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NUMBER 17

Interview with
A. R. Schwartz
November 27, 1967

Place of Interview: Galveston, Texas

Interviewer: Robert Calvert

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Approved: A. R. Schwartz

Date: May 15, 1968

From: A.R. Schwartz [REDACTED]
Sent: Wednesday, February 26, 2014 3:11 PM
To: moye@unt.edu
Subject: Re: Interview with the UNT Oral History Program

Mr. Moye,

Please consider this letter your authority to open the transcript to the public for all purposes. I would also appreciate receiving a copy for my records. Thanks for your notice.

A.R. Schwartz

From: Moye, Todd [<mailto:moye@unt.edu>]
Sent: Wednesday, February 26, 2014 1:36 PM
To: Schwartz, Dick
Subject: Interview with the UNT Oral History Program

Dear Mr. Schwartz,

You recorded an oral history interview with the North Texas State University (now University of North Texas) Oral History Program in 1967. The interview was transcribed and edited, but it has since remained sealed in accordance with the terms of your donor agreement.

I am writing to see if you would consider opening the transcript. I'd dearly love to be able to share this with researchers who are interested in your career and service. Of course, if you would like to refresh your memory of what you said in the interview, I can swear my assistant to secrecy and ask her to unseal and photocopy the interview for you, then re-seal it until we hear from you.

Thank you for considering this request.

With all best wishes,

Todd Moye
Associate Professor of History
Director, UNT Oral History Program
University of North Texas

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2/27/2014

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Oral History Collection

A. R. Schwartz

Interviewer: Robert Calvert

Place of Interview: Galveston, Texas

November 27, 1967

Calvert: This is Robert Calvert in Senator Schwartz's office in Galveston. The first part of the tape will be Senator Schwartz making some comments on his background and a short biographical sketch.

Senator Schwartz: I think it's important to relate some background in any discussion of politics principally because I think an individual's background before he's elected to public office controls, in a large degree, his activities as an office holder. We all live by our own experiences because that goes into making up our personality and our motivation.

I was, first of all, born and raised in Galveston--the first American-born son of an immigrant family. I think that in itself has had a great deal of influence in many of my attitudes, particularly in the area of civil rights and civil liberties. I would say unequivocally that my background as a young man was that of a poor man--typical political kind of background where you deliver newspapers and have fifteen kind of odd-jobs and a variety of experiences. One of those significant experiences was the fact that be-

fore I could go to work, after I got out of high school, having had all the jobs as a lifeguard, and a bell hop, working at a miniature golf course, and having several newspaper routes, and doing all kinds of things, I finally went to work as a welder's helper, which required my association with a union back at the beginning of World War II. And I worked as a welder's helper for about a year before I went to A&M.

It might also be interesting to note that I did not intend to go to college when I got out of high school. I didn't think that I could afford it, on the first...in the first place, and didn't think I was capable of it, in the second place, based on my academic record up to that time. My brother started to A&M when I was working as a welder's helper. And the 1943 hurricane put me out of work as a welder's helper so I had nothing else to do and I was not going to be rehired until the Monsanto plant was back in business after the storm. And my mother convinced me that I ought to go up and register with my brother. Well, that's how I started a college education and that, I believe, is the only reason I have one today. I did go to A&M and did miserably as an engineering student--no success whatsoever except in one course that I got a little help in from my brother. I then entered the navy and during the navy decided that what I wanted to do when I got out was to go back to law school. And I'm not sure how I decided on that except that it probably was based upon my association with a Marine captain who was appointed as my defense counsel two or three times

aboard ship when I got into trouble. And that's (chuckle) true.

When I got back to A&M, I had enlarged my general scope of knowledge, I guess, having been around a little bit. And I was certainly interested in what I wanted to do at that time and kind of found myself as a late-bloomer and did well in my courses--at least for my previous record. I studied pre-law and worked as a grader there at A&M. And I did a little tutoring, I think, with the athletic students and I later did also in law school. But basically, I got out of A&M, completed my pre-law, got into law school and when I got to law school, I became interested in politics again, and went to work down at the legislature. And while I was in law school, I worked at the legislature and still maintained some part-time jobs. I worked as a research writer for the legislative council for a while. I worked as an administrative assistant in the chief clerk's office in the House of Representatives and ran my first race for the House in 1950, as a senior law student.

So, I was motivated to get into politics, probably, as a law student and that motivation has continued ever since. I lost my first race for the House in '50. When I got out of law school, I then went to work as an assistant county attorney in Galveston, and I was a prosecutor for three and a half years. I ran for the House a second time while I was still assistant county attorney. I was elected and I went right from the county attorney's office into the legislature on a one or two day transfer. Right out of one

job into another. I ran for the Senate in 1958, and lost that race. My opponent, Jimmy Phillips, quit in 1959. A special election was called in which there were seven candidates including myself and I won that race. That was on January 12, 1960. The race was in the latter part of '59, and I have served continuously in the Senate since then with several pretty tough races. That's the background generally as a four-year member of the House of Representatives. Why, I was in the House at a time when there were no liberals to speak of. We mustered as much as forty votes on rare occasions. Almost on a bill to abolish the Constitution of the United States, we got forty votes. That's not technically correct but that's what some of them amounted to.

Calvert: Did you run as a liberal in the 1950 campaign?

Schwartz: I ran as a...well of course, back in those days, I guess, you'd say that people decided what you were. Actually what I was in 1950, was a candidate who claimed that as a newly inspired senior law student and one having worked in the legislature, that I knew more about the legislative process than anybody else in the race. In fact, of course, I didn't know anything but nobody else did either. And my great qualification I thought at the time was the fact that I was young and had a lot of energy. I like to say that my first campaign was run on the basis of youth and vigor and energy; and now I run on maturity and age and wisdom. (laughter)

Calvert: Well, what...what can you think of as the difference now with this new liberal coalition which has developed since redistricting?

Schwartz: Well, of course, the big change is that we're in a...we're in an

urban society and we are now approaching an urban legislative body. I went to the legislature from an urban district but I went to a rural legislature. It made no difference how many members there were, they were all from the country. In those days and right up until the redistricting of 1963, Harris County had one Senator, Dallas had one Senator, Galveston County had two House members, and little old country counties out in West Texas with fifteen thousand people in them had House members. So basically a rural society, which had changed to an urban society, was still represented in the majority by rural legislators. And I felt, even then, that the difference was not liberal or conservative, but rather rural and urban. And I've always maintained that a conservative in Texas was a country legislator and someone with a rural attitude about modern problems. Now the liberal in Texas has been basically an urban legislator, and some rural legislators who recognized the needs on a welfare basis. The liberal rural legislators by and large are the East Texas legislators who are conscious of the problems of welfare, old age.

Calvert: The old populists like Patman.

Schwartz: Right. So they're...they're rural and they're liberal but they're not...they're not the kind of liberal urban legislator. For instance, they won't vote liberal on a labor issue because they're still dominated by an anti-labor...a prevalent anti-labor feeling of rural areas. They have no conscience about workman's compensation, industrial safety--those kinds of urban problems--because they don't live in an industrial area. And so they're liberal on

welfare benefits, they're liberal on populist theories of government; but on the gut issues concerning the working man from an industrial standpoint, they're still conservative and rural.

Calvert: Well, don't you find, though, that there's a strong Republican conservatism developing in the suburbs, though, of the big cities?

Schwartz: Yes. And that conservatism in the cities is largely attributable, I think, to what I call the executive class. They're not executives, but they're led to believe that they're executives. Their employers in management and in industry and in office work convinces them that their six hundred dollar a month salary makes them an executive and therefore they have to have the business interest at heart first. They've never learned, somehow, that they're making less money than the fellow out in the plant with a dirty shirt who is an operating engineer and belongs to a union. They're making... the guy out here in the union in Texas City makes seven hundred and fifty dollars a month and he's a wild-eyed radical--sometimes. But the junior executive in Houston that makes six hundred dollars a month and lives in the southwest side in an apartment is a conservative Republican. He just doesn't know what's good for him.
(laughter)

Calvert: Did you find that this was the sort of legislator, then, who supported the sales tax in the city? Is that the way you would explain it?

Schwartz: Well, the city sales tax really was...was a mark of credit to the city lobby. The Texas Municipal League can take all the credit for the city sales tax. Our whole battle with the city

sales tax was that the Municipal League really got the job done. There're some eight hundred cities in Texas and each of those cities, even though they didn't need a city sales tax, even though their property taxes were way out of proportion to what they might be or what they should be to provide adequate city services, the city fathers saw an excellent opportunity to avoid any further property tax increases--which outraged business. And they always like to be conservative and talk about providing a good business climate for new industry. And let's face it: What we're doing...we're not saving the homeowner any money by not raising his property taxes very much, 'cause he going to pay as much in sales taxes as he might pay in a property tax increase.

What we've saved is we've saved businesses and industry that difference which they would have to pay through increased property taxes. And they don't pay sales taxes except as individuals. So the plant manager of an industry has to pay twenty dollars or twenty-five dollars a year in additional taxes to a sales tax in a city in which he lives but his plant has been saved a twenty percent increase in property taxes. And the plant manager doesn't care about the fact that what he's actually done is spread his plant's tax responsibility to that community to all of his plant employees. If they employ five hundred people and each of them pay twenty dollars a year in city sales tax, that's the amount of tax that might have been

passed along to a lot of consumers outside of that city, if the property tax was increased as opposed to the sales tax or as opposed to establishing a city sales tax.

So essentially, the industries and I think the business community was appealed to by the Municipal League, and they in turn appealed to the city fathers to support a sales tax in lieu of a property tax increase. Then the city fathers appealed to their legislators and said, "This is what we want." And their legislators just folded up one by one because they were not willing to buck the city fathers, by and large, as a political community within their district. And anyhow, they were convinced, too, on the philosophy that people will accept the sales tax. I really didn't believe that people were that dumb and I did make a statement in the filibuster against the sales tax that the people just wouldn't vote a sales tax upon themselves where there were reasonable opportunities and reasonable avenues to solve their problems without a sales tax. Most cities were not adequately taxing the property, at that time, and still aren't. The property taxes are down low and I don't have those schedules with me but we discussed them in the debate. And they ought to be made a part of your record, somewhere, to show how really shallow the city taxation on property values was, except in some cities. Austin, for instance, had a high property tax; Galveston has a high property tax--several other cities. But many of the cities that have adopted sales taxes have wholly inadequate property tax

structures. And they could be doing the job better if they taxed the people they had in existence already.

Calvert: Well, the charge has been leveled, perhaps unfairly, that one of the reasons the legislature passed the sales tax this time and the reasons the cities are calling the vote so quickly is because the registration remains so low in a off-year election year. Do you think that's a fair charge?

Schwartz: Oh, I think it's a fair charge and I think if you want to get to the root of why the city sales tax has been so readily adopted in the cities in which the elections have been held, it's even more obvious to me when you look at the statistics. I think in most of the cities where the sales tax is being adopted, it's being adopted by thirty per cent of the voting population or less than thirty per cent. But who's going to go vote in those elections? This is why I'm a liberal in the legislature and why I'm always by myself. I often feel that I'm representing a bunch of people who, first of all, don't even know I'm there, which is all right. But they don't even know the legislature's there which is worse. I can live with the fact that nobody knows there's anybody in the legislature that cares about the individual problems of what I call the masses of people in this state. But I'm disturbed that they don't even know what's happening to them, most of the time. They're mostly so poorly informed, so poorly educated, so poorly motivated, that their major concern is how to put a little bread together for tomorrow, rather than whether they are going to vote for or against a tax, or for or against a

member of the House or the Senate, or for or against the Governor. And these people have never really been involved in the political decisions in Texas 'cause they're non-voters. During the poll tax days, they didn't vote 'cause they wouldn't pay to vote; they couldn't pay to vote. Now that free registration is in effect, they don't vote because they're not informed and they're not motivated. Nobody's fired them up to the degree that they can be convinced that they can solve their own problems. So here are these thirty percent of the people in El Paso who are property owners and I can't knock them. I mean they're...they have a perfect right to go out and vote a tax on those people who are too lazy to go vote themselves.

Calvert: Or too illiterate?

Schwartz: Or too illiterate. So they say, "Hell, I'm going down and vote against that...vote for that sales tax and I'm going to save money on property tax that I might have to pay a hundred and fifty dollars a year additional taxes on, because there are fifty thousand people out there that don't even know there's an election going on today. And when we get the sales tax, why, they're going to be paying their share."

Calvert: Well, is...do you think that your move to open the Senate hearings to the public would help to publicize the activities in the Senate?

Schwartz: Well, I don't...my fight for open sessions of the legislature--of the Senate, particularly--really wouldn't mean anything to the people I'm talking about, nor would it get them any information they do not now have because the kind of things that go on in the

executive sessions are really a greater concern to my enemies than to my friends. If the establishment and the status people in Texas who ought to be concerned about the political shenanigans of the Texas Senate, the newspapers, for instance, have a right to know. You know, the guy out here on the street who is making a hundred and fifty or two hundred dollars a month couldn't care less about who gets appointed to the Board of Regents of the University of Texas. But the educational community in Texas cares about it and they have a right to know, for instance, if as in the case of St. John Garwood where I started with all this fight. When St. John Garwood was busted by the Senate, I don't think anybody but the educational community and the intellectual community in Texas and the interested newspaper reader could have cared less whether St. John Garwood was a member of the University of Texas Board of Regents or not.

Personally to me, he was a great liberal and a great intellectual and a great supreme court judge and would have been a great Regent. And he was busted, and I think clearly, by the personal...well, I'd say the personal motivation of one Senator who was able to line up a few others with him. And that was Dorsey Hardeman from San Angelo. And Dorsey didn't have a single valid political reason for busting St. John Garwood. It was purely a matter of his personal antagonism toward a great man. Dorsey Hardeman couldn't fill the eyes and the shoelace holes of St. John Garwood, much less his shoes, as an individual--either as an intellectual or as a human

being. But he was able to offer to ten other members of the Senate the fact that they could do this in secrecy. They could stab this man in the back in the dark of night and never be exposed and they could do it for old Dorsey who wanted it done. And then they could be friends of Dorsey's, you see. "You do this for me as a buddy nad I'll do something for you." And so Texas lost an oppertunity to have St. John Garwood and I just came unglued, as you may remember, from that. And I've been at it ever since. And the fact is now that last session I finally got fifteen votes at one time; got thirteen at the opening of the session to amend the rules so as to provide that these executive sessions on confirmation could not be entirely secret. So really I guess that battle is less important to the poor, and the illiterate, and the poverty stricken than it is to the people who really don't think I'm their champion but basically to the better informed society.

Calvert: Well, when you...usually one puts Dorsey Hardeman, I think, in among the more important or at least powerful Senators, let's say. Is there any particular reason why that should be so?

Schwartz: Dorsey is...he's a relic of the age of rural domination of the legislature. You can't ever discount Dorsey on any basis. Certainly he's intelligent and certainly he's shrewd. I think his strength, primarily, has come from the fact that he's been there a long time and that previous to the redistricting and previous to the changes, seniority was more important in the legislature. And Dorsey was one of the old hands; he knew the ropes and he knew the people. And he was a conservative rural legislator in a con-

servative rural body. Dorsey, as a legislator, won't be worth the powder it takes to blow him to hell in another four years because he'll be an elephant in an elephant's graveyard. His day has passed.

And it came in the light this last session but he still had strength this last session. Dorsey was still the leader of the bad guys, so to speak, by my theory, and he still wielded a pretty strong hand when the chips were down. But he didn't do it with twenty-one votes; Dorsey was damn lucky to get sixteen votes lots of times. And Dorsey had a bill, for instance, to give fifty percent of the mineral rights to the surface owner of the lands out in West Texas--the public lands--for acting as a leasing agent for the state in terms of mineral leases. Not generally known but this was a relinquishment act which we passed last session. Myself, and Don Kennard, and Oscar Mauzy didn't know anything about relinquishment acts but Dorsey's bill was obviously a give-away. If we'd had one or two more votes in the Senate, we'd have kept it from being given away altogether and put it on a bid basis. But just to express the point, Hardeman had the bill. And there were some recent sulfur discoveries out in West Texas and the land owner paid fifty cents an acre for this land a long time ago, and hadn't paid much more for it since. Dorsey's bill after these sulfur discoveries, was calculated to give the land owner half of the minerals for acting as agent for the state. That's the way some oil and gas leases are operated today in Texas on public school land. On

the other hand, there's another method which requires the State Land Commissioner to offer these lands on a competitive bid basis without regard to the land owner. And in this case, I don't think the land owner deserved anything. He didn't pay for it and he's not entitled to it. He might suffer some surface damage but there's a recovery at law for any surface damage he might suffer from mineral prospecting.

Well, to make a long story short, we didn't have the votes. But we did get the bill changed to sixty-forty instead of fifty-fifty. And that ten percent is calculated by some people to perhaps save the school children in Texas as much as two hundred million dollars over the years. Well that's in the next twenty years to the next fifty years--doesn't make any difference to me--two hundred million dollars is still two hundred million dollars. But by that same calculation just think what it could be if we could have saved them the fifty percent instead of the ten percent. But that's the kind of thing Dorsey's been good at over the years, and well he's been perfect at it over the years. But that's a diminishing strength now. An adequately educated legislative body this last session would have laughed Dorsey Hardeman out of the pen. But they were not that adequately educated and even the newly elected liberals were generally uninformed and pretty lackadaisical or apathetic about issues that they didn't understand.

Calvert: Well, did you find the information rate, so to speak, of the Senate to be very high?

Schwartz: No, unfortunately I never have thought it was very high. I haven't thought that it was high either in the House or the Senate for a variety of reasons. In the first place, most legislators come to the legislature fully unprepared to cope with the broad spectrum of problems that arise in a state this size. I was lucky because I worked there for two years before I became a member and at least I knew where in the hell the bathroom was, and I knew where the Rules Committee met, and I knew where the Chief Clerk was, and I knew how to get things done in the basement that I couldn't get done on the floor. And that's pretty important, incidentally. I think it's a lot more important, sometimes, to know what goes on in the operating technique of a legislative body than it is to know how to make a speech on the floor. So I acquired the operating technique as an employee. And most of these members that came to us this last session of the Senate were brand new to the legislative process. And frankly, the ones who came from the House to the Senate were not much better off than the ones who came from the street to the Senate because they didn't learn much in the House.

Unfortunately you don't learn anything in the House unless you're a part of the team, or you're so deeply involved with the opposition that it is necessary to know more than the team. And in my case, why I learned as an employee and then I was always an opposition man and so I always felt it necessary to be a little better educated, a little better prepared, a little better briefed than my

opposition. And they were spoon fed by the authorities. Under Allan Shivers days, why hell, all they had to do was go to Allan's office and he'd tell them what to do but most of them never really understood what they were doing. Jim Lindsey was the Speaker and he wielded a mighty heavy gavel for Allan Shivers. And then Waggoner Carr followed Lindsey through Shivers and Price Daniel.

And I just believe that the team never really is as well educated as the opposition, if the opposition wants to be educated. Because most of the members of the team rely on the leadership to provide the answers. So they don't have any in-depth knowledge on their own. But they get a better education in some areas, such as finance because they get to serve on the finance committee, and on the appropriation committee. I have never been able to get on a finance or appropriation committee, I think, because they don't want me that well educated. What I know about appropriations and the fiscal process in Texas I've had to learn by bringing up department people to my office and just asking them questions because they're never going to let me learn...they're never going to let me get in a position where I know as much as they do about that appropriation bill. And it would only take one session, as a member of the committee, for me to know everything that Bill Heatly or that Dorsey Hardeman knows, in that regard. But we don't get that opportunity-- that is the militant people don't.

Now, they'll put a liberal on the appropriation committee in the

House and on the Finance Committee in the Senate providing he's a nice guy, and providing that they're absolutely sure that he ain't going to learn a hell of a lot by being there. And they'll give him the fruits of the system that require him to be a good guy and they'll even let him make a speech against some of the provisions and ask for more money sometime. But they're not...They never have, to my knowledge, put a really militant liberal on those committees in the House and the Senate.

Galvert: I seem to recall you militantly supported the idea of one-year, annual appropriations.

Schwartz: Yeah. This is another area.

Galvert: Any comments you'd like to make about general appropriations bill.

Schwartz: Well, on the question of annual sessions, I think it's important to realize, again, the change that's taken place. What's really occurred since I came to the legislature is that the legislature and the political philosophy of the establishment has caught up with what I was considered would...with what I considered to be my militant liberalism when I started. Back in 1954, hell, liberals were talking about annual sessions and annual salaries. As a matter of fact, the Jaycees on a state-side level, support a constitutional amendment for annual sessions and annual salaries when I was a House member. Liberals have been espousing the cause of annual sessions for a long time. But the establishment has always believed in the philosophy that the fewer times the legislature's in session, the safer the people are, that if the legislature never met that the people would be a whole lot better off. Now what

they mean by that is not the people in the street, so much, but the people in the lobby.

Why, hell, the lobby doesn't want the legislature to meet because the lobby functions best when the legislature is not in session. They can operate a whole lot better in the bureaucracy than they can in the legislative process although they've done very well in controlling the legislative process. But they don't want...they don't want the legislature around all the time. Why, what happened to John Connally was, and what happened to the Democratic party in Texas has simply been a recognition that we couldn't live in a prehistoric age and function as a state. They've finally become aware of the fact that state government is dying a slow death not because of the federal government...not because the federal government's encroaching on state's rights, but because states, through their reluctance to progress...to make progress in the area of government and serving the needs of their constituency, state government has done less and less; the federal government has done more and more. And the states have not moved in to fill that void. Their services are demanded and the people's needs have to be met. The state's never been in a position to meet them. How in the devil could Texas meet the needs of its people, for instance, when the legislature only met every two years and then only for a hundred and twenty days, and then only on an under-paid basis and an indifferent basis at most, in terms of the establishment and the majority.

So under Allan Shivers, nothing happened that I can see, except conversation. He was an extremely conservative governor with a tremendous image as a politician in Texas and, you know, believed to be a god by his political supporters. But anybody who analyzes the shape Texas was in and the inadequacies in the hospitals and special schools, the inadequacies in education, the inadequacies generally that keep up at the lower level of states and expenditures, recognizes that he had a protectionist government for the establishment. And he's still a great man in the sense that serving his cause, why, the cause of conservative government, why, he's the best they've got. He's president of the Chamber of Commerce here in 1967, and he's making the same speeches in 1967, that he made in 1954. And I'm making the same speeches in 1967, that I made in 1954. The difference is that John Connally is making the same speeches I'm making now and so are some of the other conservatives. See, my speech hasn't changed; I'm still raising hell about the same things. I haven't progressed at all, I guess. If I've got an apology to make, it's that I can't find any great new liberal causes except civil rights and civil liberties.

But all the changes I wanted to see brought about in Texas have come to pass in one form or another. What we're arguing about now is how much we can improve on what's been done. And this is...I describe all this in relation to annual sessions because here we now have a responsible chief executive of this state in 1967, who's willing to say that Texas can't function unless its legislature

meets annually. And we have Ben Barnes running as a candidate for Lieutenant Governor on the same program. And then we've got Preston Smith, a remnant of the bronze age, maybe the Neanderthal age, I'm not sure, politically, who still says the constitution doesn't need revising, which--Connally says it does and Ben Barnes says it does and all the liberal people in Texas have said it has needed revising for lo these many years. There's only one guy left in a responsible state position today who's willing to maintain that the constitution doesn't need revision and that's Preston Smith. And he's the embodiment of the last remnant of the ultraconservative philosophy in this state that "we don't do anything now that we can put off until later."

But the responsible new blood in this state is going to come out from the things that liberals have been talking about for as long as I've been in the legislature. So, that's why...that's why I agree with Connally that annual sessions are necessary. I go further than John Connally, though. I don't think we can...we can cut it down to where he wants to cut it down. He wants an annual session purely for appropriation purposes in the even-numbered years. But I think that's just the recognition of he's trying to get something. But he recognizes, basically, that we need more than an appropriation session; we need a session that can consider legislative problems.

Calvert: Well, Preston Smith defeated last time this idea of an annual session. I assume then, you don't anticipate him defeating it again?

Schwartz: Well, he didn't defeat annual sessions, as such. He defeated the legislative proposal for annual sessions and he tried to defeat, in a way, the one-year appropriation bill that was sponsored by Connally. My alliance with Connally this session, as well as the alliance of other liberal members of the Senate, simply came about because we wanted annual sessions and we wanted a one-shot appropriation bill because we were going to get more out of it in terms of total dollars spent. We knew that Preston could control the tax bill and if he controlled the tax bill then it logically would follow that if we had a two-year appropriation bill, we couldn't get all the money we wanted to spend in the categories we wanted it in. For the first time in Texas history, we appropriated--not in Texas history, but in recent years--we appropriated the full amount of money allowable under our Texas constitution for state welfare purposes. We made some deals, in other words, on the appropriation bill and we were able to make them under the one-year bill because John Connally wanted to pass a one-year bill and he was willing to spend all the money in the bank for this year and put off the taxing problem 'til next year. And that agreed with my philosophy that if you put the tax problem in proper focus with the appropriation problem at one time, in one package, then you're better off.

Calvert: Well, do you think that's because the liberals last year for the first time were an effective swing block in the Senate for Connally's measures?

Schwartz: I think it had a lot to do with it. I think that Connally recognized that Preston Smith's friends were gambling on Preston Smith being

worth more to them than Connally. 'Course that's my criticism of a lot of the legislators and I don't mind voicing it. They don't... they don't choose up sides based on what their constituents are entitled to; they choose up sides on who can do more for them personally. And hell, in the Senate last session there was a group who were... who were in wedlock with Preston Smith. Preston could do no wrong. He called the shots. And that was composed of the people that Preston thought were, you know, were his Indian chiefs, so to speak, or his Indians that he could rely on. And it was composed of people who disliked John Connally personally. People like Hank Grover personally had a quarrel with John Connally. Hank had just become a Republican; Hank got into a fight with Connally at the end of the last session as a Democratic House member and there was still bad blood between Grover and Connally. Grover wouldn't vote for a John Connally program if it was right because it was John Connally's. On the other hand, he was not exactly wed to Preston Smith but it turned out that he was more Preston's boy than anybody else's.

And in that sense, he gave up a great opportunity to be an independent Republican because he did pick sides. If he could free himself from the prejudice against Connally and recognize the inadequacies of Smith, he could have been a great force, I think, as a single Republican legislator. And he passed several excellent opportunities to take an independent stand as a Republican without regard to one side or the other. And instead of doing that, he fell into Preston Smith's camp which just made him a conservative Democrat in-

stead of an independent Republican. There were others who chose Preston Smith versus Connally. Bill Patman, who by nature has been a liberal, chose Preston Smith full time. Preston became the embodiment of all that Patman wanted and idolized in government which was as inconsistent as my taking on Allan Shivers as my ideal ex-governor, you know. Just doesn't make sense to create anything in that focus, but Patman was anti-Connally. And he was anti-Connally because Connally went down to Wharton County or somewhere and had his picture taken with Culp Krueger when Patman and Krueger were involved in a race against each other. Well, Connally and Krueger happen to be old friends from college days and Krueger had done enough for John Connally as Governor to make him entitled to one picture, as far as I could tell. And I just didn't think that that political animosity ought to be carried into the Senate where Patman would vote like Preston Smith wanted him to vote just because Connally had some other aim or purpose. It was totally inconsistent with Patman's whole political philosophy but he was not concerned with the inconsistency. He was concerned with personal feelings. And those are my personal sentiments and prejudices.

Jim Bates had a Connally quarrel going over the...over the Park and Wildlife Commission and had a big resolution and made a big speech about it. Now Bates was a pro-Smith man from the day the session started until it ended. When logically, Bates as a moderate to liberal Senator representing most of South Texas should have been in league with myself and a whole bunch of others for liberal pro-

grams. And he was on some, but we lost him on others simply because they were anti-Smith. They were considered Connally instead of Smith or they were considered liberal, therefore, anti-Smith. And that's not to say that Bates didn't vote with me personally or that Patman didn't vote with me personally or that Grover didn't vote with me personally, because on personal, gut issues where I was involved, more often than not I got all three of those votes.

Calvert: Well, would you want to make a comment now on the prospective Lieutenant Governor, Barnes, since he was identified as a leader in anti-Preston Smith votes?

Schwartz: Barnes has, I guess, come closer to being in tune with the times and the changes of any politician during my time. I haven't...state-wide candidates, that is. I've seen liberals who were liberals and jumped out and ran as liberals; I've seen conservatives who were conservatives who ran as conservatives. But Barnes is that guy who has been a part of the establishment and therefore a conservative, who has been what I call flexible, at least, to a degree..."malleable," I guess, is a little better word, because it has to be beaten into most people by political pressure. He's been molded to the time better than other folks have. They haven't changed. Connally has come from an extremely conservative individual, to a moderate conservative individual because he's recognized a certain amount of responsibility as an executive. I would say that he's become a responsible executive. Therefore, he's got to meet the needs of the state and therefore, he has to appropriate the money and make the state function as a state government.

And he hasn't done it to suit me, personally, because my goals would have been much higher in terms of total dollars in most of the areas. But at least he's moved in that direction. He certainly hasn't moved into a more conservative corner, as times have become more moderate, but he's moved in moderation. Preston Smith, on the other hand, has...I think, has moved backwards in the political spectrum and I think it's indicative of his personality. Hell, he doesn't get any smarter because he gets older, nor does he become any more liberal or moderate because that's the way the people are moving or that's the way the nation is moving. He's a...he more, I guess, more descriptively he's reacting to a move toward the middle by moving back toward the right. And he does that instinctively and he does it perhaps on a calculated basis because all the money he needs to run for Governor on has got to come from the people on the right. And nobody in the middle or on the left, in terms of liberals or moderates, would be foolish enough to assist Preston Smith to become Governor because Preston Smith would put us right back where we were with Allan Shivers in terms of a truly conservative, well, 1950 model government in Texas.

Calvert: Well, you supported...

Schwartz: We'd be lucky if it was a 1950 model of government. It might be a 1920 model government. But Barnes, on the other hand, to get back to the root of the question, Barnes is young and he sees the change, and he's adopting some views that are not consistent with his origins and his political support. And I think generally, he's molding himself in the pattern of what I'd call the kind of statewide poli-

tician that is going to be able to survive in the '70's in Texas when we truly have a moderate electorate. And he's going to have to overcome a tremendous liability of being a country boy. There ain't going to be any more country statewide leaders. We've seen the last. When we redistrict after the 1970 census under the "one man, one vote" rule, we've seen the last of the lieutenant governors and House Speakers from Lubbock and from De Leon, and from Podunk, and from Floresville, and from Liberty, and from the small towns in Texas.

There aren't going to be any more rural people. Governors, and Lieutenant Governors, and House Speakers are going to come from the city. In our...by that I mean the populated areas. Because House members...when Harris County has got twenty-eight House members, and Dallas has got twenty, and Fort Worth has got ten, and San Antonio has got twelve or fourteen, there ain't going to be no Speakers elected from De Leon. And that's not to criticize De Leon. I'm just...it would be foolish for an urban House member to pledge himself to a rural legislator. It would be foolish for a guy from the country, a county or population of fifteen thousand, to offer himself as a candidate for Governor or Lieutenant Governor at a time when all the legislators were demanding the urban rights in the legislature and they were conscious of the fact that what they really needed was urban leadership in the Governorship and in the Lieutenant Governor's job. I think that's one of the changes that'll come about. Now Ben's stepping out in front of that change. He's

making speeches now about this "urban state that we live in" and things like that. Those are not the kind of speeches that got him elected in De Leon but when he gets to be Lieutenant Governor, and I assume that he will be, then his residence will be Austin, Texas, then. And in the coming age of urbanization in Texas, I'll lay you odds that when he runs for statewide office for Governor, the county shown on his ballot will be "Ben Barnes of Travis." It ain't going to be "Ben Barnes of whatever county De Leon is in."

Calvert: Were you surprised that Mr. Connally chose not to run this time?

Schwartz: I was surprised and ready to admit that I was, you know, I would have bet that he would run. Matter of fact, I'm a terrible bettor. I bet that Preston Smith wouldn't run for Governor and I bet John Connally would. And I made the bet on Preston Smith six months before he announced, and made the bet on Connally probably a week before he announced. So I don't get any smarter with passing of time. I was surprised because I think that everybody in Texas who supports John Connally actively, all the time, was begging him to run. I've never been an active supporter of John Connally's although I agree with him and disagree with him. I wasn't begging him to run or not to run. I think at this particular time it probably would have been satisfactory to me if he'd run and gotten elected. I don't know who's going to run in his...in the vacuum. But he's moving to a point that I could tolerate well. And I frankly thought that he would run because it looked like such a gut cinch as far as winning is concerned. It wouldn't have been much of a campaign, in my opinion. I don't think the four-year term would have made Preston

Smith anybody's hero. And I don't think that Connally would have had much difficulty with Preston Smith. And I think Preston would have been his only opposition.

Now if we as liberals, had some active opposition and had generated some support for people and some public acceptance of liberals over the state by spending some money, then a man like John Connally running for a fourth term would be in real trouble. But that's the liberal's fault. The establishment has always groomed people to step into the void. Ben Barnes has been groomed. Hell, Waggoner Carr was groomed in his time from Speaker to Attorney General. Crawford Martin was never really groomed; he was just king of a, you know, mistake of the times. I mean he was in the Senate and he had a place to go and a spot to run for. But the liberals didn't have anybody to field against him. Franklin Spears was bright and young and had some qualities, but no money had ever been spent trying to get Franklin well known across the state and no money was available for his campaign. Crawford Martin had the money, so he won the race. It was just that simple. The liberals have to get around to creating the kind of monies that are available for conservatives who look like they're comers in the legislature or in... they could be county judges somewhere.

It wouldn't make any difference or they could just be an office holder somewhere in their own county. And say, "Well, just get out here with it and you give a speech every place you can get to make a speech between now and the first of the year. You get invited and

this is your money and you just tell us how much you need to go wherever you need to go and you go out and make all the speeches you can make. Get all the friends together you can get together and see if you can whip up some enthusiasm for yourself. Go take a Dale Carnegie course. If you need to learn how to ballroom dance to get along at the fair or something, why, you know. If you're a city boy and you don't know anything about heifers and chickens and rabbits why, you know, go off and take you a six weeks course somewhere. If your teeth need fixing so you can smile, why, go on and get your teeth fixed." Sounds ridiculous. "If you need your hair styled why get your hair styled. If you need to learn how to dress, why go off somewhere and learn how to dress. But get yourself in shape to be a candidate. Learn how to present yourself on television. Go get yourself some practice. This is the amount of money we'll give you to do that. And then see how far you can get."

Well, you know, that...You talk to liberals in Texas about that kind of a program and they think you just lost your mind. And yet, that's what's been going on in the conservatives' circles, as far as I'm concerned, for as long as I've been in the legislature. And it hadn't been provided in that same way. But none of these guys who have come along since I've been in the legislature have done it on their own money.

Nobody...nobody can tell me, and I've been in it a while, that a Speaker can live on four hundred dollars a month and make a speech every place in Texas every week. And Barnes has solved that problem

by a device out in his territory where he's got some people who contribute on a monthly basis to a slush fund. Waggoner Carr was Speaker of the House in a time when the Speaker only got ten dollars a day while the legislature was in session, just like the members of the House and Senate did. And he became known statewide and ran a perfect race for Attorney General and got elected on the basis of his statewide acceptance and knowledge. All these guys have been brought along. But instead of being brought along out of a liberal slush fund that I propose is going to become a necessity, they've been brought along by the lobby. And for anyone of them to deny it would be, you know, would just be violation of the truth.

Calvert: How powerful do you think the lobby is here in the legislature?

Schwartz: I think the lobby...The lobby up 'til last session was as powerful as it is conceivable to be powerful. The lobby last time was a joy to behold in the Senate. I had an insurance lobbyist tell me on the floor of the Senate that he just didn't understand the Senate this time because you couldn't figure it. You never really knew whether you had it or you didn't have it. They were trying to pass a bill and they just couldn't put the lines together. They couldn't go to Preston Smith and say, "By God, we want to pass this bill." And they couldn't go to John Connally and say, "We want to pass this bill." And they couldn't come to me and say, "We need the liberals," because I didn't control liberal votes. If I was right, I had liberals on my side. I had some Connally people on my side and I had some Smith people on my side. But if I was wrong, in the sense of having a lobby bill, I had no more chance of passing a bad bill

for the lobby than anybody else did. I couldn't just go out and say to eight liberals that this is a rotten bill but I need to pass it because these are the people who put up all my money when I run for office. And by the same token, the Preston Smith people who were handling that rotten legislation and the Connally people who were handling some of it, because that's where the lobby goes.

They go to the status power structure for legislation of that kind. If it's bad, you can bet that the establishment members are carrying it. And they get paid for it--not in dollars and cents--not in the sense of bribery. But that's where the political contributions come from. You pass an important bill for the insurance lobby in Texas and they'll take care of you when you run for re-election. You pass a bill for the beer lobby; they'll take care of you. You pass a bill for the teachers and they'll take care of you--not quite so well, I might add. You pass a bill for labor, and they'll take care of you. Most of the time, though, actually they've taken care of you already. They helped you get elected in the first place so they've got a demand, a call on you to handle some of their legislation. And...But last session, you couldn't do it because you got into all kinds of traps. If you had a liberal running with your bill, hell, you suffered the possibility that the Connally and the Smith people might be against it. If somebody from the Smith camp jumped up with a bad old lobby bill, it gave the Connally people a chance to say, "Well, we'll get even with you now. Last week we needed you and you cut our throats and we're both good

friends. But I'm not going to vote for your old lousy bill because you just, you know, you sold out to the Smith and, you know, let Smith pass this bill for you." Well, of course Smith couldn't pass them. He passed some of them but he couldn't pass them all. And we killed some bad bills in the Senate last session. But don't underestimate the power of the lobby as long as they have all the money.

Calvert: Well, do you think redistricting will lessen the power of the lobby?

Schwartz: Well, I think redistricting will lessen the power of the lobby to the degree that it will provide a lot of new faces in the legislature and they'll have to get re-established with those new faces. And the only way for them to get re-established is to begin to kick into that political pot when these new members run for office. But I have enough...Well, I have enough suspicion of human nature to believe that the lobby is going to be in just as good a shape with the new members after two or four or six years, as they are with the old. It's just that they've got to spend more money and do more politicking. But unfortunately, they're still dealing with human beings. The same rules still apply and the lobby will gain its power as long as they have their money.

I think it's worth mentioning that the lobby in Texas is--and I don't know how they work anywhere else. But most of the successful lobby is based on the fact that they pay a guy twenty-five thousand dollars a year to work three hundred and sixty-five days a year with an unlimited expense account to be friendly with

legislators. Now they spend a good deal more than that to be friendly with Governors and Lieutenant Governors and House Speakers. House Speakers' campaigns have traditionally been run with lobby money. How is a guy going to put together any money to run for Speaker of the House? Where's he going to get any money from? Who cares whether he's Speaker besides the lobby? So the lobbyists support candidates for Speaker. The Speaker that wins is indebted to the lobby. House members run for office. Who cares who gets elected to a House district. I've run at least six political campaigns and I can count the number of people who've come up as a friend and who wanted me as a legislator on ten fingers in six campaigns, who just came up and said, "Say, you're a grand guy and I think you ought to be a state representative or a state senator and here's some money." Why that's absurd.

People give me money because they hate my opponent, in the first place, which is where I've raised most of my money, incidentally. In the tough campaigns, I raised the biggest part of my money on people who vehemently disliked Jimmy Phillips when I was running for the Senate. And they disliked him so much that they were willing to do almost anything for me. The second category of people are people who are friends of mine. I call them the unlucky ones because I've gone to them and asked them for money where they knew that they were not getting any obligation for it but that I was just imposing on friendship and saying, you know, "I've got to go to somebody to get money and you're unfortunate enough to be one

of my friends. How much can you give me?" And so they'll give you some money. And the rest of it comes from lobbyists because they're interested.

And the lobbyist directs his people in your district. If he's a trucker, he tells the truckers down there, "Look, this guy has a pretty broad-minded attitude about truck and railroad controversy. And you better get down there and help him get some money in." So the guy that runs the truck line comes by and says, you know, "You're a great representative," or "You're a great senator and I thought I'd help you out." Well, I know that doesn't come out of the goodness of his heart; that comes because that lobbyist is on that telephone in Austin and he's called down here and said, "You guys better get off your duff. He's going to win and you'd better get in there and contribute or he might not recognize me the next time he sees me." The railroad lobby on the other hand gets wind that the truckers have been in there contributing and they rush in and fill the void. And it's...you can just see it. It's just like a... it's a pattern. And I could set there and draw you a lobby chart in any political campaign and you can check them off as they come through the door and they'll all be there. And they'll be on both sides. It doesn't make any difference. I mean, you know, no telling who is running.

And they've come into me and I, you know, it's always humorous to me. I'd say, "You know, my opponent's office is one block down and two

blocks to the left. Just go up to the third floor." And they... "Oh no! I'm not going by there!" And I'd say, "Why, what are you talking about. You didn't come in here and contribute to me unless you've already contributed to him or unless you're about to go contribute to him." Because that's not the way they play the game. Hell, they just...they don't have to book any odds. I mean, all they got to do is be in on the winning side. And you talk to a lobbyist today and say, "Who are you going to support for Governor?" and they'll all tell you they're going to support the winner, mainly because they're going to support everybody. And they'll lie, you know, 'til the world looks level, but you can let that they're not going to be...they're not going to be on the opposite side of any winner. And if they make a mistake and make a winner made at them, why they'll soothe his feelings over the years by being on his side sufficiently the next time to make him forget the fact that they may have misplaced their faith the first time.

And they also...I have a letter here on my desk to go duck huntin' a couple of weeks from now. I've gotten one every year. This is a lobby that's got a nice place to hunt ducks--the sulfur lobby. They've got a place down here they've been taking sulfur out of for twenty years and they've got a bunch of abandoned pits. It's probably the best duck huntin' on the gulf coast. They've got blinds in them and they've got places for you to stay at the lodge. And the food's good and the whiskey's good and the company's good. And there'll be a bunch of members down there. And I won't go not

because I dislike the lobby particularly, but because I'm just not that crazy about duck huntin'. But if I wanted to go, it would be a good place to go. But if those kind...And deer hunting. I can get fifteen invitations to hunt deer. I got my own deer lease. I don't need to go for a lobby. But I don't particularly like to relax in the presence of lobbyists because, you know, I don't need them for anything. And as a result, I don't really want to get indebted to them even slightly. So I can take care of my own entertainment and I just...and I don't need them as a vehicle either to be entertained or to raise money to run on.

But it's a dangerous kind of a thing to a new member because a new member is stupid enough to believe that these people are trying to be friendly and that they really have a personal like for the individual. And they'll tell you, just as candidly as you can...as you find out ten years after you've met them that they never did like you very damn much and they like you less now. But in the beginning, they ingratiate themselves in as many of the members as they can personally, their wives, their fathers, their mothers, their friends. And the system is to get as close to an individual as you can get to him. And the member never realizes what's happening to him until four years after he's a close bosom buddy, and a drinking buddy, and a hunting buddy of this guy who works for this company, that the chips are down on an issue that may not be too important to his constituency, but that lobbyist wants his vote. Maybe his constituency doesn't even care about it, but the state's got something at

stake, on a tax bill, for instance.

There are lots of tax bills my constituents don't care anything about. I wouldn't...couldn't care one way or another on this amendment or that amendment. And that's where the lobby is supreme because that's where they can get in there and get that vote. And they get together and decide who can get whose vote. They go off and meet amongst themselves. And this guy says, "Well, I'm a good friend of Schwartz's. I'll tag him. I'm a good friend of this guy's. I'll tag him. I'm a good friend of this other fellow. I'll work on him." The enemies don't come around to see you. It's the guy who's become your bosom buddy who comes around and says, you know, "We really need ya, ole buddy." And of course, they...I don't think they've been very successful with that approach with me but I've seen that approach work with lots of members. And I've seen the political contributions approach work with lots of members.

Before we started I mentioned this Sunday Blue Law, which is an outrage, as far as I'm concerned. The Retail Merchants Association got together and raised some money two years ago when everybody was running for office. And they went by and talked to members who were not very knowledgeable and who don't know and couldn't care less about the principles involved and said, "We want you to support a Sunday closing law; we want you to support our amendment to the Sunday closing law." And the member said, "Well, what does it do?" And..."Well, it doesn't do anything. It just...These people running

around here selling and discountin' on Sunday...big operation...you know, big Easterners come in here and run discount houses and in competition with us, your local merchants. And if we pass this law, then we'll go back to a reasonable kind of a, you know, Monday through Saturday operation. And those big Eastern discounters will be out of business, then, and they'll have to play fair. And it's hurting this little old local merchant." Well, Sears-Roebuck, and Foley Brothers, and Neiman-Marcus, and all these little old country business people in Texas are the ones that put up the money for it.

But I had member after member tell me, "Why it's those big old Eastern discount houses that this bill is aiming to get at. And they're hurting my local merchants." Well, hell, their local merchants didn't even know it was going on and couldn't care less. So, going back again to motivations and the kind of philosophy that causes a member to act like he does, my Dad's been in business independently since the day he come to this country--not in business for himself. But he went to work on the corner where his store is located today as a janitor while he was learning to speak English and he now owns the store and has been a successful businessman and has operated his own business for these forty-some-odd years--forty-one of them, I know about. And I guess he was there at least a year before I was born. I hope so.

But I've been in the legislature fifteen years and it's never occurred to my father to ask me to put his competition out of business with a

legislative act. I said this on the floor of the Senate during the debate. I said, "You know, if all these little merchants are so interested in getting their competition put out of business, I mean, they must be pretty poor businessmen. Never... my father...it never occurred to my father that the way to eliminate his competition was to come to the legislature and get a law passed to do it." And that only occurs with Sears-Roebuck, and Foley Brothers, and the big guys who are in competition with the big guys. And I think big guys in competition with big guys ought to fight their own battles like big boys. The little merchants don't care about Sunday closing laws. As a matter of fact, everybody's going to violate it anyhow. But they contributed to political campaigns while those campaigns were going on, and they got commitments and they got votes. And they got them for fifty dollars, as far as I'm concerned. In some instances, I know it was as little as fifty dollars. And there were members who told me that they had to stand by that commitment. They'd made a promise during the campaign.

One member said, "I put it in my platform." And I said, "Well, you been in politics for two years now. Being a liar is not going to be anything novel or different to your constituents. They already know you're a liar. The question is whether you're a crook or not. And if you want to...if you want to be a crook as well as a liar, well, I'll give you (chuckle) a hundred dollars and then you can vote against the position you took in your plat-

form" He said, "I can't conceive of having a platform and then voting opposite to that platform in the legislature." I said, "All you got to do is look around you. Every member of the legislature practically is doing it, to say nothing of the Governor, and Lieutenant Governor, and everybody else that's ever run for public office. They've all run on platforms that are inconsistent with their voting record year in and year out." But I find that the lobby controls a lot of votes just like that.

Calvert: Well Senator, would you like to comment some on the important issues in the legislature. I have first here note of a teacher pay raise plus the TSTA lobby. Is there anything there?

Schwartz: Well, the teacher pay raise has been an interesting squabble all during my experience as a legislator. In the first place, the TSTA calls the shots on what the teachers want. The teachers very often don't realize that the TSTA may or may not be really gunning for the best interests of various classes of teachers. The greatest criticism of TSTA from the teachers is that it's an administrator-controlled lobby. And when the TSTA goes for a pay raise, they're always going for a pay raise from the starting teacher to the superintendent. And the superintendent sometimes gets more than he's entitled to as the basis of difference between that starting teacher. We've got no shortage of superintendents as opposed to--I guess the shortage of teachers is thirty-four thousand in Texas. I think that's the last figure I've heard. And there's always that hassle about what's good for the teachers and what's not.

I have no brief for the conservative establishment in their attempt to keep teachers from getting adequate pay raises. I think that it's wrong. Each Governor that has come along has always determined what he could afford to give teachers out of the total pie, as opposed to what Texas needed to give teachers in terms of pay raises to provide an adequately paid teacher corps in Texas. Salaries have always been governed by Governors on the basis of what's available. None of our Governors, from Connally to Daniel to Shivers, going backwards, have ever concerned themselves with how much teachers ought to get. They were always concerned with, "Well, we only got a million...a hundred million dollars and it'll cost a hundred and twenty-five million dollars to give teachers a raise. And we can't pass a tax bill, therefore, teachers are only entitled to a hundred million dollars." Well, that's a poor way to establish what you're going to pay teachers because it avoids the reality of your needs and equates it with your...with the available funds.

None of these Governors ever consider the fact that all they got to do is raise the taxes to get the money. Because when they start talking about raising taxes. Then they've offended their friends--their friends being the tax payers. And by that I don't mean the John Q. Citizen because John Q. Citizen as a tax payer... general sales tax provides about fifteen percent of the total income of the state. Other kinds of direct sales taxes, in a sense may provide another fifteen percent. But that seventy per-

cent generally still has to come from gross receipts, production taxes, many other kinds of taxes I think that are assessed. So anyhow, the government...the Governors always worry about the business lobby, and the business lobby is always upset when you're talking taxes. So...and I think the TSTA has been actually very mild in their demands. They outraged the business...the Texas Manufacturers Association every time they come up for a demand. And of course I...(chuckle) I kind of outraged the teachers a lot of times because they will they'll support conservative candidates, be conservative in their own affairs, and then they expect the liberals to get them their pay raises. And by and large, it is the liberals that get them their pay raises.

The conservative establishment usually is responsible, they think, for getting them the raises because that's what they've been forced into giving. But they're forced into giving it. Hell, they've never freely given teachers a pay raise. It's always come because the TSTA has hammered it home politically and through strength and fear. And so they get some of what they want. But their only real support, in terms of adequate raises, has been the liberal block in the legislature since I've been there. And naturally the conservatives get all the credit for it because they happen to be the ruling power. If teachers ever got a liberal in power as the Governor, or ever got a liberal majority in the legislature then they'd have an unheard of success in salary demands because it's the liberals that recognize that's where, you know, that's where the need is today and those are

the people that we ought to be taking care of.

Of course, they also get...have to get pretty competitive because from my viewpoint, the reason we've got such a sorry salary scale is...well, it's a bad...it's a vicious circle. I think we've got some sorry teachers in Texas and therefore, the legislature by and large, has been willing to pay them sorry salaries. I think we've got some excellent teachers in Texas and we've got some...a lot of new young blood that's good and would stay--and a lot of people that would go into teaching--if they could be adequately paid. And I think the minute we start adequately paying starting teachers, then we're going to eliminate a lot of the old that are just there because they can't hold down a job any place else. I still maintain, and I've seen it time and time again, highly motivated people teaching because they love to teach. But on the other hand, there's always that group of people in the teaching profession who are there because they can't hold down a job any place else--not to say that it requires any unique quality to hold down a job. But I know people who have failed in...well, just going out seeking employment... can't get a job. They got a college degree and they can't get a job and they're inadequately prepared to do anything so they go to teaching. In Galveston, graduates and non-graduates, medical students, wives--basically some with degrees and some without--provide a block of our teaching down here. Some of them are good teachers; they teach my children. Some of them are pretty

sorry. And I think if we had an adequate pay scale in Texas and we were out really attracting decent people to the profession, then we wouldn't be relying on part-time people who don't have teaching as a long-time objective. And the minute we get some competent people who are willing to stay, then our educational system will be better for it.

Calvert: Do you consider TACT more or less competent a lobby than the TSTA?

Schwartz: Which lobby.

Calvert: TACT. Texas Association of College Teachers.

Schwartz: Well, I...see I didn't even identify the abbreviation. I think the Association of College Teachers is a growing lobby. I think in a sense, it's in its infancy as a force but it has had going for it a Governor who made lots of mileage on higher education.

Calvert: That was my point.

Schwartz: And that's it. The lobby has not been so effective, but higher education has been easier to talk about and it's easier to show. Oh, you can do great things by showing what you've done for the University of Texas, or showing what you've done for Texas A&M, and showing what you've done for the college system and for college professors. You don't show much when you do it on high school level or junior high school level. You don't brag about that very much because it cost you fifty times as much and you haven't done anything. But if you do a little bit on the college level and you're a great hero. And Governor Connally has done a good job in that area. And I don't question his sincerity; I'm just saying that it has to be done in both places and you can't

give the lobby credit for having done it. It's really politically motivated.

Now on that education bit, I would say this: that I think Senator Aiken has done a good job for the teachers and I think George Hinson has, too. But I think, again, I think the teachers... A. M. Aiken's the dean of the Senate. But I think that the day of A. M. Aiken being militant is long past, and if the teachers of Texas want to make gains and they don't want to be compromised, then they've got to find them a new leader. And I don't think there's any question about. I believe they've got the force and the strength of the votes and yet, they were compromised out, in my opinion, last session by Senator Aiken. And we got up and made speeches about it on the floor--Senator Wilson and myself, and others--and said, you know, "Compromise--hell! We're not willing to compromise. The needs of the teachers are no less than they were when we started this session. The demands have not been lowered in any sense of the word. Why should we compromise? If we've got the votes, then let's pay the teachers, and let's get some money somewhere to pay them with." But A. M. Aiken, you know, he's got to get along with the Lieutenant Governor, and he dearly loves the Governor and dearly loves everybody else. And as a result, they compromised their little old package and went off with what they could...with what they had, but they didn't go off with what they could've gotten.

And in my opinion, they haven't gone off with what they could've

gotten any time except perhaps one session of the legislature. So there again, they've got'em a rural legislator, the Dean of the Senate. In my opinion, those days have passed and the times of those people have passed. And as we become urban and we become more modern as a legislative body, then I think the teachers had better look for some new blood for their legislative leadership. 'Cause the guy that does, is going to get that piece of cake. And if the state employees ever rise up and start paying attention, if they ever get as smart as they ought to be...you know, they just won their first battle last session.

Calvert: Right. I wanted to ask you about that. I mean, now is as good a time as any. It concerns the emergency pay raise. Do you...Can you give any reason for why that the first emergency pay raise bill didn't pass?

Schwartz: Yeah. It became a political football. It was, I think, Preston Smith decided to make political hay on an emergency pay raise for state employees. And I need to go back here a little bit here, too. If Preston Smith's so worried about the state employees, he and I have been around there a long time together and there's been lots of times when there was a way to do something about it and it was never done. The state employees never got any concern from any of the status politicians, the conservative establishment, until it became apparent and a study was instituted. And Mr. Anshuss, I believe, did this study. And one of the parts of the study was this employee turnover on the state level. And they finally found out it was bad business to pay people so little that you didn't keep

them, that you were running training programs for business in this state. And I don't think the business community ever was upset about it; I think they've been real happy with the state. You pay them so little that when they get trained and they get the kinks ironed out of them, we'll steal them from you. And then you keep on training them for us and that's good business. So the business lobby never cared anything about the state employees. It's better for them to have them poorly paid 'cause they can hire them easier. Then they finally got interested last session because it became obvious that it was...we weren't going to have an adequate structure of state employees if there were so many leaving because of these salary levels that something had to be done about it.

Calvert: Well, what...You want to make a few comments on the failure of the Governor to add the emergency tag to the Senate pay raise bill?

Schwartz: Yeah. I think the Governor, again, was playing with dollars, and it's the same philosophy: don't do a damn thing that's going to require any additional taxes. He was not ready to fight a tax battle. He was already beginning to think in terms of a single-shot appropriation or...for one year, or if he needed a two-year appropriation, keeping the total tax bite down, recognizing again that the state employees are not going to join in a revolution. They just...they're going to stay there and take it because they've already been there and taken it all this time. So this was a recognition of the fact that they didn't have much of a lobby to begin with. They certainly weren't militant. They wanted something; they were going to get it, but why give it to them...why give them a bigger bite than you had

to give them out of the total dollar? Preston Smith saw an opportunity to be a hero, but he was not sincere because when the tax bill came around, if we had a two-year bill Preston Smith would have been chopping off the back end and somebody would have gotten left as a result of it. Preston was not going to give any bigger total bite. He was going to...he was going to do a little glamor with the state employee on the front end and he was going to take it away from them on the back end. And they would have known about it if they had analyzed it. And also, he was pretty confident that he called a good shot. It was a good gamble. He figured it he threw it out there why Connally wouldn't do it and then he'd look better than John Connally to the state employees.

And that's the worst kind of insincerity. That's the kind...But, that's the kind of political shennannigan that I've become used to in Texas and it didn't surprise me any. Preston took advantage of a fact of knowledge that he had about John Connally. John Connally is unbending and unyielding and when he gets his mind made up, he sticks to it. Preston had an opportunity to throw this thing in his lap and then blame him for it. And that's precisely what he did. But he was not sincere in my opinion because he would not have supported a program adequate to take care of all of the state needs in the final analysis, either on the appropriation end or on the tax end. So the state employees would have got it in the neck, or the teachers would have got it in the neck, or somebody would have gotten it on the backend--certainly the state would.

Calvert: It seems as if much of this taxing recommended was tied up with the Governor's first proposal on liquor-by-the-drink. Now do you think that's coming or not coming? Is that an adequate tax base?

Schwartz: Oh, I don't think liquor-by-the-drink is necessarily an adequate tax base, it's just one of the things that we're not taking advantage of today that we ought to be taking advantage of. People are drinking; they're just not paying any taxes. And I don't know why the Governor chose this particular time to make it the issue. This is one of those things that I didn't care about as a kind of a neutral individual. Only the Governor wasn't...the Governor's closest friends thought he made a mistake. His enemies didn't care. I felt like I didn't have a position one way or the other. I was for liquor-by-the-drink in some form which would produce revenue for this state because we have it as a matter of reality, whether we like to admit it or not.

There's still more dry counties than there are wet counties, and there's still more gutless legislators than there are those with convictions and willing, you know, people willing to vote their convictions. And the gutless legislators, as I call them, are those guys who drink wet and who talk wet and who live wet, but, you know, fifteen letters from fifteen preachers'll run them clean out of the capitol building. Hell, they'll hide in a whiskey joint all night long to keep from having to vote on a wet or dry issue, unless you let them come down and vote dry. You can drag them up there drunk to vote dry, but you can't bribe them to vote wet. It's...you know,

that's just their...the make-up of the man. And there's a reason for it. Political cowardice doesn't come about...well, I think it comes about naturally, but there's another reason for it. And that's very simple: the guy who wants liquor-by-the-drink will never remember the fellow who voted for it. He'll never know his name. On election day, he takes it for granted that anybody would be a fool to vote against it. So you can campaign all day long on the issue that you voted wet on liquor-by-the-drink, and he'll say, "Well, that idiot, you know. He's trying to make something out of nothing. I don't care whether he voted wet or not. Everybody voted wet, you know. We're drinking." But the guy who votes dry, the drunk never knows he voted dry and doesn't care, ninety-nine out of a hundred times. Or not necessarily the drunk--the drinker. Oh, he may get mad at the guy; the guy voted dry. The guy gets up and says, "Look. I voted dry because the preachers are after me and I had to vote dry." So the drinker he tosses up another drink and says, "Well, I guess you politicians have got to handle it the best way you can." So he doesn't lose anything by voting dry.

On the other hand, if he votes wet, why every fundamentalist Protestant church in his district has got a preacher that's out nibbling at him twenty-four hours a day, and on Sunday all day and from the pulpit. And, you know, they nail his name up...nail his name up on the board and say he's a bad guy. And they publish him in the bulletin. And it becomes a very dangerous issue during a political campaign, because if you get an opponent who wants to make some

hay...The preachers are not preaching to the guys that would help you any, you know. Preachers are preaching in the churches to the people that they can control and the drinkers are out drinking. And your opponent can get all that dry vote and never lose the wet vote because the wet vote won't know he's a dry. And so, political cowardice on this issue comes about by the recognition of the fact that the wets don't care and the drys do. And so, a smart coward votes dry and drinks wet. And he stays alive. I've never been able to play the game that way, although I've played some pretty dirty games in this business. I just can't bring myself to play it all the time. But I can name you ten Senators who are playing it that way and probably fifty House members.

Calvert: You think that with redistricting that liquor-by-the-drink then will pass?

Schwartz: Well, redistricting might change it and it ought to change it. But look twelve...What is it? Twelve or eighteen House members from Dallas County, and I'll bet you just almost half of them were getting ready to vote dry on liquor-by-the-drink. And, you know, I think Houston is almost totally wet. I may be wrong but I don't think there's a dry precinct in Houston. So you can't gauge it by the urban versus the rural, you see. Although the rural areas by and large are the dry areas, we don't even get the urban members to vote wet.

Clavert: I...Pari-mutuel betting is usually tied up with this liquor-by-the-drink, partly because of Red Berry.

Schwartz: Yeah. I think pari-mutuel betting, I think, is one of what I'd call the "ghost issues" of the legislature. It's always there in every

political campaign, and it's there in every session of the legislature, at least in the last six or eight years. But from a practical standpoint, it's not an issue--never has been, never has had a ghost of a chance of passing in all the times it's been proposed. They can have all the referendums they want to have about it. And I think that the horse racers keep it alive because they raise a lot of money, and they have a big time, and they run a great campaign. And I don't even know where they spend the money; they've never spent it in any of my political campaigns--either for me or against me. And the preachers get to raise a lot of money and they get to make a lot of speeches, and they can become indignant, and they can really go to town. They can beat that drum all day long. This is the greatest issue in the world for preachers and gamblers, but nobody else could care less.

It's not even a real issue amongst politicians. If there's a member of the legislature that has ever said in the last six years that they were concerned about passage of this bill, then they're lying. It never has had a ghost of a chance to pass, and it probably never will, in Texas. But I don't think the church could live without it, and I don't think Red Berry and the gamblers could live without it, 'cause they raise a big pot and have fun and the preachers get mad. And I guess it's important to both sides that they have this issue. And I have been against it. And I'm against it as a fellow who grew up in a town that had pretty wide-spread advertised evils of gambling and other things. I just don't think that the amount of money the

state would get from it, if you could equate it on that basis, is worth the trouble that it provides. I don't think it's that great a new tourist attraction and I'm enough of...well, fundamentally, I guess I'm narrow-minded enough to believe that that much money on a gambling base can undermine some of the political systems. I'm more worried, not about crime; I'm more concerned about the political systems than I am about crime. I don't think that horse race betting money, is going to increase the liquor consumption or the...or prostitution, or thievery, or burglary, or any of those things.

But I know one thing it will increase. It'll increase the degree of obligation of political candidates to a specific group of people with all the money. And I fear that more than I do the crime argument that's used in the churches. Unfortunately churches don't understand that it's almost as bad to have a dishonest public administration as it is to have a burglar running around with a gun in his hip pocket robbing liquor stores. You know, there's a lot more thievery in government than there is out amongst burglars. But the preachers don't ever talk about the evils of government. They don't ever talk about big money and its evil powers. And there're just not any more "barn burning" preachers, I guess. All the "barn burners" are in politics, or a few of them are in politics. And a few of them are just out wondering what happened to, you know, to self-government. But that's what I worry about, because I think a horse racing bill in Texas, legitimate in that sense, would develop a tremendous revenue for a small group of people, would make those people, on a lobby basis,

as powerful as any group in the state. And they wouldn't keep their nose just in their horse racing business because that's not human nature. If they...they'd make all their money in horsing racing but they'd tend to be the kind of people who would want to have the kind of government in Texas that I wouldn't necessarily agree with.

Calvert: As long as we're here on the tourist, would you like to say something about the emergency appropriation bill and Hemisfair?

Schwartz: Well, I thought that was probably the sorriest money that I've seen spent in Texas and I've seen some pretty sorry waste in fifteen years. But I never saw one that I disagreed with more than the Hemisfair money. We haven't got any business dropping five and a half million dollars in Hemisfair when we're crying "broke" over here about teachers' salaries, and we're crying "broke" over here about the state employees pay raises, and we're crying "broke" on every other conceivable subject. We haven't got money for pollution control; we haven't got money for this; we haven't got money for that. You know, I believe in culture but I don't believe a five and a half million dollar cultural exhibit at Hemisfair is going to be good for Texas in its immediate future or for posterity. I don't think it's a drop in the bucket. If we want a cultural revolution in Texas, well let's go out and spend a hundred million dollars on a statewide basis and create a Fine Arts Commission that's funded and have fairs, and opera, and art, and you know, do the whole bit! But dropping five and a half million dollars in San Antonio is paying a political debt, pure and simple. And it doesn't provide any culture for anybody. I guarantee you, there's five hundred thousand

people in San Antonio that could have divided that money up to their cultural benefit and spent it on tacos and everybody would have been a whole lot better off.

Calvert: Would you like to say what the political debt was?

Schwartz: Well, I think the political debt, pure and simple, is an establishment debt to San Antonio and to that status political body down there in San Antonio that has supported the Governor and has supported the establishment generally. The legislative delegation from San Antonio is not consistent with the establishment. That's what's unbelievable to me. They send up Senators and House members that they try to defeat, day in and day out. But the legislative delegation was duty bound to carry this Hemisfair thing because, you know, after all it's a gift for San Antonio and even though San Antonio doesn't deserve it, that's not to keep the legislator from getting his piece of the pie if that's all he can get. But in good conscience, I don't know how those people could've gotten up and talked about the need of that five and a half million dollars for Hemisfair, when in fact what San Antonio needs is five and a half million dollars dumped into a poverty program. Now if anybody's going to tell me that Hemisfair's going to solve the poverty problems of San Antonio, I'll call them a liar. Hemisfair's going to provide a bunch of minimum wage and less than minimum wage jobs for these people. And when Hemisfair is all over with, the basic poor and poverty stricken people in San Antonio are going to be just as poor as they were the day Hemisfair opened. And they will not have benefited any by it, although the community will have benefited.

Calvert: Well, it...That certainly, you know, explains why you backed Preston

Smith on the Hemisfair appropriation fund which was the next thing I was really interested in, since, you know, that the split on the national level over Hemisfair seemed to be rather strange with Senator Yarborough on the national level not as the state level in opposition to...

Schwartz: Yeah. Well, of course I think there was a different ball game there, too. There's Henry Gonzales. I mean he's the Senator...he's the Representative, Congressman from San Antonio. He's like the House members. He's got to support Hemisfair. They're getting free money from the federal government and you know, why not? But Henry knows that there are more urgent demands for money than the Hemisfair for his constituency. But he's hardly in a position not to be for it. There's Ralph Yarborough on the same basis. Senator Yarborough, you know, let John Tower get away with an awful lot of credit for Hemisfair because they were in a controversy about the kind of conflicts of interest between Governor Connally, and the Hemisfair people, and some local conflicts of interest on contractors within the Hemisfair group in San Antonio. And so, John Tower got most of the credit for the Hemisfair appropriation. At least as I read it, he did.

In the legislature, Governor Connally got the credit for the state appropriation. The San Antonio delegation, of course, will receive some credit for it. I think Smith's opposition to it was really negligible. I don't think Smith had any great public opposition to it. I think it would have delighted him to have seen Connally slapped

down on that issue. But I think again, if Smith has any opposition to it, it was just as a part of this political football game that he was involved in all session between Connally and Smith, with Connally...with Smith thinking that Connally was going to be his opponent, and I think mainly, as we'd call it, trying to "sandbag him" on every logical step of the way to provide some issues to talk about.

Calvert: There certainly is, I think, one other vital thing that we need to talk about as we're skipping around here. Certainly the criminal code provisions.

Schwartz: Well, that's one of the places that I...that I really need to say a kind word for Dorsey Hardeman. If there's an area in which Dorsey Hardeman, for whatever his reasons might be, has been right in all of my times in the legislature, it's been on the issue of constitutional law as it applies to the trial of criminal cases in Texas. And I frankly am one of his greatest admirers on that particular score. And unfortunately for the state and for Dorsey, Dorsey can't let his views on civil liberties and civil rights and constitutional rights, spread out far enough to make it apply to all the people, on all the issues. I mean, he's able to confine his views on constitutional rights and civil liberties to the area of the courtroom. He can't apply it, somehow in his own mind, to what happens on the streets or to what rights people have in other ways. He's pretty narrow minded. But at least on the code of criminal procedure, he recognized and rightfully recognized that the law of the land was the Supreme Court decisions. And those Supreme Court decisions had to

be incorporated in a Code of Criminal Procedure in Texas.

And as a result of that he did a decent job and spent a lot of hard hours trying to get a Code of Criminal Procedure that conformed to the United States Supreme Court. And he readily admitted and readily recognized, as did Jim Bates who worked very hard with him, and a lot of us who paid a lot of attention to it and were involved in both of these two sessions, readily recognized that every abuse of the system known to man existed in Texas, that the Rangers violated every constitutional right of every citizen that they ever arrested in their history, as far as I can determine. Most local police forces violated every constitutional right a citizen had every time they arrested them, to say nothing of deputies and deputy sheriffs, and deputy constables who never have been trained in the rights of individuals. Their only knowledge of what's right and wrong is what's against the law for a citizen to do.

Nobody's ever told them what's illegal for an officer. And anything short of murder on their part was considered a legitimate aspect of their job. And they'd justify any kind of abuse of a human being, not on the basis of what was right or wrong but on the basis of the enormity of the crime that that particular human being committed. I've had them try to justify to me that it was all right to beat the devil out of a rapist because after all, the guy raped somebody and you got to beat him to find out what he did. Just don't expect him to confess unless you beat him up. It wouldn't be all

right to beat up somebody for stealing, except if the guy gave you a lot of lip. I mean, then you might have to beat him up to make him understand that he'd violated the law. But you can't conceive of the argument that you can get from police officers in this state today in response to this Code of Criminal Procedure. They'll tell you how their hands are tied, and how they can't do anything any more. They can't take a guy out and drive him around for six hours. And That's outrageous to them. So the Code was needed and Hardeman did a good job on it and Hardeman is knowledgeable about those rights. And I see no reason at all...Well, the only criticism of Hardeman or the Code of Criminal Procedure comes from people who don't understand the basic concepts of human rights and dignity under our United States Constitution.

Schwartz: Well, the oral confession deal is technical enough to require some understanding. In the first place, what Hazelwood and others tried to propound...Jack Hightower--Senator Hightower--Senator Hazelwood, and some of the police officer associations and district attorney groups, wanted Texas to adopt the federal language on oral confession. Now Texas has always permitted the introduction of oral confession if it was tied to "Fruits" of the crime. That is if a man said, "I killed him and I threw the gun in the lake," if you could take him out and get the gun out of the lake, then you could admit the confession--or, "I hid the girls clothes in the bushes," or, "I took the loot and stashed it in my garage." There is an admissibility of oral confessions but it had to be tied to the "Fruits" of the crime. Now why did it have to be tied to the "Fruits" of the crime?

Because then it was not a swearing match between the deputy sheriff and an arrested person; because if in fact you produced the "Fruits" of the crime, then you were not relying on a sheriff saying, "He told me such-and-such." And Texas has never been willing to take the word of an arresting officer unsupported by evidence, against the word of an arrested person, nor can you believe six months or eight months after a confession or a statement by a prisoner that the officer did in fact hear this man say just what he said.

Now juries, unfortunately, believe everything that officers say at the time of trial because they don't, ordinarily, know anything about the officers except that they're in uniform and they're officers. And the defendant comes in the court charged with a crime and burdened with the responsibility of being a bad guy to begin with and most often a member of a minority group who can't be believed by their standards anyhow. So the "Fruits of the crime" idea was embodied in our law and it worked fine. The great prosecutors wanted something more and those of us who don't believe that that's necessary didn't want it. I mean, we wanted a "no oral confession" except under existing law. And I don't want to get in a swearing match with anybody who arrests me and have him come in the court with no other witnesses and say, "He said he did it," and have to sit there and swear that I didn't say that I did it, because the likelihood is that I won't be believed. If I...In the first place

you have to have a warning and you have to have all these protections, none of which are worth anything unless you've got an honest policeman to begin with. And all policemen are not honest just like all defendants are not guilty. So we fought that battle and we lost it, because a broadened form of oral confession was included in the new Code because that's what the prosecutors demanded and that's what society was demanding, and that's what these legislators thought, that, you know, the people were outraged about the liberal attitude that the law had with regard to criminals. And they think we're going to be taken over by criminals because we're trying to protect their rights.

What the people don't realize is that it's not the criminal's rights we're protecting; it's the citizen's rights we're protecting. And until their son gets jerked out of a car on a country road in the middle of the night and gets hit up by the side of the head with a black jack by some deputy sheriff, or constable, or city policeman and gets thrown in jail and not permitted to call a lawyer for six hours or eight hours, then they won't know what constitutional rights are. And they'll keep going down to the church, and going down to the Chamber of Commerce meeting and saying, "The trouble with our society is, we're coddling the criminal." Well, we haven't got any trouble about coddling the criminal. The trouble with our society is that we're taking advantage of the citizen by police

authority. And the police really have a whole lot more power than they need to have in any democratic society. And the Code of Criminal Procedure and the Supreme Court cases are just an exemplification...No, that's not the right word...a recognition by the courts and by the legislature that the pendulum has swung as far to the abuse of constitutional rights by police authority as we could swing in a democratic society, that we'd reached the point where police officers thought it was okay to pump a man's stomach. That was not requiring a man to testify against himself and give incriminating evidence. We'd reached the point where there were people who believed that it was perfectly proper to arrest a man and keep him in prison for six or seven days without consulting a lawyer, and then if he didn't confess or if you found out who committed the crime, then you turned him loose and you haven't done anything wrong.

And police began to abuse, because of the power vested in them, every right of every human being in the country. Wire-tapping was prevalent in the Justice Department; police abuses were prevalent in the cities. And that backwash finally got to the Supreme Court; the Supreme Court ruled properly. The states began to adopt some of these in their Codes of Criminal Procedure, and Texas, I think, is really a leader in that regard. I think we've got a good Code.

Calvert: I believe you've already made comments on constitutional revision as concerning your comments on Speaker Barnes.

Schwartz: Yeah. Well, I think it's important to note that there were two constitutional revision measures, one of them in the Senate, one of them by Senator Hightower, and one of them by me. Hightower had the Governor's bill--that is for a constitutional convention. I had the commission bill. Preston Smith was against both of them; so was Dorsey Hardeman; so was a very limited number of the old elephant-type Senators who I think are going to the graveyard, sooner or later--and the sooner the better. They weren't about to let that bill out of committee. Both of those bills were taken up at a very unsatisfactory committee hearing with Senator Hardeman as chairman (and I've never known a satisfactory committee hearing in a committee of which he was chairman, incidentally) for a very hurried, brief, you know, "let's get this thing over with, kill these bills" kind of committee hearing. They were both sent to a sub-committee. They would have both died in the sub-committee, except that I've been around the legislature too long to let that happen where there's a breath of life. Senator Hardeman decided on a bill by Senator Word, one week, to have a jumped-up committee hearing at five minutes after two...no...between 2:00 and 2:05. The Senate adjourned until 2:05 on a particular day that the State Affairs Committee was supposed to meet.

It never occurred to some of us that the State Affairs would meet for five minutes. But lo and behold, Senator Hardeman had a committee meeting and sent pages for the people who were for

the bill that he wanted to report out, and they voted the bill out of committee between two o'clock and 2:05, and then adjourned the committee and we were in session at 2:05. Most of us wandered in on the floor and found out the committee just voted out this bill. So I decided if that's the way the game was played, that I would watch and wait. And this was on a Monday, I think, and on Wednesday I had seven or eight members who were constitutional revision people at the table, much under the same circumstances. And I made a motion to discharge the sub-committee on my bill and put that bill before the committee. And Senator Hardeman's friends weren't there and they didn't...they were in the same shape we'd been in three days before. And he was ringing the bell and sending Pages out for them and we got a vote. And the sub-committee was discharged on that vote. And then I made the motion separately from the first motion to report it back to the Senate with the recommendation to be passed and be printed. And we reported that bill out. And Hardeman was still ringing the bell and trying to get the rest of his friends to the committee. But we had our people there and that's how the Constitutional Revision Bill got out of the Senate--got out of the committee in the Senate.

Otherwise, it was never intended to come out. But it got on the floor and then Preston Smith absolutely refused to recognize me until we finally took it away from him at the end of the session and we had a little revolt going. Nine of us--the

"nasty nine" who voted for Connally's appropriation idea, and who voted to adopt the House Committee Amendment to the appropriation bill--or the House Appropriation Bill as an amendment to the Senate bill--those nine of us hadn't been recognized to pass a bill since we cast that vote. And we just couldn't get up. And I took the position that if we couldn't pass any of our bills, then nobody was going to pass any more bills. And we'd actually agreed privately that that's precisely what we were going to do. We could get two more votes and kill them all, because no bill could be brought up except on the calendar without a twenty-one vote, two-thirds majority. So if eleven of us got together, we were going to call it all to a screeching halt.

Well, to make a long story short, that's the way I finally got up on Constitutional Revision and that's when Parkhouse ran his little filibuster and of course at that end...at that time of the session, that late in the session, if Parkhouse wouldn't sit down, why there was no way. 'Cause I didn't have the votes to move the previous question on him; and I didn't have the fighting feeling in the Senate about it one way or the other that late. But that's the bill that should have passed. Ben Barnes would have then passed it and we'd have had a joint committee...a commission which might do some good. As it is, the commission that the House has approved, I just don't think will come about...come up with a good result. I think it's

controlled by people who are basically anti-constitutional revision. And as such, I don't think it has a prayer of a chance for any real success for legitimate constitutional revision as I would see it. But I just wanted to get in the record the fact that constitutional revision did get twenty-one votes in the Senate at one time, contrary to what Preston Smith would imply. Preston Smith refused to appoint Senate members to the House Constitutional Commission Committee because he said the Senate didn't pass it. Well, the Senate didn't pass it because of a filibuster but it got twenty-one votes to get up and be considered. It got more than that, I think. You may have the vote here, I believe twenty-three to five, and twenty-two to seven, and twenty-four to five.

Calvert: Right.

Schwartz: But even more important than that, the commission as it now exists, has five members of the Senate chosen by the commission, four of whom did not vote, I don't think, on any of these votes for constitutional revision. Now, it may be three. But out of the five Senators, I think what we got out of the Senate by choice of the commission are the people who didn't vote for constitutional revision. And I'm not on it and I had the bill that almost passed the Senate. I couldn't get on it and I asked to be on it--asked both the Speaker and the Speaker's representative, and I asked Hank Brown, who is the Governor's appointee, who is the state president of the AFL-CIO, and all the members of the committee who I knew knew that I wanted to be on it. And I'm

not on it. Jack Hightower, who carried the Governor's bill in the Senate, is not on it. The only militant who is on there who might really be reasonably calculated to be for constitutional revision is Don Kennard. Oscar Mauzy didn't get on it and Oscar Mauzy, Senator from Dallas, asked everybody he knew to get on it--as I did. So that gives you some idea of what that committee might do about constitutional revision.

Calvert: Do you think their omission of you then, was deliberate to prevent constitutional revision?

Schwartz: Oh, I just don't think they want any militant people on it any more than the establishment folks have ever wanted anybody who truly represented anything more than a basic moderate agreeable position. The nice thing about the establishment is that they just don't want to have to quarrel with folks who might want to do more than they want to do. They like to get along and have agreeable folks in league with them to resolve their problems amicably.

Calvert: I think we only had one other specific item and that was this women's rights, equality under law--this bill offered by Bill Moore down in College Station, Texas.

Schwartz: Well, I think...I think probably the single greatest phony that I've ever known in the legislature is Bill Moore. He is so classic, and so unusual in his ability, that he deserves recognition for it. He's an able legislator and I'm not going to take that away from him, although I despise him as an individual. But he never has had...I don't think that I can ever remember a

real sincere concern on his part for anything in the legislative process. His whole political make-up is designed and calculated to pass the bills with the greatest political value to him personally. And I suspect most of the time that it's not entirely political value that he equates with how much work he does on a particular piece of legislation. You got to remember, Bill's the guy who ran for re-election on the campaign issue that he'd been investigated by a grand jury and cleared of any malfeasance in public office, so that meant he was the only clean candidate in the race. He'd been cleared by investigation. He's capable... fully capable of running for re-election on the basis that they charged him with fraud but couldn't prove it, and that means that he committed no fraud. But you just, you know, you just got to look at his legislative record to understand.

And he and his nice little ole ladies all over Texas and some nice young little ladies all over Texas, and the great champion of women's rights is Bill Moore. And probably nobody could have cared less individually than Moore on that subject. Their great opponent has been Dorsey Hardeman, at least in the Senate. And it's been a terrific issue and most of us believe that the women in Texas couldn't really understand how many of these rights that they were arguing about were really legitimate defenses that women had which they ought to keep. Now the militant women's organizations wanted all of these discriminations abolished--both the things that the ladies wanted and needed and the things that

they didn't want and need. They just wanted it wiped clean. I was glad that the issue was finally resolved, I hope by... The Bar Association finally assumed some responsibility as an association and came up and worked sincerely with the ladies in the organization, and came up with some legislation which, short of a constitutional amendment would seem to solve all of the problems that they complain about.

And I think if the legislation is properly effective and it's put into force and properly applied in the law of this state, then the constitutional amendment will be unnecessary. But I have been perfectly willing to give them the constitutional amendment because it didn't look like they were ever going to get all of the rights to which they were entitled in any other way. But I believe, had we passed the constitutional amendment, it wouldn't have been very long before the ladies who didn't belong to the ladies organizations would've woke up some day and been outraged that we had taken away some of the privileges to which they had been accustomed. And we would have left man and woman equal and, of course, they're just not equal in that sense. I just still believe that women need some protections of law that men don't need. Maybe I'm wrong about that; maybe that's old fashioned. But, at any rate, we're past the battle temporarily. And I couldn't help but comment on Bill Moore because I think historically there ought to be...there ought to be a place in history for the Bill Moore's and the Dorsey Hardeman's.

Calvert: Well, I would like to mention a few more names to you. And, you know, feel free just to pass or anything else. Barbara Jordan, for example.

Schwartz: Barbara came to the legislature this session having never been there before, and having never held a political office as a... and came as a freshman Senator from a metropolitan area. As a Negro lady...two minorities, in a sense, although ladies may not be in the minority, from a district that's fifty-two percent colored and forty-eight percent white. You have to have that background to do it. Barbara voted most often, I think, with the Senate leadership on the basis that she was a member of the Senate and in discussions that we had, it seemed to me that she wanted to be a Senator in the sense of doing what the Senate wanted rather than doing what somebody else wanted.

I argued with her about that because it's not what the Senate wants that's right. I think a Senator is obligated to their constituents and the Senate is...If you're going to go by what the Senate wants to do, that's got to be wrong more than right. Because the Senate is not that responsive. But, by and large, Barbara was an able Senator and an informed Senator. She was a liberal in the sense of her total political philosophy. There were some, I thought, violent omissions in her liberal philosophy. For instance, I vehemently fought a bill by the landlords of this state which would have made it, and in fact did make it, after it passed, a misdemeanor for a tenant to trick or deceive a

landlord, or for a tenant to give a check to a landlord that was worthless, or to stop payment on a check. Well, there's not a place in the law today that it's illegal to stop payment on a check. And this bill was not passed for the benefit of the high rise apartment owners, or the garden villa apartment owner. This bill was pure and simply calculated by that association to take care of the slum landlord. And the slum landlord pitched his money in the pot somewhere because he's the only one that could possibly be interested in that kind of a bill.

It's the slum landlord who wants to threaten the tenants with the filing of a criminal charge. And I read from the debtor's prison memoirs of England of the fifteen hundred's I guess it was--Debtor's prisons were finally abolished sometime between fifteen and seventeen hundred in England, I'm not sure--but I read it right out of the book in the Senate and I pointed out that, you know, it was pretty sad to come to pass when we had to provide slum landlords with the way to imprison people for debt on a tenancy. And anyhow, it just didn't make sense. Why give them that kind of a stick? But I never got over to Barbara on that vote and she would not vote with me. I never got over to Barbara on the Sunday closing law. And I said to her time and time again, I said, "Barbara, I've stood up here by myself and represented the minority of which you are a part, since 1954. Since the day I walked in the legislature I've been defending minority rights on the basis of color, as well as

religion, and as well as political philosophy, and every other kind of philosophy, because my...I believe that the minority's rights have got to be protected. And I'm not black, and I'm not yellow, and I'm not brown, and I'm just a minority. I'm a Jew and I believe that all the minorities have to be protected and so that's the way it is.

"But," and I said..."and the Seventh Day Adventist and the Jews, if we could only put it on that basis and none other, besides the philosophy of competition, the Seventh Day Adventists are entitled not to have a Sunday closing law passed against them in principle. No matter what the exemptions are, in principle they're entitled to their rights. And you don't have to worry about the Jews, because they don't care. They're all on the side of the people; because they haven't been educated themselves in America, they've lost the responsible minority recognition of this need. Jews were lumped with the proponents of Sunday Blue Laws. And Sunday Blue Laws were originally calculated as laws to defeat the Jew. They weren't aimed at Seventh Day Adventists. The Seventh Day Adventists came as a kind of a latter day (chuckle) deprived citizen. But Sunday Blue Laws were generally, originally derived as laws to prevent anybody. But Jews were generally the Sabbath observers. Well, Jews quit observing Saturday as the Sabbath from a business standpoint in this country. We've been assimilated and even the Orthodox Jews...hell, their stores are open on Saturday and closed on

Sunday. And they belong to the Chamber of Commerce and Retail Merchants Association."

So I'm talking to Barbara: "Hell, let's not talk about the Jews! Talk about Seventh Day Adventists. There're eleven thousand of them in Texas; they're militantly against this bill. Why can't you vote for them as a minority?" But I didn't get her. She did not vote that way. And I could run some other issues but I think those are examples. So, Barbara...Barbara needs to be aged in the Senate. Or when she recognizes that she has a responsibility to the minority and that she's got to be the expression of that minority voice and the expression of that liberal philosophy, then I think she'll be a lot more militant. But I think she was feeling her way, and I recognize the need for a member who comes to the Senate for the first time to feel that way. Of course, I never felt that way, and never acted that way and I'm a little...As a result, I'm not as considerate as I ought to be about the way other people want to handle their politics. I think everybody ought to start charging from the beginning and just charge ahead all the way. If they believe in something, then I think they ought to just let the chips fall where they may.

Calvert: What about Senator Mauzy of Dallas?

Schwartz: Mauzy probably is the single brightest star in the new Senate that...that I've seen and I think one of the most able of all. In the first place, he's got no qualms about his principles.

He's got 'em, and he'll defend 'em. And he'll speak out for 'em. And if it makes somebody mad, that's just too bad. I mean, somebody's just going to have to be mad about it. And that's what's required. If you're going to be a liberal, and you're going to be militant about your philosophy, and if you're going to be independent, then you can't be worried about who you're going to upset. And Mauzy is just like that. Mauzy never worries about who he's going to upset. Now he may worry about it later on, but he never lets his concern about who gets mad at him keep him from doing what he knows is right.

And that comes from a series, I think. First of all, you've got to have...you've got to have a sense of security yourself. You've got to believe that you can survive politically and still do what you want, or you've got to be willing to commit political suicide. And in my case, it's never been any sense of security; I've been willing from the beginning to commit political suicide if that's what was required to state my view and to vote my principles and if the folks didn't like it, then they were going to elect somebody else. And I think Mauzy has got that same attitude. He's willing to commit political suicide if that's what's necessary in order to be right and not to compromise his conscience. But he also has the feeling that I didn't have for a long time about his political security, the kind of district from which he was elected. But lots is going to be heard of Mauzy, I think, in state and national politics.

Calvert: Well, can you think of anyone else?

Schwartz: Oh, I think that some comment ought to be made on some of the... some of the changes that have occurred in the Senate. With redistricting, we eliminated, for instance, Galloway Calhoun with Jack Strong. Galloway Calhoun came from Tyler; Jack's from Longview. Galloway was in the Preston Smith gang-up group that was going to pass the redistricting bill that was going to keep the friends and eliminate the enemies. They took care...this was in '63...'65...'65, yeah...they took care of Galloway, and they took care of Louis Crump, and they took care of Bill Moore, and they took care of Dorsey Hardeman. You know, Dorsey didn't even have an opponent under that bill, and Dorsey had to run against Pete Smelson and Pete got within sixty-one votes of Dorsey--which is what Dorsey needed. It didn't change him a hell of a lot, but it showed him the handwriting on the wall. And I think on some issues, it made him a little more amenable to change.

Galloway Calhoun had sixty-five or seventy percent of his district in there with Jack Strong. He was calculated to eliminate Strong. And under the bill that we substituted for that bill, Strong had a fifty-fifty shake with Calhoun and Calhoun got out, which was a good thing for Texas, because Calhoun espoused that same old reactionary conservative philosophy that...the East Texas witch-hunt type of philosophy. And Jack Strong, on the other hand the reason I mentioned this is because Jack Strong is

one of the...one of the populists. He's one of those guys in East Texas who believes in human beings and human values, and knows the difference between right and wrong, and is free from bigotry and prejudice, and can actually vote as close to his convictions as his district will permit him to. And he's not afraid to fight. And it might be said that I am high on Jack because we both fought Preston Smith last session, but it's not so. I was high on Jack when Jack was doing all of John Connally's bidding the session before that when we were not on the same side.

But when Jack Strong does somebody's bidding, it means that he agrees with what they're doing. And Jack is willing to take on the TSTA teachers' lobby and talk to them...talk straight about the kind of teachers' pay raises that ought to be had. And the teachers get mad at him and they don't like it. But Jack's willing to take on anybody, anytime when he believes he's right. I think he's one of the...one of the really great basic Senators in the Senate today--and there're few of them. I think that we've probably got as bad a group of real phonies, I mean, in the minority, I would calculate. But we've got as worthless a few folks in that Senate, as I've ever seen in a public body, because they're just tools. I mean, they don't have an independent thought. Dave Ratliff, from Sanford or Stamford I think it is, is completely worthless as a Senator. He never has an independent thought, never commits an independent

action, never says an independent word, never casts an independent vote. And when I say he's worthless, that's not to say he's not a nice guy. But, you know, nice guys are not in demand in a political body. And I don't care whether...you know, history will just reflect that Dave Ratliff's picture was on the wall. And they'll let Dave pass some bills. That's not to say that he doesn't get to pass a bill every now and then to make him look good. But he's just not with it. He sits behind Dorsey and if Dorsey Hardeman says, "Jump!" Dave jumps. They tell him to go home, he goes home. If they tell him to come back to work, he comes back to work.

And there're others in that category. I don't think it's necessary to name them all, but I just believe that it ought to be pointed out that there are that kind. And it's too bad that there are because every man that got elected to the Senate has something to speak for, in the first place. And he ought to have a position and a view, and he ought to be in the fight somewhat--whether he's on my side or the other side. Ratliff will always come over and tell you how good your cause is but he just can't vote for you because he's committed. Jim Wade did that a lot last time, the Senator from Dallas. Jim got elected in a highly conservative district, got elected by four or five hundred votes as did Parkhouse. They almost got beat by a Republican and they will be beat by Republicans. Parkhouse, of course, died but Jim Wade will go the way of...

Parkhouse's Republican seat went to a Republican in a special election.

Calvert: Ike Harris.

Schwartz: Yeah. Ike Harris. And Jim Wade's seat will go the same way in the next election when Jim has to run, I say. 'Cause I think that's what Dallas is going to. But Jim always seemed to be willing to admit we were right but he seemed always to be committed to the other side. And he's a perfectly nice guy, come around and be sociable, just couldn't vote with you. "You're right, but I just can't vote with you," you know, that kind of thing. The latter part of the session he finally found out that John Connally was for some of these things that we'd been fighting about, and then he began to vote with us a little bit.

I don't think much to comment on on any of the other members. I can give a personal comment about all of them. But they're degrees of good and bad. I think Ralph Hall is a very able, intelligent Senator. Ralph's got statewide political ambition. He's been a county judge. He's a successful businessman in his own right, sharp, shrewd, got a lot of wit and humor about him. He wanted to run for Lieutenant Governor but he wouldn't run if Ben Barnes ran. So they're not mixing it up. Doc Blanchard is extremely conservative and he's a unique kind of Senator. I've criticized Blanchard from Lubbock because he's never been independent. When we were House members, Waggoner Carr was the

Speaker and he was the House member from Lubbock. So he had to do what the Speaker told him to do. No sooner did he get to the Senate then Preston Smith was Lieutenant Governor. And they're both from Lubbock and he's got to do everything Preston Smith tells him to do. And he'll deny it all day long. But the facts of life and the record reflects that he's always had to be responsible to the presiding officer of the legislative body in which he serves. That was good for him from a standpoint of recognition. But he's got a lot of ability, I think, that he's never been able to use in terms of the ability to disagree, and the ability to independently foster some good legislation. So he always been kind of taken care of by the presiding officer, but never been independent.

So, we could analyze a lot of them and we wouldn't come up with anything except the same kinds of...my same kind of criticism applied to a different person, or my same kind of compliment which is not too important because I'm not getting any of them elected. Although I've contributed a time or two to somebody's defeat, I've never been able to help anybody get elected. And incidentally, it might be worth mentioning. The way I contribute to a fellow's defeat, is simply by, lot's of times, by being the militant minority, by opposing the issue that he's got to vote on. Because the majority never gets themselves in a trap. The majority never brings up an issue that's going to cause anybody to have to cast a disagreeable vote. They like agreement;

they don't want to get...they don't worry about getting me on record because they can prove I'm a bad guy if they ever have to. They can prove I'm a liberal. But the problem is, you can never nail them down to the truly basic issues unless you manage to get a vote on those issues. And you have to maneuver around and you got to get an amendment up to a tax bill to get those guys on record against a certain kind of tax. You've got to get an amendment up to an appropriation bill for their opponent to show that they didn't vote to increase the food allotment for the mentally ill in Texas. You've got to get an amendment up on a driver's safety bill to prove that they didn't want to do a certain thing, you see.

So it's the bad guys like me. And the reason we're so vehemently disliked is because we're always throwing the amendments up there. And everybody's always saying, "Well, you know, these guys think there's never a bill that's worth passing unless they've written an amendment to it." But they know what we're doing. We're throwing amendments up there that make them vote against them. And if we throw enough good ones up there, then a smart opponent can make a record of them and that record is what gets them, sometimes. When you've got to run on that record...there's an old saying in politics about the fellow who was standing in the cell with his cell-mate at the penitentiary and he said, "I was doing great. I held a high public office and everything was wonderful. Except one day I got on the

Speaker's platform in a hot political campaign and I said, 'Now let's look at the record.'" (laughter) That's been the downfall of all of them.

And they do the same thing to us but it's less likely to have the effect because fortunately for us liberals, whether the conservatives admit it or not, we just happen to be right. And our records are what the people support. And they can call us liberal all day long and call us communist, if they want to. But when you look at the record, we've been for all the things that the people need and want and support. And they've spent their political life voting against all those things and trying to walk the tightrope between being caught at it and being caught. And they've managed very successfully but they've done it lots of times on untruth, and many times they've done it because the public just never has cared to become educated. If the public ever really knows...knew how they have been raped by the establishment politically over the years, I think we would have had changes greater than redistricting has caused and much earlier than they were caused.

Calvert: Can you think of anything else you'd like to add?

Schwartz: No. I wanted to comment briefly on what I think the necessities are for legislative rule reform in Texas. I think by the time our discussion becomes history, whether it's one year or ten years, it will come to pass that the rules of the Texas Senate will be reformed or state government will fall back into as

dark an age of lack of accomplishment as can be imagined.

I've already mentioned that state government is inadequate to the task before it. It has been inadequate over the years because of what I consider to be a conservative reactionary philosophy of "do nothing unless you're forced to do it."

We've always met the emergencies after they have become emergencies. We've...the legislature has just provided enough water to put out the fires. If you equate water with money, why we've used money to put out emergency fires.

There's been wholly inadequate planning on future needs.

We're...It's inconceivable, for instance, that we have twelve hundred or eighteen hundred--I don't even know the exact figure today--mentally retarded children on a waiting list in Texas for admission to a public facility without an available facility that can take them. I could bring out right now in my office five emergency applications for admission to a school for retarded in this state. And they are emergencies and I don't have a place to send them, and nor does the Mental Health and Mental Retardation Department. And all I do is call them up and they tell me, "Well, we've got all these other emergencies, also." So I use my Senatorial force to push a kid into a school and I know when I do that, that I've pushed some other kid out who might be admitted from some other area and who may have been on a waiting list for two years. But I got this kid in from my district because I've got a little louder voice than

the Senator from that other district, or maybe that poor, unfortunate parent from that other district didn't call that Senator.

So as I say, we just...I created by legislation a school for retarded in my first session of the legislature--1961--and it will open in 1968. And it will be the first entirely new facility since the facility at Denton, which probably opened in about '57. The rest of it has been room additions, and an abandoned air force base...radar base at Lufkin and that kind of a thing. So we can't say that we've met our needs. I mean, we've put fires out with emergency appropriations. Any time, for instance, you've got to have an emergency appropriation for a state employee's pay raise, you're...you've omitted something over the years in terms of dealing with your problems. But we're inadequate to the task.

The legislature doesn't meet often enough and when it meets, it meets under rules which are antiquated and outdated. The House updated their rules a couple of years ago. The Senate has never really updated its rules. Preston Smith, at the beginning of this session, was faced with a revolt. Actually the beginning of a coalition between the liberals and the Connally forces took place in a discussion between three of us. Immediately before the Senate session we met, and we met in Austin and we met to talk about rules revision. And we met in a hotel room

two days before the legislature convened to actually basically write the rules changes that would diminish the power of the Lieutenant Governor. Now, what's necessary to diminish the power of the Lieutenant Governor and why is it necessary?

Well, in the first place it's necessary because the Lieutenant Governor appoints the chairmen of all the committees. The Lieutenant Governor appoints the vice-chairmen of all the committees. The Lieutenant Governor appoints all the members of the committees. The Lieutenant Governor then refers all the bills to the committee that he desires to refer those bills to. And then after he's appointed the chairmen, appointed the members, referred the bills to the committees he wants to, without regard to where they ought to go, then he's the sole arbiter ultimately of who gets recognized to pass a bill after it comes out of committee. So he's got a complete lock on the legislative process in the Senate.

Now, is there anything wrong with that? Well, of course, there's something wrong with it because thirty-one Senators are elected to represent their constituency and to voice their independent views collectively in a legislative body--a deliberative body in which debate is supposed to take place on all issues and on both sides. But as long as the Lieutenant Governor is as reactionary as Preston Smith, and he's going to control all of the legislation that gets out of a committee, then the other side is not going to be heard and the other side's not going to be recognized.

So what we got into was a recognition that this is what we were faced with, and we proposed some rules that would have done some great things. We proposed first of all, that there would be a committee on rules which would in fact refer bills to committees, that any member of the legislature would have the right to choose the chairmanship that he desired based on his seniority, that no senior member could request the chairmanship of more than one committee or the service of more than two out of the four most important committees, thereby giving the new members the right to service on the major committees. And the system... We worked it out. We eliminated, and cross-checked, and we found that by that kind of a system that everybody would get a fair shake of service on the committee they wanted. And nobody could gobble up more than they were entitled to by seniority, that being able to choose your chairmanship on a seniority basis and being able to choose your vice-chairmanship on a seniority basis, and being able to choose parts of your committees on a seniority basis--except for the four major committees. By that I mean if I wanted Rules so I could be on the committee which referred bills, then I could only take Rules and State Affairs. And that would leave out Finance and Jurisprudence and one other major committee if we decided on a five-type deal. But I couldn't take 'em all, as they do now.

Today Dorsey Hardeman serves on Finance, chairman of State Affairs, and he's on the Rules Committee--plus the fact that

he's on any other committee he wants to be on. It's just that his law practice...And I'm picking on Dorsey now. But if he wants Oil and Gas Committee, he'll be on it. If he wants the Banking Committee, he'll be on it. And no member can ever know that he's going to be on a committee that he wants to serve on unless he happens to get the fix-on with the Lieutenant Governor. So you choose them by seniority, and then a committee is designated to refer those bills to the proper committee. That's the congressional practice, essentially. We're not coming up with anything new; this is the rule in Congress. And maybe it doesn't work so good that it can be bragged about, but it works a lot better than one-man rule, which is what we have in Texas.

Well, interestingly enough, we had fifteen votes to adopt these rules changes and we couldn't get the sixteenth vote. And Bill Patman would not vote for these rule changes, and I only use him as an example because Patman has been a liberal. His father is a great populist. His political philosophy is that for the Democratic process and the betterment of the society in which we live. But Preston Smith was against this and Bill Patman was for Preston Smith, instead of being for what was right. And he decided that this was a Connally play. Well, it might well have been. I don't know. I thought it was a liberal play and maybe I was deluded. You know, I'm not beyond being used. But if I'm being used for a cause that I espouse, then I don't mind

being used. All I know is, that the idea was generated by several of us and that we devoted our work to it and our work product and our efforts were designed not to help John Connally. Although it might have been of help to John Connally, but it would have been a whole lot more help to the members of the Senate. Well, we didn't...we agreed that we wouldn't run unless we had sixteen votes and so we didn't run with the rules changes. And so there I just point out that Bill Patman could have been the difference.

There were other times when we were close to changes. My secrecy amendment, which I ran with on the first day of the session, got fourteen votes. Even after we didn't run with the rules change, I had not agreed not to run with mine. And I got fourteen votes. Now, talking about political cowardice again. I would have eliminated the executive sessions and their secrecy this session if sixteen members of the Senate had known that I could succeed. The issue...The reason I only got thirteen votes is because there were two or three people who won't vote with me unless I'm going to win, because they won't incur the wrath of some other Senator on a losing proposition. But Preston Smith, true to the principle that--and I've said this on the Senate floor--that, you know, Lord Acton said that "power corrupts and absolute power corrupts absolutely," and true to that principle Preston Smith ruled. (And I think history ought to reflect somewhere that this was probably the most outrageous parliamentary ruling of any session that I've ever observed.)

The rules must be adopted in the Senate by a two-thirds vote, by virtue of what the Parliamentarian says. I do not believe that's necessarily true because you start out in the first place with no rules, theoretically, and rules are proposed. The resolution simply proposes that the rules of the previous session be adopted as the rules of this session.

It's always been my position that that simply requires the majority vote of the body to adopt the rules. Then those rules provide that it requires a two-thirds vote to amend those rules, which is logical enough after you've adopted them--the theory of parliamentary being that you've adopted them and now if you want to change them you've got to have something more than was required to adopt them. Otherwise, you might be changing them every day. But at any rate, nobody really complains about the parliamentary ruling that a two-thirds vote is required to adopt the rules because it's not that important. You're going to get a two-thirds vote anyhow. But Preston Smith ruled that a two-thirds vote was required to amend the rules while the resolution was pending for their adoption. Now, an amendment to anything is...never requires more than a majority vote. The question on the two-thirds vote always comes at the time of adoption. If I put an amendment on a bill by a majority vote and it requires a two-thirds vote to pass it, why that just means that the legislative body may not pass that bill in its amended form. But you can't require a two-thirds vote on an

amendment simply because final passage requires a two-thirds vote. Constitutional amendments require a two-thirds vote for final passage but we amend them every day with a majority vote. And there're all kinds of illustrations in parliamentary law.

Preston ruled in advance of the vote on my amendment to the secrecy executive session provision that my amendment to a pending simple resolution had to have a two-thirds vote to be adopted. And as a result of that, I lost the two votes I had which would have put it on by a simple majority and wound up with thirteen votes. And that's how close we are in the sense of eliminating executive sessions and the secrecy that goes with them. So these things are going to come to pass and the legislative process will be better for it and more responsive. And I think the members will have more authority. The members are the losers in this game because it's their authority that they give up to the chair when they go along with the chair in terms of his power and the abuse of that power. But somehow, human beings don't mind giving up their rights. I guess historically that's what we've learned, that human beings are willing to give up anything if somebody can make them believe that selfishly, it's in their best interest to give it up. And down through the ages, why Senators haven't been any smarter than any other human beings and they've given up not only their rights and their powers, but the rights and duties and privileges of the people they represent, to leaders, as long as there have been

leaders who are smarter than Senators, I guess.

There's a question here about any enemies I've made. I guess in that regard, it would be appropriate to say that if you lined them up they'd make a pretty good contingent--legions, I guess you might say. But again, to use a cliché--and I've used a bunch of them here today, I guess--I'd rather be known by my enemies than by my friends. I mean, I can...You can identify a man's political philosophy by how much his enemies dislike him and who those enemies are. And I think by and large, that if there was ever...if I was ever proud of anything in my political career, I'm a whole lot prouder of my enemies than I am of my friends because my friends...I'm proud of them for their own accomplishments--not because they're friends of mine. But I'm proud of my enemies because they are what they are and they dislike me for what I am. Most of them, incidentally, are in the lobby, although a few of them are in the Senate.

Calvert: You care to make any comments on the Texas press?

Schwartz: The press is a very strange outfit. They gave me their award last year in Dallas at...Phi Sigma Delta?...that...no that's not it...

Calvert: Um'hum. It was that...

Schwartz: Delta Sigma Chi...

Calvert: That's right.

Schwartz: ...Delta Sigma Chi is their honorary fraternity. And they gave me their award. That's their honorary journalism fraternity.

They gave me the award as a friend of journalism based on my fights for the public's right to know what goes on in the legislative process. And by and large, I think they respect me for that fight as well as a lot of other things because I give them a lot to write about. And they do a good job of writing good things about me. On the other hand, they don't...they don't mind at all writing uncomplimentary things about me and I don't mind them doing it. I'm entitled to some uncomplimentary press. And it's even more amazing when I see the political philosophy of a segment of the press that's directly opposed to my political philosophy, treating me pretty fairly on some issues when I know the editorial policy of that paper--if they could carry it out--would be to get rid of me altogether.

So there's a lot of inconsistencies in my relationship with the press. They like me on the one hand because I make news and I generate issues, and I believe in their right to cover the legislative process in its entirety. On the other hand, their editorial policy and the owner's philosophy in every instance, is diametrically opposed to mine politically--and that's, I guess, with the exception of the Texas Observer. Although there're some papers that come a little closer to agreeing with some of the principles. And, of course, lots of issues they'll agree with me because I'm right or because I got to my position because I am following somebody else who's right. So we're not always in disagreement. But I like the Texas press. I think

it's a shame that they're so conservative and so reactionary, by and large, that...I like the correspondents, let me put it that way. I don't really like the press as such--that is the ownership and the editorial policy. But the people who cover the capitol, by and large, are honest people and they do a good job. And we don't agree philosophically. But they try to get the news home and they are just as outraged about the legislature and its inadequacies as I am. The difference is that their employers are not necessarily outraged about it because it works to their best interest. They're a part of, again, what I call the establishment. And so they kind of like it when it works like that. But the individuals know that there's something wrong with it. And they slip it in the newspapers every now and then, when somebody gives them an opportunity.

A P P E N D I X

TEXAS ASSEMBLY 1967

Texas A&M University

October 26 - 29

TENTATIVE DRAFT OF FINAL REPORT

At the close of their discussions the participants in the 1967 Texas Assembly on State Legislatures in American Politics reviewed as a group the following statement. The statement represents general agreement; however, no one was asked to sign it, and it should not be assumed that every participant necessarily subscribes to every recommendation.

It is the consensus of the members of the Texas Assembly that the Texas Legislature has over the years achieved a quality of membership and a level of performance which are not generally recognized throughout the state. The Assembly is impressed by the fact that the increasing demands of a dynamic society in Texas establish the need for a continuum of progress in the organization of the Legislature and in the performance of its membership. The Assembly feels that the key factor in achieving this continuum of prestige and effectiveness for the Texas Legislature resides in the ability and disposition of Texans to understand the legislative function and to evaluate the capabilities and performance of individual legislators.

The Assembly accordingly recommends that an effective program of public education be undertaken in this state to increase understanding of and interest in legislators and the legislative product among citizens generally. While the Assembly did not attempt to detail the specific techniques through which an effective public education program might be implemented, the three devices listed below seem constructive approaches to the problem:

1. Systematic use of mass media in disseminating information regarding legislators, the legislative process, and the legislative product.
2. Increased presentation of panels of competing candidates before voter groups for questioning and discussion.

3. Enriched orientation sessions for new legislators.

The Assembly feels that no substantial increase in current qualifications for legislators should be made. It takes this view for several reasons, one of which relates to its respect for the right of the people to elect the legislators of their choice.

As a means of attracting and retaining a greater number of qualified persons in the State Legislature, the Assembly recommends that legislative salaries in Texas be substantially increased. In this regard, the Assembly also strongly suggests adequate pay levels for the presiding officers of both Houses of the Texas Legislature.

The Assembly recognized the conflict of interest principle as a persistent problem before all law-making bodies, and urges strengthening of the present disclosure and conflict of interest law. The Assembly recommends that legislators be prohibited from appearing before state agencies in adversary proceedings for compensation. This should be made to apply in any case where the legislator might in any manner stand to gain financially from the action of the state agency. Also, safeguards should be established to prevent abuses of the law providing for legislative continuances.

The Assembly endorses the current Texas policy against the acceptance of contingent fees by lobbyists and urges a continuing enforcement of this policy.

It is the consensus of the Assembly that a balanced increase in the allotment of funds for research and office expenses of both houses should be attained.

The Texas Assembly maintains strong consensus that the present bicameral structure of the Texas Legislature should be perpetuated. With reference to

the size of the membership, there was general agreement that the present size of both Houses is now unwieldy, although some expression was made to support a House of 100 members and a larger Senate than at present. The prevailing feeling is that the present size should be maintained as an upper limit.

The Assembly proposes that annual sessions of the Legislature be held, with consideration in even-numbered years given only to budgetary, fiscal, and revenue matters, and such other emergency matters as presented by the Governor. The sessions in odd-numbered years should be both for budgetary matters and all other legislation. Consensus prevails that existing rules governing special sessions of the Legislature should be retained.

The Texas Assembly endorses the recent reduction in the number of standing committees in the Texas lower house and supports an appropriate reduction in the number of standing committees in the Texas Senate.

The Assembly further endorses the limited seniority system governing membership on most committees in the Texas House of Representatives, and recommends the consideration of such a plan in the Texas Senate.

Strong agreement prevails that the power of conference committees should be modified to insure that all members of both houses are properly aware of the substance and content of conference committee action. The consensus is that conference committees should deal only with matters resolving differences between the two houses and that no new material should be introduced at this stage except by the passage of a concurrent resolution by both houses.

Also, in its consideration of the committee structure of the Texas Legislature, the Assembly believes that . . .

- . the number of interim committees should be substantially reduced, with the work now done by the interim committees being assigned to the Texas

Legislative Council or to standing committees dealing with such subject matter.

- .. standing committees of the Legislature should exercise more responsibility for the screening of legislation.
- ... provision should be made in both Houses for some effective recourse on the part of the membership when the powers of the committee chairman are abused.

The members of the Assembly are impressed by the fact that one of the pressing procedural problems is the large number of local bills which must be handled. To cope with the situation of remedying this problem, the Assembly recommends that legislative proposals or bills should be presented to the membership before the formal beginning of a legislative session, by mail or by establishment of a procedure for pre-filing of any bill, and that immediately after the organization of the two Houses a period of time should be set aside for the disposal of local bills, thus freeing the time of the Legislature to deal with matters of more general importance.

Consensus prevails that the Constitution should be amended to eliminate unnecessary and outdated limitations on legislative procedures and powers. Agreement also prevails that an effective constitutional amendment should be proposed to achieve county home rule with clear provisions for local option. One prime reason for this is the desirability that local units of government should regulate the salaries of public officials where budget support comes from local sources. Such action would effectively decrease the pressure upon the State Legislature from local and regional entanglements and allow more time and energy for deliberation of basic state policy.

The Texas Assembly maintains a strong consensus that state government,

with particular reference to the Legislature, must engage with an increasing effectiveness in the arena of intergovernmental relations. State governments should be strengthened in such a way as to focus responsibility at the state level for implementing a more workable relationship between state and national governments. The consensus was that the groundwork for such an approach had been laid with the opening of a state liaison office in Washington and with the formation of a planning agency council in Austin for the purpose of better coordination and communication among various agencies dealing with federal programs.

The Assembly also endorses the proposition that state governments should exercise more initiative with respect to many local problems and should play a more effective cooperative role with the federal government in dealing with local problems.

The general rule should be that whenever the State Legislature is in a position to occupy the field and to deal properly with the problems therein, it should do so. When federal action is taken, every effort should be made to channel it through proper state and/or local agencies.

With respect to the basic function of the Legislature and its interaction with the executive and judicial branches, the Assembly concludes that the proper delimitation of the respective traditional functions can best be accomplished as a part of the general process of state constitutional revision.

In this regard, the Assembly restates its opinion that the elimination of outmoded and unnecessary constitutional restrictions of legislative powers is necessary and desirable.