into the whole issue of the amount people could be allowed to expend in a campaign. We went through

all of those processes in regard to this and redrafted the bill at least another two times. My administrative assistant became a great expert at the paste-up and xerox system.

Anyway, we processed the bill into a final form, and the subcommittee reported it back to the committee. The committee had a lengthy discussion lasting approximately two hours the night they reported it out of the full committee. It was reported out and subsequently went to the floor. It's my recollection that at that time the calendar was somewhat jammed up, and it was about two weeks before the bill finally came up for floor debate. As I said before, during this time I was meeting rather regularly with the speaker and with Carl Parker, the chairman of the Calendars Committee, and others for the purpose of discussing strategy on the bill. It was important that we pass the bill with as few amendments as possible. It was especially important that we keep the concept of the Ethics Commission intact. I felt personally that the Ethics Commission in a campaign reporting disclosure bill was the most important feature because whereas realistically you

could have financial disclosure and lobby disclosure to almost anybody, whether it be to the secretary of state or your attorney general or to an outside commission. In the case of a campaign bill, you must have an enforcement procedure. You need to have somebody who can check those disclosures and ensure that they're right and oversee them. You must have a body there. This is particularly important because all the other disclosure places, so to speak, are political. You don't want to have the secretary of state, who is the governor's closest appointee, enforcing a campaign reporting bill because obviously his governor may be running for re-election against some opponent. The classic example that I would argue this point on is that you don't want Bob Bullock enforcing a bill with this much teeth when Preston Smith's running, obviously. Nor do you want it in the attorney general's office because the attorney general may well be a candidate himself. You don't want him enforcing a bill with himself as one of the parties and his opponent in another party. Obviously, you must have an outside enforcement agency. I felt very strongly about this, and the speaker

strongly believed that we needed to pass it without any Agnich or Sullivant amendments.

So we went into the thing, and this time we were much better prepared. On the ethics bill, the Nugent bill, there had not been the kind of proper preparation with the membership prior to these votes. That's one of the reasons we completely lost control and people didn't realize this. Prior to my bill, the speaker called a meeting in his office consisting of all the committee chairmen and allowed me to explain the bill to them to explain why I felt that we needed a commission, why it needed to remain intact, and I asked these people--not really the speaker--but I asked these people to please get out and spread the word and help me pass the bill with a minimum number of amendments. I think this made a lot of difference in the bill.

Anyway, when the bill came up on the floor, we did pass it, and like I say, it only took about four hours, which pleased me. I was ready for one of those two-day sieges. But it went very well. There were no crippling amendments whatsoever passed on the bill. In short, I was very pleased with the outcome.

The bill then went to the Senate, and sat for some time in Senator Moore's State Affairs Committee. Originally, I thought that Senator Mauzy was going to be my sponsor. However, it turned out that Senator Bill Meier of Fort Worth picked the bill up, asked to sponsor it. Of course, I didn't really know Senator Meier very well, but in subsequent work with him on the bill, I've come to admire him and respect him, and I really think that he made the difference in passing a really good, strong bill. He was committed to it; he was a voice of moderation, whereas had I had Mauzy I would have had a lot of natural enemies before I ever started. Mauzy probably had his hands more than full with other legislation and couldn't have given it the time. Meyer made a reputation during the session, and certainly in this bill, as being a great technical man--the kind of person that can hammer out detail after detail. He did that on this bill and did a great job of it. But I began to work with Senator Meier and, of course, he told me from the very outset that we couldn't expect to have an Ethics Commission. I took the position with him that we needed something. So he agreed that ultimately we would work on it.

Well, really, I lost hope there about the last two weeks because when we had the hearing before the Senate State Affairs Committee, because it was complicated and because Senator Meier really hadn't studied yet, he asked me to come and make the presentation. I think I'm probably the only House sponsor that actually took my bill to the Senate and made the presentation. I was harassed for two full hours by Senator Moore and others, but primarily by the "Bull of the Brazos" concerning the bill. He was very clear that the Senate was honest, and numerous laws to make them honest and numerous laws to make them honest was not necessary. But if the members over on the House side had to pass laws to make them honest, that was fine. He didn't think they needed that kind of business in the Senate and thus, he simply didn't understand why the present law wasn't adequate and so forth and so on. Anyway, after I finished the presentation, he announced that he was referring it to a special subcommittee to be named at a later date, which he wouldn't name for about three or four days.

However, it turned out that Senator Moore had an insurance bill which was in my insurance committee

in the House that he wanted passed very much. It was a bill which would permit title insurance companies to write title policies on personal property. Apparently, there's a real problem with obtaining clear titles to airplanes today, and it would have particularly allowed title insurance on airplanes, private airplanes. He was very interested in this bill and called the speaker about it, but the speaker told him that he would have to talk to the chairman of the Insurance Committee. I don't think Moore knew, until I came over to visit him, that I was the chairman of the Insurance Committee. I made it very clear to Senator Moore that his bill was not going to be much more successful in my committee than my bill was having in his. That same afternoon although he made it quite clear that he didn't make deals and that he wasn't about to make a deal on this bill, it was interesting that he did name the subcommittee which was a favorable subcommittee.

Meanwhile, Senator Meier was busy rewriting the bill. He wrote the bill, and he rewrote the bill. What he basically accomplished was to take the present section of campaign financial disclosure in the present

election code and rewrite it to comply with what I originally had in my bill as we passed it in the House. This was a bill that they ultimately reported out. It went to the Senate floor and did pass the last four or five days. They attached in the Senate two amendments which I didn't care for at all. One was an amendment which stated that unopposed candidates didn't have to report. Our bill required every person who was a candidate to report. This has been one of the problems in the past. Somebody would run unopposed, could accumulate all kinds of campaign contributions, and never report them because they were unopposed. This is why our bill did include unopposed candidates. Eventually, the Senate eliminated that amendment. Then the Senate did away with the continuous reporting aspects. As the bill came out of the House, any person who ran for office had to continue reporting until they finally showed a zero balance in their campaign account, i.e., if they had a deficit or a surplus, they had to continue to report every sixty days until that balance or surplus was cleared up. The Senate also took that out. The Senate amendment declared that sixty days after your last

reporting, you make a final report. It doesn't make any difference whether you owe \$100,000 or not.

That's it. I didn't like either of those provisions.

So next we went to conference, and this is where the major problems that the conference had to work out appeared. We worked those out in the typical compromise fashion, that is, the Senate gave on the continuous reporting, and we got the continuous reporting. We gave on the unopposed candidates bit. But it turned out not to be very significant since the ethics bill requires any person receiving campaign contributions which are not otherwise reported to disclose those campaign contributions as gifts. I didn't feel like I'd lost much on that.

In addition to this, Senator Meier and I spent numerous hours the last four days of the session writing and rewriting and working with Mary Kay Wall, the election expert in the Legislative Council to prepare the bill into final, fine shape ensuring that everything tied together, the words were right, and that we didn't leave any loopholes. I know that the session ended on Monday. I remember on Saturday night Senator Meier and I stayed up until four in the

morning eventually working out the conference report. We finally got that conference report signed late Sunday afternoon. Then we finally concurred. The House accepted the conference committee report about 9:30 or 10 o'clock Monday night. So it was really an exciting bill.

Marcello: And you immediately passed out (chuckle).

Bynum: Right, I immediately passed out. No, the truth is, I passed out for a little while, but I was revived later on. It turned out that I ended up making the motion to sine die about four o'clock in the morning. I think Speaker Daniel and I were the only ones left in the chamber, and I moved that we sine die, and he gaveled it on through. Thus, I managed a great come-back. But anyway, it was a tremendously exciting bill. It was a piece of legislation I'm personally very proud of.

Marcello: Would you say it's perhaps the most important piece of legislation that you've passed during your career in the Legislature thus far?

Bynum: That's a difficult decision for me to make because I also authored and passed during this session the bill which creates the life insurance guaranty fund,

which is a bill that guarantees all people in Texas that if they buy a life insurance policy and the company becomes bankrupt, the other companies must pick it up. It's hard for me to judge because they're such different kinds of bills. There's no question in terms of input, controversy, and the amount of work that it required to pass it, that House Bill 4, the campaign report and disclosure bill, is the major piece of legislation that I passed. The only question is, as far as impact and importance to the people of Texas, having the life insurance policies of every citizen basically insured, an FDIC type of thing, might be more important to them than seeing how much money a candidate raises. I don't know. But from the standpoint of input and work, it's certainly the major piece of legislation that I've passed in my career.

Marcello: We've now talked about the three major pieces of ethics legislation, I think, and, of course, there were several others that were also passed. I'm not exactly sure how much time we need to spend on them. But before we go on to those other pieces of legislation, some senators have said that the reason that there were

these changes in the Senate in the bills that were sent over from the House was because in some cases the bills were not very well written. There were questions about the constitutionality of certain bills or certain provisions in the bills and things of this nature. Some senators have said that rather than removing the guts from any of these ethics bills, that actually the Senate refined them. How would you answer that particular argument? I don't know if you'd ever heard it before or not.

Bynum: Oh, yes, that was a frequently discussed position during the session. I think that's simply Senate rhetoric, as far as them refining it. I don't think they had any intention to do anything but water them down as much as they could. Now I do think there is some truth to what they say with regard to several of those bills. The ethics bill, for instance, only because it was amended so many times in the House, by the time the thing was passed it was a piecemeal sort of bill. I think there is no question about that. There were constitutional questions on, say, the speaker bill--whether or not we could constitutionally by statute limit the speaker. I think that's a clear

constitutional question. There were some constitutional questions with regard to the Ethics Commission and this whole business of reporting. There are some, and there were attorney general's opinions written on all of these, and, then, after the attorney general's opinion came out, there was great discussion as to what the attorney general's opinion really inferred. The House claimed that the attorney general's opinion proposed that all it needed to do is be cleaned up, and the Senate claimed that the whole bill was unconstitutional.

I don't think that that was a charge voiced against House Bill 4. As a matter of fact, I felt and still feel today, that House Bill 4, as it developed from the House in its new form with a completely rewritten financial disclosure section of the election code was a better bill than what we ended up with. But I had to accept, in order to ensure that the bill would be passed, Senator Meyer's version, which was to take the present law and amend it. I still think it would have been better if we'd have taken that whole brand new language and concept. It was clearer and it fit together better. Anytime

you take an old statute and attempt to accomplish various new things with it simply by amending it, you are bound to make some mistakes and create some problems. I think maybe we have a better chance to do that the way it is.

But I'm not going to argue with a senator who says that the ethics bill didn't have problems. By the same token, the lobby control bill that the Senate passed was a terrible mess. The Senate is in no position to talk about passing a messy bill since the lobby control bill was a terrible mess. That was one of the main reasons the speaker was able to win his fight to go into conference. There were so many ludicrous provisions in the bill and so many contradictions that purely on the grounds to clean it up the speaker had reason to go to conference with it.

Marcello: Let's talk very, very briefly about some of the other parts of the reform package. We've mentioned the one term for House speaker previously, but let's talk just a little bit more about it. Why was Daniel in favor of one term for House speaker, and why were other representatives in favor of only one term? What were the arguments presented in favor of this particular piece of reform legislation?

Bynum: Well, the main arguments were the arguments that had developed as a result of the Tunnell, Barnes, Mutscher progression, which is that the Chair uses the power of the Chair to force members into signing pledge cards for future terms. What you had was this tremendous concentration of power in the Chair so that the individual members became very insignificant. If somebody needed a piece of legislation passed or killed, they simply went to the speaker. If they could get the speaker's ear and persuade him to their side, the speaker could kill or pass any legislation which was not beneficial for the people of the state or for the Legislature itself. The argument was that a two-term or more speaker could put too much power in the hands of that Chair, of the speaker. There was no question that Mutscher, particularly, more than anyone else, utilized the power of the Chair to coerce members into signing pledge cards for more and more terms. That was the general criticism.

Now on the other side, there were many people who argued that you shouldn't lame-duck a speaker, particularly with four year terms coming for the

governor and the lieutenant governor. They claimed that you shouldn't weaken the House by weakening our own leadership position. Really strong sentiment emerged in the House against that bill.

But I think very few people understand Price Daniel's position in the thing. Price Daniel really believed in his heart that the House operated better under the one-term speaker system. I think this is because of his family background. There have been fifty-six speakers of the Texas House, and only four of those fifty-six speakers succeeded themselves. Now in recent times, because of what's happened recently, we've almost come to think that's the way it's always been. But it's not. In truth and reality, the House historically almost always had new speakers every session. Wagoner Carr was the first speaker to succeed himself. Prior to Wagoner Carr, no speaker had succeeded himself. Now there had been a number of men who had been speaker two or three times, but there was a break. I think Price Daniel, Sr., and a number of his contemporaries and friends who no doubt had a great deal of influence on Price, Jr., had convinced Price that it

was a better system. It was more democratic, it was more flowing, and it was better for the State of Texas. I think that we had been conditioned to think about speakers running for more than one term, but the older people who functioned in the House of Representatives in the day when the tradition was quite contrary to that believed it functioned much better in the "good old days." Now I don't know whether it did or not, but nonetheless, those are the arguments on both sides.

I thought the bill that we finally produced was a terrific bill. The bill, as it was introduced, said that no speaker could succeed himself. Well, there are too many constitutional questions involved, and they came up with a bill which said that a speaker could succeed himself, but he could not, while he was speaker, run for that office. In other words, he could not use the office to campaign.

Marcello: In other words . . . I think the language they used was a legitimate draft, is that correct?

Bynum: In essence, the speaker, to succeed himself, would almost have to be drafted because he could not go in and campaign while he was in office. Now some people

argued that that placed an incumbent speaker at a disadvantage, but I really don't believe that. Any person that's sitting in that Chair and has the power of appointment of committees will have an advantage over anybody out there on that floor running against him, but at least it might equalize it somewhat. But I thought that was a great solution because that eliminated the excesses of the Barnes-Mutscherism. In other words, that did away with the persuasion, "We're going to re-draw your district. Wouldn't you like to pledge for another term?" It would stop all of the business. But simultaneously, it would allow the House, if it so desired in its wisdom, to continue a man for more than one term. I thought it was a good bill.

Marcello: Well, eventually it did pass the House, and, of course, I think it did pass the Senate also, is that correct?

Bynum: No, I don't think it passed the Senate.

Marcello: It did not pass the Senate?

Bynum: No, the Senate asked for an attorney general's opinion, and that one was declared unconstitutional.

Marcello: That's correct. Okay, a fifth of the reform bills that was brought forward was the one that called for

the ending of threats and promises and what have you in the speakership races. This would have been very closely akin to the previous one that we've talked about. How frequent were threats and promises in speakership races in the past, that is, within your experience, which would have been back in the Sixty-second Legislature?

Bynum: Well, I don't think they were nearly as frequent as many people, particularly the public, perceived there were. And they usually weren't obvious threats. But returning to the team that we were talking about earlier, when a member had something he wanted, for example, say a member went to the incumbent speaker and said, "Oh, Mr. Speaker, I've just got to have this four-year college back in my district." And the speaker replies, "Well, I'll just have to think about it and see what I can do." Then lo and behold, the next day some influential member of the speaker's team, perhaps the chairman of the Education Committee which had the bill, appears in that member's office with a pledge card for the next session and states, "Say, George, wouldn't you like to pledge for the speaker of the next term?" Well, of course, there's

no real threat or intimidation, but the point is not lost. I think that the guy that doesn't sign the pledge card knows that his four-year college is probably down the drain for sure if he doesn't. Therefore, if he wants this college enough, he'd better sign that card. How many actual deals were executed prior to a speaker's race, I don't know, because I was never involved in that type of race. When I ran, it was between Mutscher's first and second term, and he was already a shoe-in when I was running, thus, there was no promises to be asked or made. I don't think that there was any doubt, say, in the Mutscher race, that at one point Bill Heatly had about eight or ten people who had agreed to go vote however he went. Subsequently, Heatly went to Mutscher and said, "If you'll reappoint me as chairman of the Appropriations Committee, I'll deliver you ten votes." I think that deal was cut. I don't think anybody would deny it. But I doubt that very many people specifically cut a deal. I think a speaker or a candidate might say, "If you'll give me your pledge, I'll give you every consideration for a major chairmanship." But I doubt very often

that he would say, "I'll make you State Affairs chairman."

Marcello: That's a little too crude to do it that way.

Bynum: Yes. Therefore, you know, I don't think there was that much. But I think the speaker bribery bill was a good bill. I think it establishes partial rules by which the game ought to be played and places almost everybody on an equal basis.

Marcello: Now one senator cynically commented that had this particular piece of legislation been in effect during the special session last summer, Daniel would have been liable to prosecution under it.

Bynum: I absolutely disagree with that. I was a person who made the decision to support Daniel at that time. I must have had fifteen conversations with him and other people at that time, and I violently disagree with that. I don't think that Price Daniel ever violated the spirit of his own reform in his race.

Marcello: Well, here again this was a bill that got through the House, and I think this one passed the Senate rather easily, did it not?

Bynum: Right.

Marcello: Again, the Senate really wasn't that concerned with it, I don't think.

Bynum: Well, the Senate took the position that whatever the House wanted on that bill was fine.

Marcello: Okay, the sixth reform measure would be the open meetings bill. We'll just say that was the sixth one for our conversation here, anyhow. There's not too much that we can say about that open meetings bill. Was there a whole lot of opposition to it in the House?

Bynum: There was never really much controversy in either House, I don't think.

Marcello: I simply think that there were just a few exceptions to this open meetings bill, such as, I think, personnel matters and real estate transactions and lawyer-client relationships--just a few things like that. Like I say, I don't think that there's really a whole lot that we can say about that because there really wasn't too much opposition.

Bynum: Well, it's a funny thing. The people who were opposed to that bill . . . the Legislature's always been an open meeting. The Legislature's never had any closed meetings anyway. The kind of people who were nervous about that bill were hometown school boards, county commissioner courts--people transact

a lot of business in pre-session meetings. So there was some pressure from home. But the truth is that bill passed early enough and fast enough so that the forces that were against it never had a chance to marshal their opposition to the bill. I think if that bill had been strung out over a four or five month period, it might have resulted in defeat because the county commissioner courts and the school boards were just beginning to get upset about the thing after it was already a said-and-done type of issue.

Marcello: You mentioned just a minute ago that this bill sailed through rather fast. On numerous occasions, wasn't this one of the criticisms that was directed at Speaker Daniel, that is, that he did try and zip these things through the House too fast?

Bynum: Well, I suppose that was a criticism. I don't think it is a valid one because at the same time we were having that kind of criticism, we were having criticism from other people that legislation was bogged down in committees and that everything was taking too much time. Since the session's over, I've heard a number of people comment that this session of the Legislature didn't pass as many bills as other sessions.

Well, of course, my answer to that is I hope a legislative session is never judged on the quantity of bills that it passes. I think that's a very, very poor criterion to judge any legislative body on. But nonetheless, I just don't think that's a fair criticism. Everyone of these bills was given open, public hearings and discussed and cussed from one end to the other. After all, these were the first nine bills introduced and referred. They should have gone through at first. There is no question that the speaker's reform package was given priority consideration by committee chairmen. Obviously, as soon as the bills were introduced and referred, the committee chairmen set hearings on them very quickly because they were the reform package. Also, early in the session, it became clear that the Senate was going to balk at some of these bills, and there was a general feeling that we ought to pressure them just as soon as we could so that they would be forced to take them up.

The House became very upset when the lieutenant governor announced they wouldn't take up any of those bills until after his Citizens' Conference had met. This was taken in the House as simply a bald-faced

attempt to delay for some month and a half consideration of all of our reform bills. Then he really rankled the ire of the House when he announced that his Senate committee was going to be appointed on the basis of House districts, and that every House member would have a shadow member appointed by the lieutenant governor. That precipitated some personal privilege speeches and some tongue-in-cheek resolutions inferring that we should create a Citizens' Committee to consider all Senate bills and that the speaker ought to appoint one member for each Senate district to be on his committee. But, for that reason, I think, there was some feeling in the House that we should go ahead and get those bills over there thereby placing the pressure on the Senate as early and as forceful as we could so that they wouldn't say, "Well this bill got to us so late we couldn't do anything about it."

Marcello: Well, a seventh part of the reform package concerned the open records bill.

Bynum: Access to public documents.

Marcello: This is correct. And here again, I don't think that there was a whole lot of opposition to this bill.

There was a little bit of opposition but not a whole lot. Why was there a need for such a bill?

Bynum: I believe that this was the Denton bill. I think there had been a general feeling existed that some state agencies and others had kept the public from possessing proper access to documents, kept the press from having proper access to documents, and that we needed to put in statute a broad state policy as to access to public documents.

Marcello: Now are there any sort of public documents that would not be open to the public? In other words, were there any amendments to this bill? I'm thinking now of such things, let's say, as adoption papers and things of that nature, something that's considered confidential information.

Bynum: Well, I'm sure the bill excludes anything that would deal with a client-patient, client-lawyer, patient-client relationship. In addition to that, it also specifically exempts any kind of personnel matter. So personnel matters are not covered in the access to public documents. As far as I know, those are the only exceptions to the bill.

Marcello: Okay, reform number eight was a bill to limit the powers of the conference committee, to make substantial

changes in appropriations bills. I guess I could ask you why such a bill was necessary, and your answer would be simply to review the history of past conference committees in which Heatly and others participated.

Bynum: Well, of course, the problem had been that particularly on tax bills and appropriations bills the conference committees would meet and write a bill that had no resemblance to either Senate or House bill. One strong feeling is that this was expensive for the state because much of this pork-barrelling got into these bills. This is due to the fact that in the last four previous sessions, one house or the other had passed joint rules requiring this, but the other house had never quite passed it. Thus, there had never been any joint rules on the thing. The Senate just out-and-out killed this bill because they felt that it should not be a statute, that was a matter for the rules. Well, as you know, both the Senate rules and the House rules that we passed early in the session included those provisions, and the joint rules that we passed late in the session included those provisions. So they were in the rules this

session, and they were complied with this session. But, of course, there's nothing whatsoever to bind any future sessions to it. That was why the House felt that it should be statutory. The Senate simply took a very different posture and adamantly killed that bill early in the session. No waiting whatsoever was involved. The bill was brought up and immediately killed. They said that it did not belong in statute, it was a matter for the rules.

Marcello: I think that this is an interesting point that you just made here because I think a lot of people were under the impression, well, why pass such a bill when this was already part of the rules, and I think you answered that question. The rules can be changed in each session.

Bynum: The rules of one session are not binding, nor do they even carry over to the next session. Every new session of the Legislature passes its own rules. What normally happens is that on the first day you adopt your old rules as temporary rules, and then sometime in the first week or so, you'll adopt a new set of rules that will be old rules slightly amended. But there's nothing that requires this. There's nothing

even stating that you must have rules, so any future session of the Legislature has to make no commitment to this. In the history of this particular thing, it was one fiasco right after another, that is, it was the type of thing that everybody said, "Well, it's a good thing." But it just never quite became incorporated into the rules in the past. It's interesting that when Barnes was speaker of the House, the House passed that rule both times, and Preston Smith's Senate refused to pass it. Then when Barnes became presiding officer of the Senate, he passed the rule both times in the Senate, but Mutscher refused to pass the rule in the House. I think ample evidence exists to say that there's a good chance that that will not end up in the rules.

Marcello: Are there any other pieces of reform legislation we've missed?

Bynum: I believe we've about covered them all.

Marcello: I think we've covered all of them. Now in summarizing all this rules legislation, I want to ask you this question. Some people have criticized the House for spending too much time on rules legislation. They contend that because of the time

spent on these matters, not enough time was spent on other House business. How would you answer those critics? We've touched this briefly, I think, in previous questions.

Bynum: Well, I'd specifically answer it in two ways. One, I don't think we neglected time on any other matter. After all, the single most important matter facing any legislative session is the passage of the appropriations bill. The House probably spent ten to fifteen times as much time on that bill as ever in the past. In addition to that, we gave lengthy discussion to such things as the penal code, the death penalty bill, and days of debate on the drug laws. All the major issues facing the session that we spent tremendous amounts of time on had many, many amendments. But even if the charge is true, and we spent a lot of time on these bills, I would remind you that we were a session convened and elected by the people to reform the procedures that brought about the stock-fraud scandal. I believe that was one of the major issues of the session. So I don't see how you can say that changing the so-called old-style, the Mutscher-style Legislature was wrong.

It was one of the reasons we were all there--maybe the first reason we were there. Also that was one of the main reasons why there were more new freshmen than old members. Actually, everyone felt that was the real mandate of the people.

Marcello: In other words, would it be safe to say that if the House did nothing else but pass reform legislation, that may have been enough because if nothing else, perhaps it went a long way toward restoring public confidence in state government? Or does that seem a little too strong?

Bynum: Well, we had other things we had to do. We had to pass an appropriations bill, and we had to confront some other major problems that the state had and I think we probably met that responsibility in all areas with the possible exception of school financing. But I think your statement is basically true. Yes, I think that that was really the first mandate of this Legislature, and that was to restore the confidence of the public in their state government. I think that's what all of this reform rhetoric is all about.

Marcello: What repercussions have you heard in your own district as a result of the time spent on reform legislation?

Bynum: Well, I really think that there's been no negative response whatsoever. Quite the contrary, the general man-in-the-street response to me since I've been home has been one of, "Gee, you sure had a good session this time, Ben. It looks like y'all accomplished a lot." Quite the contrary, I haven't heard anyone say that they thought we over-reformed or did too much reform. I expect that later on when some of these new reform laws go into effect and the open meetings bill begins to affect city council meetings and the disclosure bill begins to affect some local people, they may say, "Why'd you pass that crazy bill?" But the general public, I think, has a very, very favorable impression of what happened during this session of the Legislature. I think as bad as it was last time, it's probably as good in exactly an opposite direction this time. I've had one or two people comment that they've heard we didn't accomplish very much. To that, I simply answer that we passed major reform bills. Interestingly enough, one of the things that we did this session, in addition to no new taxes, and in addition to leaving \$70,000,000 on the table unexpended, we passed the first bill

for performance auditing, the first bill for program budgeting, and the new rule for the conference committee to adjust the differences--all of which are great fiscal responsibility bills.

Marcello: You might explain how these work. Now I've heard about them before. In fact, I think Jim Kaster was one of the sponsors, was he not?

Bynum: Right. I think he was sponsor of the program budgeting bill. The program budgeting bill is where you attempt to budget on the basis of programs that a state board or a state agency has, rather than just a lump-sum of money. You initiate programs within the colleges and schools. You try to do your budgeting according to what they really need for a given program instead of just saying, "Well, we need a bunch of money to do our programs." You actually try to decide what programs they're going to do. More important than that, however, is the performance audit. In the past, the only auditing we've done in the state is an audit that goes in and ensures that no money was stolen--that the money has been spent on state matters rather than falling into somebody's pocket. We've never had the kind

of auditing that says, "Well, the Appropriations Committee appropriated that money to go for an oral history program. How was it spent? Was it actually spent on an oral history program?"

Marcello: We're going to build a cottage out by Lake Dallas where we can hold all of our interviews from now on, and do it in a style to which we are not accustomed (chuckle).

Bynum: Right. That's the exact kind of thing I'm talking about, and there's never been any of this. Also, we did not do it this session, but for the first time, the leadership of the state is discussing something I've been talking about for two years-- zero budgeting. That is, in our short session and time, what we do is assume that what an institution or what an agency has had in the past is all acceptable, and therefore all we discuss is their request for more money and whether or not it's justifiable. With zero budgeting you make an agency or an institution justify all of the money they're asking for from zero on up. I think that will save the state a great deal of money.

We did all of those things. In addition to that, the Legislature re-enacted the death penalty. We

passed after six years of work a new penal code. We passed several new sections to the family code which desperately need revising. We passed various legislation which I think is very, very important. For example, we completely reformed our drug laws. We passed bilingual education for the first time and adult education for the first time. We passed a sweeping new consumer protection act giving the attorney general broad powers for consumer protection. We gave full rights to the eighteen, nineteen, and twenty-year-olds. We passed a whole new bail-bond reform law. We passed a law for the mass transit in Houston. I think that we accomplished numerous things. I'm especially proud of the insurance reform, as chairman of the Insurance Committee. We passed competitive insurance rates, which we spent an entire special session working on last time with no results, although it did lay the groundwork. We passed the guaranty act. We passed the holding company act. And we made major, major reforms in insurance this time. So to suggest that we were not a productive Legislature is simply inaccurate.

Marcello: Let's just recapitulate here a little bit and we can bring this interview to a close, I think.

How would you compare the speakership of Price Daniel with that of Gus Mutscher? Now again, we've hit on this several times, I think, throughout this interview, and I want to try and bring some of these things together.

Bynum: Well, I think basically that the difference in their style was their concept of leadership. I think Gus Mutscher saw himself as a leader in a policy-making position, that is, that he would take a very active role, being for or against legislation, and probably personally directing all the major legislation of the session. Price Daniel, in a completely contrary way, saw himself as a presiding officer, to preside over the body but not become personally embroiled in the conflicts of the legislative session. I think he adhered to that. I believe he said beforehand he was going to do it, no one believed him, but that he did. I think that their style as people was completely different. Mutscher used the power of the gavel to accomplish the things he wanted to do. Price Daniel used the power of persuasion and the power of public opinion to obtain what he wanted. Price Daniel probably used the press more than any person I've ever seen. He would go to the press with his releases

and put the heat on his own membership, as well as the Senate. He used the public opinion, through the press, better than anyone I've ever seen. Contrary to that, Gus Mutscher despised the press and refused, if at all possible, to even talk to the press. So I think that's the major difference. As a member, in many ways it was much more difficult to function under the Price Daniel situation because you had to make so many more decisions, whereas it was easier under Mutscher. You either voted with him or against him. You were either on the program or you were off. We spent so much more time under Price Daniel actually debating the bills and fighting it out among the various members. The speaker wasn't there to constantly arbitrate these disputes and finally say, "This is how it's going to be." It was a much more pleasant situation because you never felt that you were under the hammer of the gavel. But it was different in some ways. It had its good points and its bad ones. There are numerous people who feel that you should have very strong leadership from the chair and that it creates a more effective government. Personally, I don't. I enjoyed the session. I enjoyed

the freeness and openness of it, the lack of pressure. I think that was the major difference. Both sessions had their strong points and their weak points.

Marcello: Do you know anything about the future political ambitions of Price Daniel?

Bynum: No. I think that he clearly wants to make a statewide race. He was always cognizant of his public image. He was always cognizant of getting what he referred to as "good press." Anytime he received any negative press, it upset him very much. I think that if there is a vacancy in the governorship, the lieutenant governorship, or attorney general's job, he would obviously step in there and run. I don't see him running against anybody who is presently in a position. He has also stated that he will not run again for re-election to the House.

Marcello: You're also referring to Bill Hobby, I'm sure, when you said somebody who's already in a present position.

Bynum: Right. There has recently been some speculation that he would run for lieutenant governor. It's my opinion that he won't. Not because he doesn't want to, I think, but probably because he feels that he couldn't obtain the proper financing.

Marcello: Okay, now, throughout this whole interview, we haven't talked at all about Dolph Briscoe and his role in this legislative session. Would you care to comment on this?

Bynum: Yes, I think it's a very interesting issue. At the beginning of the session Dolph Briscoe was almost a joke. Members of the Legislature who had tried to get in touch with Dolph Briscoe after his election in November and December would not have their calls returned; it was impossible to get through to him. He was referred to as "the phantom." There were even comments during the first week of, "Would Dolph Briscoe show up for his own inauguration?" Dolph Briscoe did not put together a staff as early as he should have. However, after he was inaugurated, while addressing the Legislature, he said that he was going to be the most active lobbyist with the Legislature for his programs. Within a month or a month and a half, he organized a staff which I think was a cracker-jack staff, a very competent staff. His legislative liaison people were hard workers and knew their business quite well.

Marcello: Who were some of these people?

Bynum: Well, the primary one in the House at least was first of all Roy Coffey. Then later on in the session, Howard Richards joined him. They worked together very closely as a team, and from time to time Bob Hardesty was present. I think his most effective lobbyist with the Legislature was Mark White, the Secretary of State, who was very active on all of the governor's programs. He was very active in the social affairs of the Legislature, was always present, and in general, I think he was a tremendous spokesman for the governor. But by the end of the session, I think the picture had reversed; Dolph Briscoe had taken a very active part in the Legislature. He didn't hesitate to veto bills, even when it was unpopular in the Legislature. He won most of the conflicts that he had with the Legislature, the first and major one concerning the right to organize by policemen and firemen, when he wanted the Legislature to recall the bill. There was a great deal of immediate resistance to that, but in the end they did exactly what he asked them to do. I think there was a 180 degree change. At the beginning of the Legislature he was viewed as a joke, as a buffoon,

as a weak governor. By the end of the session, I think he'd come out as a very personable governor, as a very strong governor, and believe it or not, as a fairly accessible governor. That was one of the big criticisms. Of course, Preston Smith, despite all his faults, possessed one great strength and that was that anybody could see him any time. Dolph Briscoe was not that way. But as the session progressed, it became easier and easier to see him. I know I never had any trouble seeing him when I needed to. And I worked very well with his staff. So I think there was a real change. I was very, very impressed. It's no secret that a year and a half ago in the primaries, I was a Barnes man. I worked for Barnes when I was in college and liked Ben Barnes very much. I can only say that Briscoe has overcome any objections I have, and I think he was a very, very effective governor in spite of the many things you hear to the contrary. I really believe he did an excellent job. I think he put together a staff that was effective, although it was too late. He also had some early problems. But I think once Dolph Briscoe involved himself in his new career he was quite competent.

Marcello: In closing this interview, let's talk a little bit about some of the personal legislation that you had passed, other than the campaign financial disclosure-- the campaign bill. Let's talk a little bit about some of the work with the Insurance Committee. You mentioned awhile ago some of the legislation that was passed with regard to state insurance laws. Let's comment on this briefly.

Bynum: Well, of course, in the last session I was a member of the Insurance Committee. When the speaker was making his decisions about committee chairmanships, he gave me a choice of two or three committees and asked me which I would prefer. I chose the Insurance Committee because I was very interested in it. I'm not in the insurance business which, I think, rendered me in a situation where I could be fair one way or the other. I had no real preconceived notions about legislation I wanted. I was, and had been, a strong advocate of competitive insurance rates. Don Cavness had carried that bill in two previous sessions, and I'd joined him as a co-sponsor on the bill. He and I worked very hard to pass it, and it was very difficult. The key turning point on that legislation was the fact

that we got outside actuaries to completely disprove the figures that the Insurance Board had introduced during that special session in the previous September. In fact, we called a press conference one day in my office and released these figures that were compiled by Dr. Robert Witt, a very well-known actuary. We released those figures about eleven o'clock in the morning, and by four o'clock that afternoon the board announced that they were completely reversing their position and were in favor of a competitive bill. Their bill didn't progress as far as ours did, and we finally ended up with what we call a prior approval compromise. But at least in Texas I'm pleased to say that for the first time we moved from the most rigid rate-fixing system in the United States to one of the more flexible which I think is a great move.

In addition to that, I sponsored in the last session and again carried this session the life insurance guaranty fund bill, a bill that establishes a FDIC-type guaranty fund for all life policies, that in the event the company becomes insolvent the policies will have to be picked up by other companies. I think that's a major piece of legislation and I'm proud of that.

Marcello: How would this work?

Bynum: Well, what happens is that the fund is established, all companies in the event of a failure must contribute to the fund.

Marcello: Okay, in other words, again, it's like you say. It's like FDIC, where every bank contributes to that.

Bynum: Right. They literally are forced to buy out the company. It's based on their percentage of premiums that they sell in the State of Texas. Some of the major Texas companies were bitterly opposed to this bill at the beginning of the session. We worked and compromised and Chairman Joe Christie of the Insurance Board deserved a lot of credit for that bill. We diligently worked with him on hammering out the compromises necessary to gain approval.

Marcello: I would assume that the big companies probably voiced less opposition than the smaller ones.

Bynum: Not really because the major objection is that the big companies are put in the position of guaranteeing the policies of their competitors. A strong company doesn't want to be put in a position where some fly-by-night salesman goes out and says, "I want to sell a citizen a policy." And when the citizen says,

"Well, I've never heard of fly-by-night." The fly-by-night salesman says, "Well, don't worry about it. Even if fly-by-night goes broke, we're guaranteed by all the big boys." That was the industry's major objection to the bill. We overcame that with a provision stating that nobody could advertise this fund as a part of their selling program. But nonetheless, it does exist and that's what's important to the insurance-buying public.

I was author of another bill, with Senator Jones, proposing that the board set up claims-adjusting policies. Many of these companies refuse to deal with their clients when they have a claim, and there's nothing anybody can do about it. Well, this bill gives the board the power to have every company write a policy and have it approved by the board, so that the public will be protected in that way.

I think we passed a lot of consumer-oriented insurance. I hope next session we can pass mandatory liability insurance so that all drivers in Texas will be forced to have liability, and I want to spend the interim studying no-fault. Of course, the trail lawyers are bitterly opposed to no-fault

insurance. I suspect that they're strong enough in Texas that in the near future we'll probably never see any honest-to-goodness no-fault insurance in Texas. But at least I think we should give it every consideration and see whether or not it will work and then give the public that information. But it was quite an experience and a real pleasure to chair a major committee in the House, and I thoroughly enjoyed it. We're planning to do some interim work on the thing. But I'm very proud of the reform posture we took with regards to insurance legislation. We accomplished a tremendous amount of work in that field.

Marcello: Is there anything else that you think we need to get into the record before we close? Are there any local bills that you think we need to talk about?

Bynum: Well, the only local bill, really, that I got involved in and carried was during the middle of the session, toward the beginning of April. A local credit union, the Air Force Base credit union, failed and closed down, whereby some million and a half dollars of money that had been deposited was lost to the depositors. There had already been some indictments in the case as

fraud was clearly involved. But nonetheless, it pointed out to me something I didn't realize--there was no insurance on credit unions. I had previously assumed that all credit unions were federally insured. They are not. In fact, the Credit Union Commission which oversees all state credit unions had very little power. They really knew some of the problems in Amarillo but didn't have the power to do anything about them. Therefore, in working with Governor Briscoe's office and with Howard Richards and others, we wrote a bill. I introduced it and carried it. The Governor declared it an emergency matter which did two things. One, it granted the commission a great deal more authority to deal with insolvency to credit unions. And two, it provided that by 1975 a plan must be formulated to put all state and federal credit unions in this state under some form of insurance. That's a piece of legislation that I carried and was very proud of.

That's all that I have to add in closing. I'd say that it was a very enjoyable session. It was a session in which I felt that I had at least a major role in the leadership. It was meaningful, and I

really think it was a successful session. Of course,
only history can judge that, and we'll see what
happens. But I really do think that it will be
recorded a good session in history.