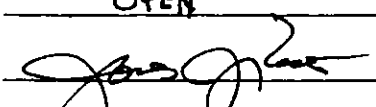


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Interview with
James Kaster
June 15, 1973

Place of Interview: El Paso, Texas
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Oral History Collection
Representative James Kaster

Interviewer: Dr. Ronald E. Marcello

Place of Interview: El Paso, Texas Date: June 15, 1973

Dr. Marcello: This is Ron Marcello interviewing Representative James Kaster for the North Texas State University Oral History Collection. The interview is taking place in El Paso, Texas, on June 15, 1973. I'm interviewing Representative Kaster 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, let me ask you just a couple of general questions first about the Legislature. Now during this regular session of the Sixty-third Legislature, there were about seventy-six new members, as I recall. How did so many new members affect House business? Or should I say, since there were seventy-six new members, did this in any way affect House business?

Representative
Kaster:

Yes, it did, and it, of course, was a disadvantage for them at the start of the session, probably until toward the end of the session when through a process of

learning, they were trying to learn the House rules. The House rules are very complex. They're designed, I guess, through the years to protect the rights of the minority while expediting the flow of business. You can read the rules, but until you actually work with them and understand them, they're just so many words. They found out by being cut off on debate through points of order, and it slowed it down. Toward the end, of course, they started learning the points of order, and they were able then to exercise it. But I'd say that they were handicapped at the start, and then toward the end they caught on.

Marcello: Is this one of the reasons that you never hear very much about what freshman representatives have to say?

Kaster: Absolutely, because most of the time they're afraid of the rules. Once the first guy gets called down on a point of order, then maybe somebody else hesitates. Of course, there're exceptions. There were maybe four or five that were very knowledgeable, but out of seventy-six, four or five isn't a great number. Most of them are just like everybody else, they are not knowledgeable, you don't have an opportunity to use the parliamentary rules and terms unless you're in a

parliamentary atmosphere like the Texas Legislature. You can go to a club, and it's maybe an hour or two of a meeting in Roberts Rules of Order, but the complex rules that are developed in a deliberative body as large as the Texas Legislature are highly complex, and they have to be that way. So it handicapped them, and that's why freshman legislators don't pass much legislation and don't have much opportunity to be the leaders, since they're having to learn the rules. It's like any game. You've got to learn the rules and ins and outs.

Marcello: I think I can almost cite you as an example. As I recall, in your first term in the Legislature, there wasn't very much about what Jim Kaster said and so on, but I notice there was much more in your second time around.

Kaster: Yes, that's exactly right. In my first term, of course, through the previous interview I was under Gus Mutscher, a strong leader--or not a strong leader, dictator--with his team, and I wasn't a member. I was an outsider. I didn't know the rules at all. I passed two bills during my first session in the Legislature that I got signed into law through both houses, and I got to sponsor some

Senate bills, maybe four of them. That was the total output. This time I had thirteen bills that went to the governor's desk. I carried one or two Senate bills. I wasn't as interested in carrying Senate bills as I was my own. I knew the ropes and how to do it. Also, there was more of an advantage because I was the chairman of the Intergovernmental Affairs Committee, which had more bills referred to it than any other committee. As a result, other committee chairmen had bills come through my committee, so I was able then to get a good flow on my legislation just as a reciprocation. But at the start of the session, when the freshmen are wondering what's going on, I was immediately busy trying to pass my legislation, and that's why I was able . . . I might be wrong, but I don't believe anybody passed any more bills than I did. Thirteen doesn't sound like a lot, but out of the total number of people, I believe that's about as many as anybody else passed.

Marcello: On the same subject, I think many of these freshman representatives had been elected on a reform platform. How did the fact that they were elected on a reform platform affect House business during the session. Was this influential in getting that reform package of Speaker Daniel's through the House?

Kaster: Well, yes. It's an easy thing to talk about reform, but it's a little more difficult to pull off meaningful reform because the . . .

Marcello: As the House found out.

Kaster: Right, because you have two bodies, and what one person's idea of reform is, and another's, might be two different things. Reform was a popular cry, and yet it was a nebulous thing. Everybody's for reform, but what do you mean when you get to reform? This is, of course, the thing that brought on the great debate of the reform package. Now the reform package was pushed primarily through Speaker Daniel, who was elected solely in opposition to Gus Mutscher. As somebody said before Price Daniel ran for speaker that nobody even knew he was hardly in the Legislature because he was very quiet. But the mood was right, and he carried it properly for reform as a reaction to the dictator policies of Gus Mutscher and brought out these reforms. So as I remember, six or seven of his measures finally passed, which were not in exactly the same form as he introduced them, but no legislation has gone through both houses in the exact form that it's introduced. There's got to be changes. You have 181 people--150

in the House and thirty-one in the Senate--from as diverse an area as Texas is, and they're going to put their ideas into it. But what came out in my opinion is meaningful legislation; good legislation. It opens up government.

In fact, an interesting thing happened at the end of the session. I was on the conference committee writing the ethics bill. There were five senators and five House members, and we were trying to come up with the final bill. We had about twenty-one meetings. In those meetings, we had a film crew from ABC, who came down who were doing a series, particularly in Texas, as this was one of their target states. They were seeing how state legislatures react to scandals in a state, trying to predict what the national Congress will do in reaction to Watergate. So it was interesting, and I think it's probably a valid assumption because the Sharpstown scandal rocked Texas to the extent that Watergate is rocking the nation. So what we did in reaction to that, we opened up state government by access to information and an open meetings law, so you don't have any more of these closed meetings. We couldn't limit the speaker, but he isn't going to run

anymore. He announced that. Then the ethics, the campaign financial disclosure, the lobby registration . . . maybe they're not as strong as some people want. They're stronger than other people think they need to be, so as a whole, I think that when you look at the package that passed, it's good and solid legislation.

Marcello: We'll talk more about this reform package in a minute. I do have a few more general questions on the Legislature.

Kaster: Okay.

Marcello: How would you identify this House on the political spectrum? Was it more liberal than the last one that you served in? I'm sure it was not more conservative. How would you identify the House as a whole? Where would you place it on the political spectrum?

Kaster: Well, it's difficult . . . you know, conservative or liberal in what area? If you're talking about fiscal matters, I think this proved to be probably the most conservative Legislature that's been there in twenty-five years. Because this was the first Legislature in twenty-five years that didn't have to raise taxes. Now admittedly, it was prodded by

Governor Briscoe, but still the Legislature came through with it. You had an acknowledged liberal prior to the session, Neil Caldwell, as chairman of the Appropriations Committee. It turned out that he was very conservative in his fiscal dealings. I had two bills that passed. One of them requires fiscal notes to be attached to the bills. This was under the House rules. Now it's statutory--and the governor signed it--that the cost of state funds for the program, whatever the bill's program is, will be with the bill showing the expenditures for the next five years and thereafter, just an estimate. It stays with the bill through the House, the Senate, and to the governor's desk. Also, another bill that I passed requires performance audits of state agencies by the Legislative Budget Board. How are these state agencies spending the money that we give them? Because under this new area of reform, what the House found out in the two weeks debate on the appropriations bill and what became crystal clear to all the members through open debate was how little we know about the money that we spend. So hopefully, through a deep concern for getting the most money value for the money that

is spent, we instituted these reforms in fiscal matters. So fiscally, it was very conservative.

Now if you're talking about human needs, there was legislation that could be considered liberal. We instituted bilingual education, adult education, and both could be considered liberal programs, I guess, in some circles. Posting of the prices of the hundred most commonly used drugs is another one. The death penalty . . . another area is the complete revision of the penal code, and then the . . .

Marcello: Lessening of the marijuana penalties.

Kaster: Marijuana is probably the most significant thing. It might be considered liberal but maybe not because it's more realistic of today's times. So when you take the program as a whole, I say it's mixed. To say whether it's liberal or conservative, I think you have to define the area you're speaking of.

Marcello: Now obviously there was quite a bit of emphasis on reform and democracy and this sort of thing in the House during this particular session. How did this affect party discipline? Did it impair it in any way? In other words, did the tremendous amount of emphasis on reform impair House business in any way?

Kaster: No, it didn't impair it. It required longer sessions, in other words, time spent in sessions, time spent in committees. We met probably twice as long during session meetings and committee meetings as my first session. As a result of this democracy, everybody had a chance to either ask questions, to run with their bill, to make their views known. In the first session, that was not the case, and it went faster. I'd personally just as soon go a little slower like we did and let everybody have their say about it. All the members that were there learned more about the appropriations bill through two weeks of debate. During my first session, we discussed it maybe ten or twelve hours. The Senate discussed this year's bill ninety minutes. Yet the House members know what was in that bill, and as an educational process and as a democratic process . . . democracy is not streamlined and easy. It's cumbersome. But it's really the best way, I think. So the discipline, I think, was self-discipline. Everybody got to ask questions in committees. On my committee, anybody who wanted to ask a question . . . and we met sometimes a long time, but if they wanted to ask a question, it was fine with me. So as a result . . . the discipline was self-

discipline, not imposed from the leadership.

Marcello: This more or less leads into my next question then. Was there a team running House business this time, as there has been under the Mutscher regime?

Kaster: No, in fact, being a committee chairman, I would assume to be on the team. Now we would meet very infrequently, and we did not receive orders from Speaker Daniel to go out and push for certain legislation. The only thing that he asked for during the entire session that I can remember, that he took a personal interest in, that he really wanted, was on the lobby control bill. When it came back from the Senate, it was in greatly weakened form, and he wanted to go to conference. The lobby had a massive effort to get the House members to concur in the Senate amendments to the bill, which was for a weaker bill, and he was determined for it to go to conference. Now he asked us to go out and work the floor. That was the only thing that I can think of in the whole session because sometimes it would be . . . I would look for instructions because, as a committee chairman, I wanted to help him in what he wanted to do. We'd cut down the committees from forty-three to twenty-one, so I

felt I wanted to help because we were working. It was not the team as such. Billy Williamson was the most anti-team member and was continually sniping in a humorous way at the speaker. Yet he got to run with his legislation. He got to talk whenever he wanted to get to talk. In the old days you didn't question anything like when Heatly was running the appropriations bill on the floor. You didn't ask questions . . . I mean, you know that it's going to conference, and under the old system Heatly would just as soon cut you out of an appropriations bill as look at you, so there were no questions. This way, that wasn't going to happen, and didn't.

Marcello: How far did the House leadership go--I'm referring specifically to Speaker Daniel--in encouraging discussion, debate, democracy, and things of that nature in the House?

Kaster: Well, of course, this I think was the idea of most people who were running on a reform platform instead of on a specific legislative program like the reform package that came up. I think Daniel was making each member more important, and this is one of the things that Daniel emphasized--the importance of each member

in their participating in the legislative flow. So he encouraged it, I think, from the start. He didn't have to do it openly because they were willing to do it, particularly the old members that had been there under Mutscher, and the new guys, once they caught on, they were . . . well, they weren't shut up. Nobody made anybody to be quiet. We'd stay there and discuss it. We started right off ready for business. So everybody . . . nobody was made to be quiet.

Marcello: Let's talk a little bit about the reform package that was presented by Speaker Daniel, since it did take up a great deal of time during the session, and let's start off by talking about the move to limit the term of a House speaker to one term. How'd you feel about the one-term House speaker, the idea of a one-term House speaker?

Kaster: I favored it because . . . it was brought out that fifty-one of the fifty-six House speakers in the Texas House have served only one term. It's only been in the last few years . . . Ben Barnes and some others before Ben Barnes served two terms. Mutscher showed the abuse that can go on. He had pledge cards out for a third and fourth term. He was passing out

favours, withholding favours, and exercised the complete abuses that can go with unlimited terms. He showed what can happen if you don't limit the terms. I think it's an excellent idea for one term because the speaker . . . Daniel in my opinion did it correctly in maintaining order, keeping the flow of legislation going, letting everybody have their say, and being the guiding of the House, but not to say what legislation's going to pass and what legislation's not going to pass. When you get more than a one-term speaker, they start determining what legislation's going to pass and what's not going to pass. So I definitely favor the one term limit for speakers.

Marcello: Who were some of the people that were opposed to the one-term speaker in the House? And what were their motives?

Kaster: I don't know that anybody came out and said they were opposed to it. There were a few who felt that it put the House in a subordinate position, particularly since you had the lieutenant governor presiding over the Senate who is now for a four-year term, when the House will be electing a speaker every term, so maybe he is in a subordinate position.

Marcello: In other words, you're saying in effect that some opponents contended that a one-term speaker who would serve for two years would be at a disadvantage in having to conduct business with somebody who had either been elected or appointed for four years?

Kaster: In the Senate, right. The lieutenant governor is running for a four-year term, will be elected in this next election for four years, so he'll preside over the Senate for four years.

Marcello: I was thinking of some appointees of the governor, but, of course, the governor runs every two years, so it wouldn't . . .

Kaster: No, he's going to be a four-year term, too.

Marcello: Four-year man, too.

Kaster: It takes time for the speaker to learn the ropes of speaker. However, I think maybe an offset of that is that you should be careful who you select as speaker so that you do have a man that can handle his own business and conduct it because the difference between the lieutenant governor and the governor . . . they're elected statewide, and the speaker's just appointed by the members. There's a vast difference, so I don't necessarily go with that rationale. I

think that a good speaker can . . . you have new members in the House, you have new members in the Senate, so you're always in a constant flow of new members and can deal from a position of equal strength.

Marcello: Okay, now suppose there was a speaker who just did a marvelous job during his first term. He was fair to everybody and he accomplished a great deal. Was there any way provided in that bill for that speaker to be elected again? In other words, was there any such thing as a legitimate draft?

Kaster: There was in one of the versions. I can't remember which version passed the House, but there was a provision in there of a certain per cent. It's a moot question since the whole bill was declared unconstitutional. There's nothing to prevent that from happening. I don't think you're going to see that happen soon. Speaker Daniel would meet all the qualifications that you spoke about. Yet, again, it's probably an over-reaction to Mutscher. Nobody's going to probably come out and run for two terms because if a guy . . . now Bill Clayton's running for speaker, and he said he didn't want to be necessarily bound by that. However, I think he'll find it difficult to get

elected because nobody that has any remembrance of Mutscher wants to go through that again. So I think for a period of time, you're going to see one-term speakers, and maybe some time down the road there'll be a two-term speaker.

Marcello: I'm glad you brought up the point about the constitutionality of the bill because I know that there was some question about its constitutionality, and in my research I could never find out exactly what did finally happen to that bill. In other words, did the attorney general render a decision or an opinion that it was unconstitutional?

Kaster: Yes, and the reason being that it was . . . I believe in the Constitution, the House will set the rules for its own conduct at the start of the session. So they were putting statutes on that supercede the next House from determining its rules of conduct and its speaker, and I think under that method . . . and it was probably right. Again, it was probably an over-reaction. I don't think it needs to be statutory. I think just probably it's better to have custom to do it. You take the President of the United States. After Roosevelt abused the power, they came back and

limited it to two terms. It's a similar analogy of why you limit terms.

Marcello: Then you do feel that even though this particular part of the reform package was not enacted into law, you're more or less predicting that any speaker who wants to serve more than one term is going to have a hard time doing so. He's going to have a hard time mustering votes to serve a second term.

Kaster: Well, for a couple of reasons: one, nobody's forgotten Mutscher yet. But secondly, we put in some laws, I guess, that it's illegal to solicit pledge cards from members, so there'll be no more pledge cards. Now this was the key to a guy succeeding himself--getting these pledge cards to use. If you refuse to sign it, then you're opposed to the guy. So now you're trying to do more of a selling job to get in, and there's not this punishment and reward system if you vote for a guy as much as there was. There's a statute that has to do with bribery, the promising to vote for a guy or withhold the vote for a guy on the basis of some action. This idea of "I'll appoint you committee chairman if you vote for me" is illegal now. So you've taken away all these threats on the individual member, and the member then can

decide who the heck he wants. Now they'll try and come and ask you to vote for them and all this, which is the way it should be. That's what you do when you run for election in anything. But there's no power that he has to reward you or punish you for failure to do something. Of course, the early supporters of the winning guy will be his teammates and committee chairmen, but that's okay.

Marcello: Are you making any predictions at this stage as to who possibly might be the next speaker? Now that's a long way off, of course, but . . .

Kaster: Yes, it's eighteen months, and I refuse to get involved in a speaker's race. Frankly, I don't really care who gets to be elected speaker. If they just carry on the same vein as we have now, it's not important to me who the speaker is. I'm more interested in a fair man. There's about eight or nine guys, and they've got elections to run through. I was a Rayford Price man, and then he got beat in the election, and so I found out . . . with eight or ten guys, some of them get knocked off in elections, so I'm not going to worry about it.

Marcello: Okay, let's move on to another part of the reform package then. I think a second part of that package

had to do with a law to end threats, promises, and things of that nature, on the part of candidates for the House speakership.

Kaster: Right, I've referred to that just a minute ago. It makes the speaker's race more wide open without these threats being made. When you were asking me in any one of them, they can't come by and use that power now and the pledge cards and these threats and all that. So it makes a more wide open speaker's race.

Marcello: I gather that this was a rather common thing that occurred during the Mutscher regime--the idea of threats and promises.

Kaster: Well, sure, and he did it with the pledge cards because then he knew who was for him and who was against him because if you didn't sign the card, obviously you were against him. He had cards . . . he was in his second term, and he had pledge cards out for a fourth term--not only the third but the fourth term. Now this was brazen and indicates the danger you get into by not limiting the speaker. When they came around, they said, "Well, this is so he can deal with the lobby more effectively." Well, what he meant was he could shake down the lobby more

effectively to get money for his own candidacy.

That's all he was doing.

Marcello: Okay, let's go on and talk then about still another part of the reform package, and that, of course, was the anti-lobby bill. Now I gather that when it was first introduced, there was a hard-core group of Republicans and conservative Democrats who were opposed to it in its original form. What did they have against the anti-lobby bill? What were the motives?

Kaster: Well, because it included individuals. The question was, could an individual come and talk to you? Could a chamber of commerce? Could a teacher? Could a citizen with any kind of problem? In the way it was originally proposed, there was a question of whether they could even do that or not. They felt the legitimate lobbyist, paid lobbyist, I suppose is what we're talking about, when we're talking about lobby control, there wasn't any great objection to having certain controls on them, but there was great objections to including just ordinary citizens, making them criminals for just coming and talking to their representative when that's a legitimate function of the representative form of government.

Marcello: I gather then that you were kind of unhappy with the bill in its original form also.

Kaster: Yes, right. One thing that I objected to in the original bill was that it required a pretty detailed financial disclosure of a man that hires a lobbyist. You take companies, and they were going to be criminally liable if a lobbyist failed to file a report on time or something. Well, I could just see the president of some big corporation going to jail because some guy that they hired as a lobbyist maybe in conjunction with other people didn't file a report. This guy could be sent to jail when the lobbyists serve a legitimate function. They represent their clients and their point of view. I think once you've been around the Legislature, you realize that they're giving you the point of view of their clients, and that's all. They don't . . . this threat of lobbyists and all, I've never seen it. A lobbyist is just like anybody else, and they serve a legitimate function. I don't rely heavily on them for the gospel, but I found out one thing. They tell you the truth because they realize that if they lie to you once, then they're through being a lobbyist. I've had lobbyists give me

wrong information, and I'd never rely on anything they had to say again. They know it and pretty soon they're not lobbyists anymore. I've had lobbyists work against my bills. But it's a legitimate function, I suppose. It's not an nefarious thing that goes on. As I tell people . . . I've had a lot of questions about lobbyists. People think they're walking around with handfuls of money passing it out to get legislation through. I've gotten maybe a meal off of them, but I've never gotten any money. I tell them that the most effective lobby group in the State of Texas is the Texas State Teachers Association. Well, they don't consider that a lobby, but that's the most effective lobby group down there. And yet, will those in favor of lobby control say that teachers can't come talk to you? And that was the danger.

Marcello: Well, I feel the same way as you do about lobbyists. In fact, one word I usually try to avoid using is "the lobby." To me, the lobby represents some sort of an invisible power somewhere in the background of the Legislature. Of course, I don't think there really is any such thing as "the lobby." There are, I suppose, hundreds of lobbyists. But it's not concerted effort on the part of all these lobbyists.

Kaster: No, they're representing . . . in fact they're probably diametrically opposed. One lobbyist may be sitting next to another lobbyist, and on a particular piece of legislation, one lobbyist is going to be opposed to it and the other guy in favor of it. That's quite common, so you see a split among the lobbyists. You have people representing labor, you have people representing management. One thing they do for their clients is that they keep their clients informed of exactly what's going on pertaining to their industry. Now with 3,000 bills introduced, it's hard for us to let everybody in Texas know what's going on. You have sixty reporters covering it, and you assume that there's a general knowledge. But on specific legislation, the lobby keeps their people informed of everything that they're vitally interested in, and they can react. Either they can contact a representative or react to it. So it serves a purpose. Again, when you ask a person what a lobbyist is, most people don't know, but they think it's a guy with a suitcase full of money, and he's wining and dining legislators and getting them drunk and feeding them and just controlling them, controlling their vote. I

have not found that to happen. I'm not saying it doesn't happen. It's never happened in my case, and I find out most of them are just guys just like I am, and they're doing their job. They're not bad guys. They're generally intelligent and well-informed guys, and I think they perform a service.

Marcello: Who was the author of the original bill anyhow, which I suppose you could almost call an over-reaction to an over-reaction?

Kaster: Yes, that's right. Again, Mutscher had abused the power of the lobby because he'd have the lobby come around to members inquiring about legislation that didn't have anything to do with the guy the lobby was representing. He would use them to . . . I had lobbyists in my first term come around asking me on something that didn't have anything to do with who they were representing--like a railroad lobbyist asking about something else that the speaker, being Mutscher, asked him to go around and do. Well, I objected to that strenuously. Well, that didn't happen this time. They were talking only for their clients. So, as a reaction to that, I don't remember who . . . I think Daniel was the prime author on all

of these, and so he put up a strong one as a reaction to the tactics that Mutscher used with the lobby. He'd marshall them out and have them go out trying to push his legislation.

Marcello: Incidentally, how active were the members of the lobby in exerting pressure against this bill? How did they stand on the bill?

Kaster: During the first debate in the House, there was nothing hardly said on it. Then when it went to the Senate, I have no knowledge what they did in the Senate. When it came back from the Senate, it was greatly weakened. Then they put on a concentrated effort because this was something that was of vital concern to their well-being, and they put great pressure then to concur on the Senate amendments. That did not prevail, and this was an all-out effort on the lobbyists' part, so it shows you that the lobby isn't that powerful. There was a great effort on their part in contacting individual members to concur, and they didn't prevail. The bill, I think, that came out, they can live with. They said they're going to live with whatever you come out with. There's still going to be a lobby. I don't care what you do, there's

still going to be lobbyists.

Marcello: Now, of course, this was a bill that would affect all of the lobbyists in Austin. Was there any lobbyist in particular who seemed to be a spokesman for the rest of them in campaigning against this bill?

Kaster: No, it was a united effort on all of them. I had maybe ten guys talk to me.

Marcello: What would they say?

Kaster: They'd say, "Boy, we sure would like for you to concur in the Senate amendments to the bill. We don't want to see you get cut up when you go home." I said, "Well, what do you mean 'get cut up when I go home?'" "If it comes back like it was in the House in the first place, you will get great criticism." I said, "Well, you know, I've gotten a lot of criticism on stuff. I can't conceive how my not concurring in the Senate amendments to a bill is going to be something that's going to be a tough thing to explain at home." And I said, "Quite honestly, the speaker wants us not to concur." I said, "I'm going to be bound by that." And that'd be all. It worried the lobbyists. Once a guy's made up his mind, the lobbyist is not going to waste time with the guy. But they'll go with the

guys that maybe are undecided. I had the real good pleasure this session that I thought was . . . I got to meet my hero of the world, and that was Jesse Unruh, former Speaker in California, who had a saying . . . and I asked him when I met him if it was true that he said it, and he said, yes, it was true, and I've always kept this in my mind from the first time I heard it which was during the first session, and he said, "There's no legislator worth his salt that can't take a lobbyist's money, eat his food, drink his booze, make love to his women, and then look him straight in the eye and vote against him" (laughter). So I've always kept that in mind. Regardless of what they say, you're finally going to have to be answerable to the constituents for what you do. So I listen to to the lobbyists, and if I vote for them, fine; if I don't vote for them, fine. I'm not going to make my decisions based on what any lobbyist tell me. That's a factor in my decision but certainly not the only factor, a factor in that they're representing a group, and I try to take a lot of other factors into consideration, and as far as I know, most other people do, too.

Marcello: I gather that one of the points of contention, not only within the House, but also between the House and the Senate, concerned the disclosure requirements in the bill. For example, I think the lobbyists had to file a report about how much money was spent and where it was spent and where the money came from and this sort of thing. Now I think that in the House bill this report was to be filed with the State Ethics Commission, isn't that correct?

Kaster: Yes.

Marcello: Now the Senate balked on this, of course, and in particular, Ike Harris was one of the prime movers in striking out that public disclosure in the Senate version. Why was there this great fear of a State Ethics Commission on the part of . . . both representatives and senators?

Kaster: The senate was almost . . .

Marcello: This problem with the Ethics Commission came up again and again.

Kaster: Yes, and there was no Ethics Commission formed. I came into it because we created an Ethics Commission on the ethics bill, and I was on the conference Committee. We were told that the Senate was united

thirty-one to nothing against an Ethics Commission. So that was not going to be a matter of even talking about. If we wanted to talk about other stuff, fine. They weren't even going to talk about the ethics. They felt, and probably with some justification, I feel, that it could be used as a political tool by those in power against those who were probably not subservient to those in power's will. For instance, Bob Bullock, when he was secretary of state, he would have been a member of the Ethics Commission. He was an appointed official of Governor Preston Smith. He is the type of guy that could have made a lot of trouble for a guy like let's say, Ike Harris. If they had this information . . . now if you couple that with the shield bill, which didn't pass . . . but let's say the shield bill passed. They could have leaked stuff to the news guys to publish all kinds of things and allegations based on the Ethics Commission investigating this type of thing. They were afraid that it would be used in a negative way, not to the noble intent and purpose of the Ethics Commission, but there was the real danger because of the make-up of the Ethics Commission by those people being appointed by

different elected state agencies, and if those officials are elected, who's going to investigate the guys that select them? Well, if the governor selects a person on the Ethics Commission, well, he's going to protect the governor; the attorney general, they're going to protect the attorney general. They felt it was going to be used against senators and representatives indiscriminantly. This was their main opposition. They called it "a super grand jury with none of the restraints of other grand juries," and this was why they were really opposed to it, and based on what had happened in the past, I do say there has to be some justification for it. The first thing, we can talk all we want, but I think when we really get down to it, you cannot legislate ethics. They've been trying for 2,000 years--the Ten Commandments--and people followed that. They're simple--Ten Commandments. If you follow that, you don't need an Ethics Commission. But people won't follow ten of them, so why would they follow an Ethics Commission? You can have financial disclosure, which we have A guy that wants to get around that can get around that. I don't care if there's an Ethics Commission or what. There's laws

against stealing, but we still have enough thieves. It's unethical to do certain things. You're still going to have guys that want to get around it and who can get around it. Now I file mine with the secretary of state, and I've filed a financial disclosure from the very first time I was elected. I just filed my third one. In fact, I took House Bill 1 as it was originally proposed, and I filled out a financial disclosure exactly as that required and filed it. Yet, there's not too many guys that did that, and here's an ethical Legislature that . . . it's just difficult to legislate ethics.

I think that the great ethics commission in Texas is the electorate. Now you mentioned earlier that there was seventy-six new guys. That was a pretty good Ethics Commission because there was questions about the Sixty-second Legislature and their dealings. So the Ethics Commission, the people, decided that some weren't that ethical and got rid of them. That's going to be your Ethics Commission. With the access to information, with what lobby controls we have, there's enough there with public information that a reporter half-worth his salt can dig in and find out

stuff, and the people of Texas will know about it. So they felt--and I kind of feel, too--that the Ethics Commission maybe was unnecessary, that it could be abused.

Marcello: In other words, you feel that with the passage of the open meetings law, which we'll talk about in a little while, and with the passage of the open records law, things of that nature, plus the electorate itself, as you mentioned, this is as good as an Ethics Commission.

Kaster: Yes, if not better. Because if something like that's going to be abused, and I'm not saying that it would be. . . Bob Bullock was a controversial secretary of state. Now he was Preston Smith's man and Preston Smith's the kind of guy when he was governor. He was . . . who would have investigated his dealing in a stock-fraud scandal on an Ethics Commission if he's appointing guys on the commission. So you get down to the point, well, they probably wouldn't push it like they would if it was a guy that was unappointed and just a guy. That was very real, perhaps, in the Senate's memory.

Marcello: As proposed, who would have elected the Ethics Commission? I think it was the governor, the lieutenant

governor, the speaker of the House, the attorney general. Was there anybody else who would have been in on the appointment of an Ethics Commission?

Kaster: I've forgotten. Yes, there was the Supreme Court, the Court of Criminal Appeals. It was a twelve-man commission, and I think each one of them picked two. That was one proposal. Another was to have a name proposed from each judicial district of people who had served on grand juries and by using a lottery system and drawing out twelve names. That was one proposal, trying to get away from this system of elected officials appointing members to it. Yet, they felt, well, that probably would not work either because then you'd have people from all over the state, and how dedicated could they be in going to Austin and the problems that entails. By that time the Senate decided they don't want it anyway (chuckle).

Marcello: Well, as it finally turns out, the lobbyists now have to file a form with the secretary of state, isn't that correct?

Kaster: Right.

Marcello: Now this is not a public disclosure, however.

Kaster: Yes.

Marcello: It would be a public disclosure?

Kaster: Sure, anything filed with the secretary of state is public information. I would assume when these reports are made, you're going to see newspaper guys going over there and getting it. Any citizen interested could, but I don't think they will because most citizens aren't that interested, but the newspaper people can, and they can read about it. If they find an abuse going on or something probably not right, then they'll write about it.

Marcello: Suppose you were a lobbyist, could you live with the bill that eventually came out of conference committee?

Kaster: As far as I'm concerned, I could. As most lobbyists said, this is going to be easier on them than the old way because in the old way they were having to kick into campaigns, and they said that the biggest burden to them was the appreciation dinners that the legislators had, and they expected the lobbyists to buy big bundles of tickets to these things. It was getting to be one of their major costs. Under the lobby control act, they won't be able to do that. So that's great with them, and they'll still take guys out to eat, and all they'll do is just make reports. It won't

hurt them in any way. There will be a few more reports, but when you get a . . . even when you get a whole bunch of reports coming in, it's hard to keep interested in all this mountain of paperwork that comes in by people looking at it. I don't think it'll change them one bit.

Marcello: Okay, let's move on to another piece of reform legislation that came up during the session, and this was actually the heart of Speaker Daniel's reform package, and probably we should have spoken about this one to start with, but this concerns the state ethics bill.

Kaster: Right.

Marcello: Now I'm going to need some help here because I found this very, very complicated when I did research on this particular portion of the bill. But among other things, of course, in the ethics bill, the members of the . . . well, actually . . . I'm going to let you explain this. As it was originally proposed by Speaker Daniel or whoever carried it for him, the bill provided for financial disclosure by whom?

Kaster: This was the main thing that was wrong with the bill as originally proposed. It was going to be approximately

12,000 to 15,000 people who were going to have to file these detailed financial disclosures of not only themselves, but their spouse and their children over which they had control, in breakdown by stocks and bonds held, sources of income, debts incurred--a complete financial disclosure by these 12,000 to 15,000 people. We're getting down to school board members. All state employees making \$12,000 or more were going to have to do this. You get down to all elected officials, whether they were getting money or not, which is your school board people. I felt this was going way too far because the hew and cry for reform wasn't for local school board officials and some state employees that just happened to be making \$12,000 or more. It was for members of the Legislature. That was where the abuses had taken place, and so there was a great deal of opposition to making that many people file it. As it left the House finally, the amendment was put on it to say, "Okay, if they're going to have to file it, then it'll be sealed." At that time they still had the Ethics Commission, and if they feel that there is cause then for investigation because of some alleged misconduct, then they could open this financial disclosure.

Marcello: Now, this is where Fred Agnich figures in, does he not?

Kaster: Yes, he proposed the amendment. Now this is exactly what the federal Congress does. Theirs is in sealed envelopes. It isn't public; it's up there in sealed envelopes. Then if there's a matter brought up, then they can open it. This is why the House voted for that. Now I voted for that.

Marcello: That is the Agnich amendment?

Kaster: Yes, and I put in the House Journal the reason why which was because I didn't think that local school board officials and these 12,000 people should have to file these detailed things. That passed the House that way. Later on, Buddy Temple carried a House bill then that I voted for and was a co-sponsor of, and it required a detailed analysis by House members and Senate, which I thought was right. We're running for office . . .

Marcello: In other words, this was kind of like a compromise. Here you had the original proposal which covered approximately 15,000 people.

Kaster: That's right.

Marcello: Then, of course, you had the Agnich amendment, which in effect had these disclosures filed with the secretary of state.

Kaster: No, with the Ethics Commission.

Marcello: Under the Agnich proposal, were they supposed to file with the Ethics Commission?

Kaster: With the Ethics Commission, that's right, in sealed envelopes. And only if there was a charge made to the Ethics Commission could then the Ethics Commission go in and open the envelope.

Marcello: Okay, in the Agnich amendment, then, there was no such thing as public disclosure?

Kaster: No. That's right, that's right.

Marcello: There had to be evidence of wrong-doing or charges made or something.

Kaster: That's right, and then these envelopes could be opened. As he said in the presentation of his amendment, this was exactly what the federal Congress does. Now there got to be a lot of flak over that because people, I think, misconstrued it. A lot of people'd like to find out what a local school board guy makes, but here you're getting a lot of people serving the state at no pay. They're just doing it . . . just to help out,

I guess. There's a certain amount of prestige, but there's no money involved. So then came Temple's bill which Agnich voted for, which I voted for, which the House voted for, which said that basically public detailed financial disclosure of members of the Legislature should be made public, which I agreed. People running for office should make this information available so the voter can determine whether they want the person or not.

Marcello: All right, lower level state officials were then exempt.

Kaster: They would still be these sealed things. All right, what finally came out in the Ethics Commission . . . the Senate did away with the Ethics Commission, and they passed a bill with a watered-down financial disclosure, very weak financial disclosure . . . in fact, the only thing they passed was conflicts of interest. If you were on a board and had a substantial interest in a business, which they define, I think, as more than 10 per cent of the stock, then you had to make that known. Well, in the conference committee, we kind of took all these bills and put them into the one bill, which went under the title known as House Bill 1.

We put two levels of disclosure. We took the complete financial disclosure of all the members of the Legislature plus . . . then we listed by list agencies that would be required, heads of agencies, executive heads who control a great deal of state money . . .

Marcello: These would be appointees, in other words?

Kaster: Certain appointees, but the executive heads who were getting the money. Then certain state agencies, members of the boards of the state agencies, would have to disclose it. Others were exempt. We tried to get those that had a discretion of how they spend the money. We didn't include the State Welfare Department because most of that is spent on federal guidelines, and they have very little discretion. even though it's millions of dollars. The members of the Welfare Commission don't really have anything to say how it goes. You take like the Parks and Wildlife, we did include them because they say where land will be bought . . . and is that going to be a conflict of interest? So those have to file a detailed financial disclosure. If they're voting on something that directly affects them and where they get an advantage or where there is a conflict of interest, then they

have to publicly make that known in the meeting and state that they won't be voting because of this conflict of interest, and then they have to file what the conflict of interest is. It's exactly what the members of the Legislature had to do under the Constitution. When we vote on something and it's in conflict . . . if we have a conflict of interest, we have to make it publicly known and vote present and not voting. So the ethics . . . these will all be filed with the secretary of state where it's public information, since they didn't go for the Ethics Commission. The ethics . . . there are certain standards that you're supposed to follow. Basically, you can't use information that you've gained for your own personal advantage once you leave the Legislature.

Marcello: You were on that conference committee, were you not?

Kaster: Yes, I was.

Marcello: According to the newspapers, you had a little bit of trouble in the beginning getting the Senate members of that committee to meet with the House members. What was the story there?

Kaster: You know, the big dog Senate wasn't interested in meeting with peon House members. We called them and

said, "Well, when the House of Lords can deign to meet with the common folk we'd be proud to meet . . ." what finally got them, I think, is . . .

Marcello: I think Mauzy was perhaps the only one that cooperated.

Kaster: Yes, the rest of them were busy, and they weren't that gung-ho on this particular bill. I remember finally . . . we had twenty-one meetings scheduled, and they showed up for about half of them. After the first quarter or the first half, then they showed up for the rest because in one of the meetings I made the remark kind of in jest that I was going to introduce a resolution in the House to declare the Senate an endangered species like the whooping crane because I said there's only thirty-one of them and you never see them (laughter). That made the papers and they started showing up (laughter). And then we got down . . . and then they did show . . . at the last they were there strong then and got to work. Clower is a very brilliant man, and he did a lot of work on it.

Marcello: How about Nugent. What role did Nugent play? Now he was on the conference committee also, right?

Kaster: Yes, he was chairman. Right, he was chairman. It was his bill, so he was the chairman of the conference

committee, being a House bill, and played a significant role. At every meeting scheduled, all twenty-one meetings, all members of the House conferees, all five of us, showed up for every single meeting. Sometimes we started going over there once an hours, and we'd wait for them and all this. It's kind of the way the old Senate does to try and get their points of view over. But then when they got down to the negotiating, they got down to it. It's just their way of playing games.

Marcello: Well, then finally in the end there was no Ethics Commission at all, isn't that correct?

Kaster: That's right.

Marcello: Everything will be filed with the secretary of state?

Kaster: Right, because the Senate said they were thirty-one to nothing opposed to an Ethics Commission.

Marcello: And looking back on it in retrospect, I think you mentioned awhile ago that you see some merit to their position on it.

Kaster: Yes, I do because I've seen the abuses of the secretary of state under Bullock, and I think they did have a valid point. I think that you're moving into an area we've never moved before. I think it's a good place to go.

Marcello: Now still another part of Speaker Daniel's reform legislation, reform package, was the open meetings bill. Now this is one that I don't think received quite as much publicity in the newspapers as some of the others, but I gather in our conversation that you feel this perhaps is one of the most important parts of that reform package.

Kaster: Yes, because this goes down to your local government. What happens in a lot of cases is you get two or three . . . for instance, the city council . . . they decide stuff off in a dark corner or at a cocktail party or somewhere, and then they'd go to a meeting and they just vote. There's really not any discussion regardless of what people come up . . . people didn't know how these decisions were arrived at. So we just eliminated that. It was done in the Legislature in the same way because we . . . it applies to us. All the meetings were tape recorded. Before, they had meetings under a . . . they call them "Jim Hogg" meetings. We'd meet under the picture of Jim Hogg, and the bill would be laid out, and you'd vote on it right there in about thirty seconds, no discussion or anything. Well, we gave public notice of meetings, five days before public hearings so that people knew about it. And it was tape

recorded. So all committee meetings, subcommittee meetings, and House floor action were recorded, so anybody that's interested can now go through the tapes and get transcripts of it.

Marcello: I know the Senate kind of balked at this also, did they not, when it went through the House?

Kaster: Well, yes.

Marcello: In fact, their amendments weakened the bill, did it not?

Kaster: To a degree, but there was a provision in there in the way it passed the House that if two guys got together . . . for instance, they could just meet, and if they were together and they happened to discuss city business . . . two city aldermen . . . they could be in violation of the open meetings law and there was a penalty. So the final amendment said that if a quorum is meeting anywhere, then that has to be an open meeting. I think that they said that a social event wouldn't be considered an open meeting because maybe there could be some misinterpretation, and it wasn't the intention to put a guy in jail because two guys happened to have lunch together, but that could have been under the way the bill originally left the House, I think. But the bill, as it came out, is a

good, solid, workable law.

Marcello: I want to get back to some of these exceptions in a minute, but an observation has come to mind here, and tell me what you think about it. It seems to me as though in this whole business concerning ethics legislation, the House seemed to initiate the legislation, and then in a great many cases, the Senate seemed to refine it. Is it safe to say that? In other words, what I'm trying to get at here is that I think the Senate caught a helluva lot of flak from the newspapers for supposedly watering down House ethics legislation. But within the context of our conversation, I'm almost getting the impression that it was well, fine, and good for the House to have initiated it, but then the Senate kind of refined it. Now I'm not trying to take anything away from the House when I say that.

Kaster: That's exactly right, exactly right. I think again there's the value of having a bicameral Legislature. I've heard proposals for a unicameral Legislature in the new constitution, and I oppose it mainly because I think it's important that legislation be deliberated, not speeded through, because I can think of a bill

that was speeded through, and it's called the Sharpstown Bank Bill. It was speeded through. So the Senate wasn't of the great hew and cry. They wanted reform, but they were more deliberate. The House, again, with new members . . . maybe the bills weren't as well thought out. These bills were passed out without probably considering all the ramifications. Now the Senate might have held it up a little longer than they needed to, but I think the final product . . . and I always look at the final product to come out . . . and true, the House did initiate them, but the Senate . . . I think it's probably a true statement that they refined them, and then the final product, I think, is a good, solid product. The whole package is now a model for a lot of other states and the national government to follow. When you look at the final product, I'm proud of the final product.

Marcello: And then I really do think that the Senate did catch perhaps some unfair flak from newspapers and so on for some of the points that they made.

Kaster: Well, there again, you have Hobby, a new lieutenant governor who didn't have the suaveness to know how

to handle this staff, and he made a bunch of blunders. For instance, having the Citizens' Conference on Ethics and then refusing to acknowledge or take their recommendations . . . and he held up the legislation. He did dumb things like that, dumb political things, not dumb things, but politically they were not astute. Again, he was new and that was probably where the hassle came between Daniel and Hobby.

Marcello: Well, anyhow, I think that one of the representatives who was opposed to putting all legislative committees under this law was DeWitt Hale. Now Hale, I think, wanted to exclude such things as legislative panels. Now why did Hale want to exclude an investigating committee or something of that nature?

Kaster: From the open meetings law?

Marcello: Right.

Kaster: I don't know. Hale gets ideas in mind that are not compatible at all times. I'm leery of a lot of proposals of DeWitt Hale. It would be just like him, as chairman of the Judiciary Committee, to exempt that from certain provisions and include everyone else. I think that they should all be included. The only exceptions were, on these open meetings law, is if it's personnel problems.

Marcello: Personnel matters?

Kaster: And that was mainly to protect the person. Now if the person who's being discussed wants this open, then it can be open.

Marcello: Certain real estate transactions also, I think, were excluded?

Kaster: Right, because that could be of unfair advantage. The city, being the taxpayers or the political entity, could take it on the chin because people could get knowledge and go out and gobble up land and speculate. So that was why. Then if it's a legal matter, then obviously they have a right to discuss it with their lawyer, attorney, whoever it is. I think those are common sense exclusions, and that most people would be in favor of them. I think that's the only exclusions that came out of it.

Marcello: You mentioned awhile ago that you've been kind of disappointed with DeWitt Hale's conduct in the two sessions that you've been in, and I think this is an opinion that other representatives hold also. At one time, I think, he was looked upon as being one of the more progressive members of the House of Representatives. Do you think Hale has suffered

quite a bit because of his close association and defense of the Mutscher regime, or do you think it's just to the point that he's been in the Legislature so long that he's outlived his time? You might want to think about closing this interview before you answer that.

Kaster: No, I don't mind at all. I get along with all kinds of legislators. The problem with DeWitt Hale is he's brilliant on the rules. He's brilliant on the rules; he knows the rules. If he can say something in forty words that a person could say in five, he's going to take the forty words to say it. He dearly loves to talk. He makes great . . . he becomes irritative. I know a lot of people that served on the Judiciary Committee, and they told me they never want to serve on the Judiciary Committee again if DeWitt Hale's the chairman because he would keep them there, keep going on and on and on, until two and three in the morning and thinking this is great. The members were going bananas having to take that that long. He wouldn't use common sense. As I say, if he said it once, he's said it a hundred times that he, in debate on the floor, was not going to deceive the House,

when I have seen him deceive the House, and other members know he has deceived the House. He's just not as believable. He's tried for years to institute a full seniority system with all its evils like the Federal government has, and naturally he'd benefit more than anyone else. It's just this type of thing and his constant talking that just finally turn people away. He's running for speaker, and I can assure you that the vote might be 149 to one because I wouldn't vote for him if he was the only guy running, but I don't think he's got a chance of getting elected.

Marcello: Well, let's move on to still another part of the reform package, and this concerns the open records bill. We've had the open meetings bill, and then, of course, there was an open records bill that was proposed too.

Kaster: Right.

Marcello: Why was there a need for such a bill?

Kaster: Because some state agencies want to put themselves above the people and don't want to let you see information that probably legitimately belongs to the public, and they would make it hard for people to get information seeking information on the state agencies, which was not right. The people have a right to know

what's going on in their state agencies. They're paying taxes to run them; they're not above the people. I think this was just bringing it back home to let people find out any information that they want to find out.

Marcello: I gather that there wasn't too much opposition to this bill, really, in the House or in the Senate, was there?

Kaster: No, no, there wasn't.

Marcello: But again, this is one of those bills that did not receive very much publicity, and I think it was a very important bill.

Kaster: I think it's a very important bill. Again, newspaper people now can go in and find information. I think Lane Denton carried the bill. The original intent was that Bill Heatly owned some nursing homes, and yet he was trying to find out and he couldn't get the information through the nursing homes because they wouldn't give it to him. So I think that precipitated it.

Marcello: Then still another part of the reform package had to do with limiting the power of the conference committees to make substantial changes in the appropriations bill.

Kaster: That went down the tube in the Senate.

Marcello: Yes, this one didn't get through the Senate at all, but I think we still need to talk about it just a little bit.

Kaster: Well, the part that got through is in the joint rules that were adopted.

Marcello: Well, yes, this was going to be my question. Why was there a need for such a bill to be enacted into law when it was already a part of the joint rules?

Kaster: Because the joint rules have to be reenacted every time. The legislation, of course, when it's in, it's in. This is only the first regular session that they've had joint rules in probably twenty years. When you're operating under joint rules, then you have these limitations as was proposed by statute. But the Senate didn't want to bind future Senates to this limitation. Senator Aikin, of course, is a good conservative, and he's headed it for years, and he doesn't want to be restrained by anything. We took care of Heatly there, so it worked all right. It remains to be seen what will happen in the future, but the way it was now, it worked fine because we did have the same thing as a statute.

Marcello: How does Neil Caldwell feel about this as chairman of the Appropriations Committee now?

Kaster: He was in favor of it because anybody that's been there and seen Heatly operate . . . in 1962, they added \$124,000,000 that had never been voted on by either the House or the Senate. Heatly decided they needed it, and Aikin said okay and those two guys wrote the bill, and the other conferees were just there.

Marcello: I wonder how Heatly voted on this bill, just out of curiosity.

Kaster: I'm sure he voted against it. I just am quite confident that he did.

Marcello: I gather that during this entire session, Heatly was of a rather low key, kept a rather low profile.

Kaster: Yes, he didn't have near the power . . . well, he lost his power. Seventy-six new members didn't know Bill Heatly from Adam, and he was just another one of the guys, one of the older experienced heads, and didn't wield the power that he had previously wielded.

Marcello: Well, then finally, I think, the last piece of reform legislation had to do with the disclosure of campaign finances. What do you think of this proposal to have

candidates for office reveal their sources of campaign money and their expenditures?

Kaster: I think it's good. I think that again the people have a right to know how these campaigns are being financed to determine if the people are having a conflict of interest. In other words, if it was revealed that I'm running for the State Legislature and I spent a total of \$10,000 on a campaign and \$8,000 came from Frank Sharp, the people would maybe want to know that. It's an extreme example. I didn't get any, and I'm just using that as an example. But the people then can determine if the legislator is free and independent to represent their views, or is he beholden to the group who's financing the campaign. I think this is the main purpose of it.

Marcello: Now here again, where is this report going to be filed? There is no Ethics Commission, so will this go to the secretary of state, also?

Kaster: Yes, it now does go to the secretary of state. But again, the press, of course, can check on these things and files it. Anybody that wants it can get a copy of the thing. When I file my financial disclosure . . . I write a weekly column. I have four rural counties in addition to El Paso through redistricting, and I

wrote in my column that it's filed, and if anybody wanted it, they could write there, and if they wanted to write me, I'd send it to them. But nobody's interested. I think the thing is, if people know you file it, they don't really care what's in it. If they know you're filing it and anybody can get it, I think that satisfies most people. The same thing is true on campaign finances. I always check and see, get my opponent's campaign finances, see who's supporting him, and I'm sure they get mine, and anybody else can that wants to. I'm sure the Democratic and Republican chairman in each county get them and see what's going on.

Marcello: Now wasn't there a section in that bill also that prohibited labor unions and corporations from contributing to a candidate's campaign?

Kaster: Yes, because in the bill as it was there--prohibited corporations--but it was questionable whether it prohibited unions. So through an amendment we made sure that the unions got the same benefits as corporations because if it's unfair for corporations, then it's unfair for unions. The theory was that the corporation directors would be spending the stockholders' money without the approval of the stockholders, and the

same thing could be said for the union. The union leadership would be spending the union dues without the union's voting on it.

Marcello: In other words, the way it works now, a member of a corporation as an individual can still contribute just as the president of a union can still contribute.

Kaster: That's right.

Marcello: From his own personal money.

Kaster: Right, that's exactly right. But, of course, it has to be reported.

Marcello: Are there any loopholes in this law? Do you see any loopholes?

Kaster: I probably feel that there are loopholes in every law that's ever been done. Maybe they aren't evident yet till somebody, some sharpy, figures them out. There was one loophole--I forget what it was--but I figured that if I wanted to get around it, I'd put my financial campaign mailing address as Anapra, New Mexico, which is just really a little bulge in New Mexico near El Paso, and then I wouldn't have to report that if I was trying to get around it. I report everything because I don't care. But that was one loophole. A guy could put his campaign headquarters

in Mexico and have it filed through there because the disclosures from out of state, if it was exceeding \$500 from an individual, it had to be reported. If it didn't, it didn't. But unfortunately, regardless of the law, the intent is there. Now if somebody wants to get around it, anything devised by man somebody else can figure out a way to get around it. There are loopholes in every single law that's ever been done. That's why we've got law books full of cases of them trying to figure out what's going on. I'm sure this is no different than any other law, but the intent--if a person wants to follow the intent--is to report these things.

Marcello: Let's get away from ethics legislation for awhile and talk next about the appropriations bill very, very briefly. I say very briefly because there really wasn't a whole lot of discussion, controversy, debate, whatever you want to say, I don't think, over the appropriations bill. The governor had made it quite clear that there would be no new taxes, and consequently, appropriations had to fall somewhere around what the expected revenues were going to be.

Kaster: Well, there was debate. There was more debate on that bill than of any other bill in the House. We discussed

it more than two weeks. We didn't discuss any other bill that long. It was going over each item in the appropriations bill. For each single item, there was some amendment on it. There were over 300 amendments offered to it. So it was fully discussed, but it was, as Neil Caldwell said, "If you're going to add something, you've got to take it away from somewhere else because we've spent the money."

Marcello: In other words, everybody did receive a fair hearing in the House in the reading of the appropriations bill?

Kaster: Oh, yes, absolutely, 100 per cent. When you take two weeks and 300 amendments, everybody's had a chance. That's two per member. A lot of guys didn't put up any, and some of them put up five or ten.

Marcello: Well, maybe I didn't phrase my question the way I wanted to earlier. I knew that you had spent a great deal of time on the appropriations bill, but again, I think a great deal of time was spent because everybody had his chance.

Kaster: Well, that's right. But everybody then was satisfied with the final product based on the guidelines of no new taxes. Well, the Legislature didn't really want to put new taxes on. So here's the governor saying it,

so you just have to rearrange your priorities and live with the natural growth of taxes and allocate those programs, so it was fair. The members of the Legislature now have something to be proud of--the first time in twenty-five years--and it's a good thing to run on because of all the things that went through the House and the Senate, I think the thing that people are going to remember most is that there was no new taxes. They'll forget reform because Watergate's something else, and that's taken their attention. But they'll remember there was no new taxes. They'll remember that most vividly in my opinion.

Marcello: On the balance, then, how would you rate the Sixty-third Legislature in terms of accomplishments?

Kaster: I'd say it was one of the most productive sessions of the Legislature that's been done in twenty years. I have no knowledge of what went on in those twenty years, but it was an extremely productive session with good, solid legislation. We've talked about the reform package; there's about six or seven bills. We talked about the appropriations bill. We talked about these new fiscal matters, the fiscal notes,

performance audit, the drug law revision, the prescription drug prices, the competitive rates, the bilingual education, the adult education, the penal code revision. We passed a package of bills to eliminate water district abuses. Consumer protection, we passed that. You look at this good, solid legislation that finally came through. I don't care if it came through the last night, but it went through the whole legislative process. It was a very, very good, fruitful session for the people of Texas.

Marcello: Some people say, some critics say, that the Legislature spent too much time on reform legislation, and as a result, other legitimate business wasn't taken care of. How would you answer these critics?

Kaster: Well, I'd just say look at the bills that passed. I mentioned seven reform bills, but then I went through these other things just as an example. That certainly wasn't all of them. But I think if you will be fair and look at the bills that did pass, I think that's a weak argument to say that we spent too much time on reform. Maybe we spent a lot of time, but not too much time, because these other things got fair hearings, too, and were passed.

Marcello: I think also--and here's the way I would answer those critics--let's suppose that nothing else was passed in that legislative session except reform.

Kaster: That's what the people wanted.

Marcello: I was going to say, don't you think that perhaps something like that was needed if for no other reason than to restore public confidence in the legislative process? I think almost if you had passed nothing but seven reform bills, I think that alone would have gone a long way toward restoring public confidence in the Legislature.

Kaster: Right. The difference is, we passed these reform bills at the start of the session. We immediately started on those. All right. In the meantime, committee hearings were being held on all these other bills. Well, you can't act on a comprehensive bill such as consumer protection, penal code, death bill, drug revision . . . it takes a lot of committee hearings to get those through the committees before you even get them to the legislative floor. By the time we got to that point, we'd already passed these reform bills, so even though we spent a lot of time, it was not time taken away from this other legislation that couldn't

have come up until it did. The reform packages didn't take that long through committee because this was demand legislation. It didn't take that long. The only . . . if it's a failure, the only failure probably was the public school financing. Yet, that's a question whether that's a failure, the only failure probably was the public school financing. Yet, that's a question whether that's a failure or now because you have the TSTA program that was going to cost \$1.97 billion in new taxes over the next five years, which in my opinion incidentally dealt with the Rodriguez Case, but it was primarily a make-work for teachers bill because you're going to hire a slug of new teachers on the provisions of that bill. Then the governor wanted to give \$39,000,000 to 112 of the poorest districts, and you got the conflicts here, and it was not solved. But that doesn't mean that education is not going to go on in Texas. It's still going to go on; there's certain inequities. In the meantime, the governor's going back to what he calls a "zero base." As he said, all we've done for the last twenty years is that we've hit a level of spending, and in the next session you add on to that level without evaluating

the previous level. So he's going back to zero, evaluating it all, and has possibly come up and solved the Rodriguez Case without the massive taxes indicated by House Bill 946. So if that's a failure, that's the only failure. In everything else good, tough legislation was passed--competitive rating in insurance--and there's just all kinds of bills that were passed. So I think it's unfair to say that too much time was spent on reform.

Marcello: From what you've observed so far, how would you evaluate the administration of Governor Briscoe?

Kaster: I think he's coming on stronger and stronger. I think he's going to be a good governor. Again, he was new and . . . he indicated his strength when he made the Legislature pull back a bill and redo it rather than vetoing it, and he held their feet to the fire on appropriations, and so there was no new taxes, so I think he's going to be a good, strong, solid governor.

Marcello: Do you think he provided more executive guidance than Preston Smith had? This was always a constant complaint that legislators had about Preston Smith--the fact that he never told them what he wanted done. So consequently, they never knew what he wanted done.

Kaster: Governor Briscoe made it pretty clear on the items he was opposed to what he wanted done on it. He didn't make any bones about it. Concerning the collective bargaining for policemen and firemen, he made them pull it back down and make it to what he felt it should be before he would sign it, and he would have vetoed it, and there's no question he would have vetoed it. So it's crystal clear what he wanted. On the appropriations, he said no new taxes. It was very clear, and there was no new taxes.

Marcello: One last question very very quickly. Comment very briefly on the relations between Lieutenant Governor Hobby and Speaker Daniel. Now I gather there was quite a bit of ill will between the two with regard to ethics legislation.

Kaster: I got the impression that perhaps Speaker Daniel was laying the predicate to run against Governor Hobby for lieutenant governor. As such, I think that Governor Hobby played into his hands by making no real suave political moves while Daniel was making good political moves to the detriment of Hobby. But then when it finally came out, as you said, they refined the bill and were not going to be stamped. The

Senate as a whole likes . . . from people that I've talked to in the Senate, they like Hobby and they don't want Daniel to be leading them as lieutenant governor.

Marcello: Why is that?

Kaster: They think he's too childish. I think that's what they said. Now whether he is or not, I don't know, but they said he acted childish, and they didn't like him attacking Hobby as a member of the Senate. At the end, Bill Moore of Bryan really cut loose on Daniel and said that he was the worst speaker we ever had. I think that was untrue, but it shows the reaction that was finally building up over Daniel primarily snipping at Hobby more than Hobby snipping at Daniel. But I felt that it was more political. If he was getting ready to move, he could say that I passed this reform through the House and the Senate killed it. Well, the Senate didn't kill it all, so maybe some of that steam was taken out. I think a lot of it was manufactured. I'm not sure that there's that much ill will. I'm sure there's no great love because you don't start harping at a guy and have a great love for him.