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Interview with

Representative Eddie Bernice Johnson

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Place of Interview: Dallas, Texas

Interviewer: Dr. Ronald E. Marcello

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(Signature)

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Oral History Collection

Representative Eddie Bernice Johnson

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Dallas, Texas

Date: September 10, 1975

Dr. Marcello: This is Ron Marcello interviewing Representative Eddie Bernice Johnson for the North Texas State University Oral History Collection. The interview is taking place on September 10, 1975, in Dallas, Texas. I'm interviewing Representative Johnson in order to get her reminiscences and experiences and impressions while she was a member of the Sixty-fourth Texas Legislature.

Ms. Johnson, the first thing that I want to talk about is the House speakership race. I think the speakership race probably got started during the Constitutional Convention, which met prior to the Sixty-fourth Session of the Legislature. Why don't you talk briefly about the speaker's races in terms of who the candidates were, what sort of pressures they put upon you for your support, and whom you ultimately supported and why.

Ms. Johnson: Okay. Even before the Constitutional Convention opened, I had committed myself to Fred Head. Fred Head had visited me shortly after I was the representative-elect, prior to even being sworn into the Sixty-third Legislature, campaigning for speaker. I told him at that time that

I would observe my colleagues at work, and I certainly would keep in mind that he had made contact with me and what have you. Of course, as soon as we went into session . . . this, I guess, is considered to be a fruitful time because everybody is new and they are just starting. This was especially true of the Sixty-third Legislature. So the candidates were out rather early. And I committed what I consider to be rather early to Fred Head, and my loyalty to that commitment remained throughout the speaker's race. I feel that if the Constitutional Convention had not occurred, Fred Head would be speaker today.

Marcello: Why do you say that?

Johnson: Because he was out front with endorsements. He is a very diligent, hard worker who is a strongly committed person to whatever he decides on. He could not have been out-worked, making individual contacts, by any other person. It became a philosophical battle during the Constitutional Convention because he did not yield to the pressure to vote in certain aspects of certain ways, that is, to vote to bring the document out. He lost much of the support because, as you know, a full majority of the persons there did vote to produce the document. But since it needed two-thirds, and we almost got that, or they almost got that because it only lacked three votes, this is when he started to lose votes.

If he was a political animal, he would have changed, but he didn't. So it further confirmed my convictions in his integrity and in his strong will to stand where he stands. So I was still very much committed to him as a speaker candidate. I have become very disgusted with another speaker candidate with the tactics that he used, with the repeated releases and personal digs toward Fred . . .

Marcello: Are you referring to Carl Parker?

Johnson: I am referring to Carl Parker. And it was for that reason that I lost a great deal of confidence in him as the leader because I felt that campaign tactics have a great deal to do with the inner souls of the people. So I really did lose confidence in him though the record will reflect that our voting records are closer together than either of the other candidates.

Marcello: I was going to mention that Mr. Head and Mr. Parker had very similar credentials, did they not, philosophically at least?

Johnson: Yes. Both of them had been supported by labor, and I would think that Fred Head had been labeled a conservative. Carl Parker had been labeled . . . I don't like labels, but nonetheless he had been labeled as a liberal-to-moderate. And so if I was just going to go on philosophical views, then certainly I would have chosen Carl Parker.

But in looking at the people, I just could not support

a person in a leadership position because . . . when you are up there presiding, fairness must take over regardless of what you believe in. I did not feel that any leader should allow philosophical views to shade their leadership anyway. So that didn't have near as much influence . . . the philosophical view certainly could have had some impact. But the main thing that I was concerned about is if it was someone that I could trust to be fair or at least be where I knew they were. I saw so many things being done that I really lost all confidence in Carl Parker's ability to be able to handle it.

It was a very sad day for me when it was very apparent that Fred might be really losing. It is a very interesting thing with the speakership. People want to be with the winners. And when a few people pulled out, then others became shakey.

We met in Austin as a group of supporters of Fred. And the interesting thing about Fred's supporters is that they were loyal, dedicated supporters, and they were the die-hard-type supporters. We hated to see it come about. I was really in tears when we left, but we all left with the idea that we were going to go out and get the votes back, and we were going to get Fred over.

Well, the very next day Fred called me and said, "I promise you that I will be fair. And I promised all my friends

that if it came to a point when I thought that I couldn't make it, I would let them know first." He said, "Well, I am letting you know that I am going to have a press conference tomorrow and indicate that I am pulling out." I said, "Oh, Fred!" It was almost like the death of something for me. But it was a reality, and I think that he was man enough to face it at that point.

At that point, also, he had obviously become very bitter toward Parker because he had been the victim of many vicious attacks. I knew then that he probably would not go with Parker, but when I asked him at that time, he said that he would be in touch with me on that, too. So he called later that day and said that he was going to have a conference with Clayton and consider going on with him.

Marcello: In the meantime, what role was Clayton playing? Head and Parker had gotten most of the headlines at least.

Johnson: But Clayton was smiling and shaking hands and saying to the people, "I would like to be considered, at least the second time." During the convention, the thing that I thought was very admirable of Clayton is that he didn't use the convention so much. I thought he was a very shrewd campaigner because he let the battle go on between . . . because it was obvious that Fred was out front. He, of course, had run before, I understand, so I guess that he

knew the ropes of running. Parker was attempting to overtake Head by the attacks, and obviously he would be the target if he was out front. So the fighting was going on between those two when Clayton was sort of coming up and saying, "If it gets down to where . . . I would like to be considered." He had persons out--four or five of them--that were very, very close to him. They were kindly saying to people, "Clayton will be fair, and we would like you not to write him off, and he doesn't want you to feel that he has written you off. He just respects the fact that you have committed to someone else at this time." He was very smart.

Marcello: Who were some of the people who were originally pushing Clayton's candidacy at this time?

Johnson: Okay, the persons that had made the closest contact with me were Tom Uher of Bay City, Robert Davis of Irving, and Phil Cates of Amarillo. Those were the three who were kind but persistent in saying that he was a fair man: "You might not believe in every way he votes--I don't--but he is a fair man, and I think that he is going to be a winner." And, of course, they ended up right.

There were other minor candidates. At one point we met shortly after I had talked with Head to try to see if we could come up with a compromise candidate, and the strongest compromise candidate was Dave Finney of Fort Worth. I was getting ready to go with Finney as a compromise candidate.



It is just that things happened quickly. You know, things . . . everything happened, and the ball started to roll in a twenty-four-hour-period. And I think that over the Labor Day weekend, I must have received a hundred calls from persons from all camps. It was obvious that it was going to come to a head very, very quickly because once you get a certain core then everybody comes in like flies, you know, like following jelly or something. That's the way it occurred.

The real turn came at the time that Fred did pull out. And then his second move was to influence some of his supporters to go with Clayton. I was not with that original group. He had enough loyalty from that group, however, that it was not so much that these people were strongly in favor of Clayton at that time, but they strongly believed in Head and did not want to go against his will. And after much talking, I don't think any of us automatically went because, after all, he had some of the brightest followers in the whole body. When I say "bright," I mean smart intellectually as well as independent thinkers.

There were many conferences, and I think they talked about it. . . I talked back and forth to my most admired colleague, Craig Washington, and I made a commitment that I would go with the majority of the Black Caucus. I was constantly in touch with the two blacks here who didn't

ultimately go with Mr. Clayton because they both . . . well, originally Hudson had been committed to Carl Parker, and there had been a subtle kind of threat that Parker made, well, somewhat publicly--there were several of us there on the floor--that if Ragsdale went a certain way, there were certain things that he could expose about him and this sort of thing. And I don't know if that had any influence on him, but he had said to me that he was going whatever direction I went because we both had been with Head. But he did not go.

But the interesting thing is that when the group went, I didn't go. I was still soul-searching. You know, I still continued to say, "Fred, you are my candidate, and I would just as soon ride the tide out."

He called me one afternoon, It was at the same time or just before Clayton's press conference. Clayton at that point had his numbers, and he was fixing to announce it. And he pleaded with me for more than an hour on the telephone, long distance, to let him take my name in. I said, "I just cannot do it right now." And so he said, "Don't you trust me?" I said, "Yes, I trust you." I said, "But I'll have to think about it longer." So he said, "If you don't call me by ten o'clock in the morning, I'm going to give him your name." And I said, "Well, I'll call you by that time."

So that night Carl Parker called me, and he said to me at that point, "I won't be angry because Clayton has the numbers, and I won't be angry if you go. It is just that I am not giving in yet. I'm not going to concede." I appreciated his call.

I did some calling around to see how many people were still there that were of my persuasion and what have you. The next morning very early I attempted to call Fred, and all his lines were busy. So after ten o'clock, I felt that he had given my name, but I wasn't sure. The press started calling about it. I was unable to respond because I didn't know what had happened. So later in the day I was able to reach Fred, and I said, "Fred, did you give my name?" He said, "Yes, if you want to know the truth, I gave it yesterday." He said, "I just did not want to see you left out. I'm looking out for you." I said, "Well, I don't want any promises, anymore than fairness. I feel like I can make the rest of it on my own. I just want to be treated fairly." So that was the end of it.

I still did not have a conversation with Mr. Clayton. Mr. Clayton had come shortly after the close of the Sixty-third Legislature here to my office and visited. That was the only contact that I had with him. I did not have anymore contacts with him as it relates to the speaker's race, period. I just didn't have any direct contact at all.

When the time came for the session to open, and we recognized some of the reorganization that was going on, I became a little suspicious of what was going on. The only thing, the only real concerns, that I had really were my programs. I did visit him concerning the Human Relations Commission Bill that we'd worked on all during the interim. He made no commitment other than that he would look at it, and he would have to read it thoroughly before he could say he would get behind it and support it. He said he'd give me a fair run with it. That was essentially the visit we had prior to the opening of the session, which was a few days prior to the opening of the session.

Marcello: In going back just a bit and talking a little bit more about that speakership race, I have also heard it said that the fact that Head and Parker were campaigning so heavily during the Constitutional Convention turned off a great many legislators. In other words, some legislators, so they say, got the impression that these men were more interested in the speakership than they were in getting some sort of a document . . .

Johnson: To be quite honest about it, I think some of that is true. I think it is true, however, that if Fred . . . Fred was constantly on the defense during this period, but I think that he was attempting to be low profile. But he was getting angrier by the day because he was continually, you know,

the target. He obviously would be the target because he was out front. I think some of that did turn some people off because I became very incensed with some of the things that did come up. That was certainly the deciding point for me to go against Parker. It had a great deal to do with my supporting Fred, and so I cannot deny that to be a fact. I think that people really did get tired of that sort of thing going on. The snide remarks, you know, some of them got in the paper and some of them didn't. But, you know, it was that kind of thing.

Marcello: Okay, so Billy Clayton becomes speaker of the Texas House of Representatives, and when it comes time to appoint the various committee chairpersons, you were selected to head the Labor Committee. Now explain how this came about.

Johnson: Okay, I sure will because I have never expressed any particular interest in labor because I have never been around anyone who was that closely connected with labor as a close person. You know, I have never worked where there is a great deal of influence with labor and what have you.

Marcello: When I was doing my background research, I was kind of surprised at your appointment because I couldn't remember you mentioning very much about labor in the previous three interviews that we had done.

Johnson: No, and . . . I was at home in bed one night. It was the same night as the . . . it was the Tuesday night prior to

the Thursday that the committees were going to be named. My apartment telephone rang. Well, of course, the people that call me at my apartment are, of course, my son, family, and sometimes staff. I was asleep when the phone rang, and it was Mr. Clayton. He said, "Eddie Bernice, I'm reviewing committee assignments, and I would like to put you in a leadership position." I said, "Well, Mr. Clayton, I appreciate that consideration. What did you have in mind?" He said, "The Labor Committee." I said, "The Labor Committee! Come on, Mr. Clayton!"

No, before he asked me that, he said, "What is your relationship with labor in Dallas?" This was before he asked me to accept the chair. He said, "What is your relationship with labor in Dallas?" I said, "Well, frankly speaking, my relationship with labor is about like any other relationship." I said, "It is probably friendlier than the American Party, but it just does not have that much impact upon my district." So I said, "I imagine that if you would check my voting record, it would reflect that I'm very supportive of many measures that labor has, but it has more to do with measures than the fact that labor is backing them. I just don't have close connections as such with labor, but we do get along. I'm not interested in offending them as such for just the sake of offending, but I don't really have any particular influence or hard feelings with labor."

He says, "Well, I was thinking in terms of offering you a position of leadership. I have checked with all of your colleagues, and I have checked with persons I trust, and unanimously they think of you well and would like very much to see you in a leadership position. You have high respect in this body." And I thanked him very much because I was very appreciative of that. He said, "I would like very much to see you chair the Labor Committee." And that was really a pierce.

And I said, "Mr. Clayton, isn't there anything else besides the Labor Committee?" He said, "It would broaden your perspective." I said, "Let me think about it. This is a complete shock to me." I said, "You know that my interest is in the social services--health or child care, social services, social work, welfare, people measures." I said, "I don't know that much about labor and management, and I just . . . that is just not an area of interest to me." He said, "It will help you grow. It will help you broaden your interests. If you put as much energy into that area as you have in the others, you are going to be a good one, and I have no doubt about it. I just want to know if you will accept it."

I said, "I don't think so. I appreciate it very much, but I don't feel that this is the thing for me." He said, "Well, I am not going to take that answer tonight. Sleep

on it and come to see me in the morning."

Of course, by that point I was fully awake, so I called to Dallas the next morning. I didn't call anybody that night because it was kind of late. It was after eleven o'clock by the time we had finished talking. I thought about it, and I woke up early, and I called Dan Weiser, whom I don't talk with often, but when I get into something like that . . . there are certain people that I think about when certain things come up. And so I called him. He said, "Well, that is not the best, but you have to consider that it is a big step for a woman," and he said, "If you don't get anything else, please don't turn that down." He said, "Please don't!" I said, "I think I will turn it down." He said, "No, please don't. Try for something else. If you don't get it, take that."

So I got to the office, and I called Zan Holmes, who essentially said the same thing. He thought it was quite an honor and that this had just not happened before in Texas. He said, "Who else is being considered?"

I went in and visited with Mr. Clayton that morning, and he clearly said to me that he was going to make . . . that he was committed to have a diversity of leadership, that he was going to have a woman to chair a committee, and that my colleagues had wanted that woman to be me. I said, "Well, over and above being a woman, do I rank anywhere?"



He said, "Well, yes, I think that you are one of the most popular members." He said, "And I would like very much to have as my credit to have a woman chair the Labor Committee because that is the least committee that they would think of a woman chairing." He said, "You would do me a favor and do it." I said, "Let me say one more thing. If there is any possibility of the least little pressure that I can put on you to put me in any other slot, I would consider it." He said, "Every other slot has been confirmed. This is the only one pending. When I offered a slot, the others accepted it without question." So I said, "Well, under those circumstances, I will take it and I will do my best with it." And that was the end of it. And that was on Wednesday morning, and, of course, the announcements were supposed to come on Thursday morning.

I did keep it. I do think that for the majority it came as a surprise when it was announced. But I knew, of course, before it was announced, but just a day before, you know.

I didn't know what I was getting into. Labor people began to flock upon me to tell me who to hire as staff people and all that. I will be honest with you and say I purposely didn't hire any of them. And I didn't because I am a very strong-willed person--I know that--and I refused to allow labor to boss me. I decided that whatever happened that it was going to be fair, and we would just have to go down

the line, and I would have to roll with the punches. If it would hurt me with labor in the future, it would just have to hurt me. I just kept trying to program in my mind that labor is not that strong in my district, anyway (chuckle).

As it turned out, it was a rather pro-labor committee that was named, you know. I had no idea who the persons would be on the committee, but most of them had used their seniority to select committee assignments, and so it was fairly heavily labor-oriented.

Marcello: You mentioned awhile ago that very shortly after the announcement came that you were to chair this Labor Committee that several labor leaders did come and visit you and pay their respects and all this sort of thing. What did they seem to be interested in?

Johnson: They were primarily interested, it seems to me, in making sure that I was a friend and not a foe. Also, they have been around a long time. They were fully aware that staff research and that sort of thing has a great deal to do with decisions that are made, and so there was a great push to influence the staff with persons who had had various experience and what have you. And I think the effort was to make sure that . . . there was good research on every side of every issue. And, of course, if you get someone who is oriented toward a certain issue, they are going to bring the best research to substantiate their stands. I felt that the best

thing for me to do was to get someone who is completely neutral, who would research on a neutral basis, and this is what I looked for. I had stacks and stacks and stacks of applicants, and I was worried so with persons seeking a job that I could hardly do my work. I was being so selective that it almost got to the point that I felt like there was going to be nothing left.

Marcello: How large a staff does the Labor Committee have?

Johnson: Well, it depends on what you are able to maneuver as a budget. We were able to have a legal counsel, a committee clerk, another assistant for research, and a typist, a part-time typist. I was able to maneuver and politick enough to get . . . they were very kind to me in terms of my budget. The first that they approved . . . I told them that this was based upon not knowing what I would be involved in but wanting to be very well-prepared and whatever.

Marcello: Who handles this sort of thing? The House Administration Committee?

Johnson: The House Administration Committee. I appeared before the commiteee, and they rendered me a decision. I went back later to appeal for an additional amount of money for salaries, and they did grant it. So I didn't really have any complaints to do with my budget. The budget lasted.

I did ultimately select an excellent staff that I was very, very pleased with. I had no idea what labor was all

about as such, and we were all starting off cold. But I think they won the respect of the entire committee because they were diligent and they were bright and alert and worked very hard.

Marcello: How did you ultimately decide upon whom to select for the committee?

Johnson: It was based upon what I consider to be strong points-- persons who are flexible, who have the endurance to stay with me because I work long hours and I work people kind of hard, who could deal with the salary that I had to offer, who were able to convince me in the interview that their loyalties were going to be with getting the work done. I have made some errors in hiring, but I have also fired very quickly.

I always let people know when they come to work for me that what I am looking for might not be necessarily the same as what they are looking for, but we will try to make it. But my main thing is achieving where I am trying to go, and if I get there with them, we are together all the way; if I can't then make changes. So I think my reputation is pretty well around the Capitol that I fire easily, you know. I did have to fire some in my office. The work overlapped to some degree in that the people had to work together because they were in and out of the office. We had a Labor Committee office, but my office was somewhat the headquarters. I didn't

go to the Labor Committee office anymore than twice during the whole session. So they were actually coming in and out, and . . . you know, it is a team effort, and mine had to kind of overlap. I was getting mail that related to the Labor Committee and didn't always get the chance to wait for the Labor Committee people to answer it. I had to have a staff who would be flexible enough to work together and work towards accomplishing my goals. I feel that I did achieve that during the session, but I did have to fire a couple of people along the way.

Marcello: We usually hear about the business lobby, but I think we need to recognize the fact that there is also a labor lobby, that is, that organized labor maintains lobbyists in Austin.

Johnson: Yes.

Marcello: What is the labor lobby like? Could you describe it and talk a little bit about it?

Johnson: Well, I think they are pretty much like any other lobby. They are well-organized; they have their points together. Perhaps some of the leaders appear not to be as well-educated as some of the persons from other areas of endeavor. I am sure that some of them have come right from the ranks of their own, but they know the game very well. They know where they stand, and they pretty much know how to go get help to get their speeches written when they are going to testify. They know how to gather their facts. They are not as sophisticated;

they are kind of typical of what they represent--the working class of people. You can't play them short in terms of not leaving any stones unturned and getting their work done. I think that they recognize their limitations as far as strength is concerned. But they are very diligent; they work very hard; they hold tight to what they believe in and want. They are probably one of the most informed lobbies in Austin, though they might not be the most sophisticated.

Marcello: Who were the labor lobbyists? Who were some of the principal people representing labor here?

Johnson: Let's see, there was a Bill Darbey, who represented . . . Dally Willis, who was with the communication workers. You know, this is very interesting. I remember the faces, but I don't remember the names that well because . . . I was friendly but I was also a little bit distant . . . I didn't want to be bothered by them anymore than anybody else.

Marcello: A lobby is a lobby is a lobby (chuckle).

Johnson: Right. And so they didn't camp in my office, I think, like they originally thought that they might. I wasn't rude but I was very business-like with them, and so they knew to kind of toe the line a little bit when it came to dealing with me.

Marcello: During this Sixty-fourth Session, what would you have considered to have been the most important piece of labor-oriented legislation that came before your committee?

Johnson: The most important or the perhaps most controversial?

Marcello: Either. Let's start with the most important first of all, and then we can go to the most controversial.

Johnson: I think one of the most important pieces of legislation had to do with unemployment compensation perhaps, workmens compensation. The unemployment compensation bill did get out of committee and did not pass.

Marcello: What seemed to be the major obstacle to the passage of that particular bill?

Johnson: I think the money issue. And, of course, there are still a number, a great number, of business people in there that recognize that when unemployment compensation goes up it comes out of their pockets. Obviously, this was very labor-oriented, and so there were forces against it. Many of them would say, "I believe in the concept, but it is getting out of hand; there are too many people unemployed," and this sort of thing. But I think probably for the economy and for the well-being of the people that relates to the labor force, I would consider that probably the most important piece of legislation.

Two of the most controversial pieces of legislation that came to the committee had to do with what they call the agency shop bill which is really not an agency shop. It did not provide for a closed shop, but obviously it is a very, very controversial issue.

Marcello: How does the agency shop differ from the closed shop?

Johnson: Well, as I understand it, the bill that came through the committee had to do with allowing management and labor to contract to have all persons that would receive benefits from labor negotiations to pay a fee into the pot to help pay for it. And all the bill was simply doing was allowing them to contract to do that. Where there was a certain percentage of labor there, it allowed them to negotiate a contract to do it.

Marcello: In other words, even if a person did not belong to the union, he would have to pay a certain fee because the union was representing him, at least indirectly, in getting certain benefits for him.

Johnson: Yes, because when there is a union, the law does say that they must represent all of the persons employed. So when you look at the whole thing on its face, I think it's only fair that if a person is going to benefit, they ought to put in a piece of the pie. In listening to the testimony and what have you, I became convinced that it was only fair because we are not talking about persons who are not able, and we are not talking about persons who are unemployed. We are talking about persons who are working, who are drawing salaries, and who are receiving the same benefits as those who do choose to pay. I do not feel it ought to be a forced membership, but I think people ought to take on their own



responsibilities. To me it is like allowing for freeloaders, and I think our society is repulsed by freeloading. So it was for that reason that I became convinced that it was a fair deal just to allow them to contract. It didn't mandate it. I don't think that I would be able to support any bill that would mandate it, but I think that if you can allow labor and management to negotiate a contract, then they ought to have that right. And it is prohibited at this point.

Marcello: You mentioned that this was a controversial piece of legislation. And I would imagine very much so considering the make-up of the Legislature.

Johnson: Very, very controversial. And a lot of the controversy had to do with misinformation on the right-to-work. Of course, this had been a major issue coming out of the Constitutional Convention, so obviously it was one of the most controversial pieces of legislation during the session. It was tabled on the floor.

Marcello: But it did get out of your committee.

Johnson: It did get out of committee. It had a preference number on it, and consequently it had to be placed on the calendar once it left the committee.

Marcello: Did you have to use your power as chairman to deliberately kill any legislation that was personally disagreeable to you or repugnant to you? Is that a good word to use?

Johnson: No, I didn't. As a matter of fact, as I mentioned earlier, the committee was fairly labor-oriented, and there were times when I would appear to be anti-labor when I really wasn't, but I was really very interested in having everything get a fair shake. My effort was spent more to protect management to make sure they got a fair shake than to really go along with labor. Because I knew ultimately that if we had the members present, labor's view would almost prevail in that committee.

Marcello: I must confess that I had ulterior motives in asking that question because one of the principal gripes of the reformers during the Daniel speakership was the committee chairmen were deliberately killing a great deal of legislation and would not let it get to the floor.

Johnson: This happened in the session, and it was very obvious that it happened quite a bit.

Marcello: I was just trying to see if you were practicing what you were preaching the first time around (chuckle).

Johnson: (Chuckle) But I really didn't do it in my committee. We kept tabs on bills and where they were sent and how they were moving in subcommittees. One of my bills did not return from subcommittee, and I was on the subcommittee. But the committee hearing was not called. I reminded them several times, and the chairman did not call the committee, so it stayed in.

There was another bill that was a right-to-work law. That was House Bill 105. I don't remember all of the provisions. It was carried by Representative Reynolds of Richardson. I don't know if it was meant to be a joke or what, but he came in very early for the hearing. He said he was surprised that he was being given a hearing. I assured him that every bill was going to be given a hearing by that committee. We had two Republican members on the Labor Committee, and I put one of them on a three-man committee, a subcommittee, trying to make it as neutral as possible with what I had to work with. That bill did not return from subcommittee.

But for the most part, all of the bills did return from subcommittees. There were some that had to be groomed quite a bit before they were able to get out of committee. But we tried to make sure that they all got their hearing.

The mobile home bill came through our committee, which was a very controversial piece of legislation.

Marcello: And still is.

Johnson: And still is. And I have recently been contacted to try to influence the attorney general's office. But listening to all the testimony on that, I was very much in favor of the mobile home legislation because I felt that the customers really did need that protection. We did groom that bill quite a bit. We listened to the other side extensively. There was a great number of amendments that we agreed on. We

studied it well. I put it in a very thorough subcommittee. They worked with the Senate subcommittee, and ultimately the Senate bill came over and . . . we had already gotten our bill out of committee. The Senate bill, of course, took precedence once it came over, but they were alike. Because the subcommittees . . . I had requested that they work together on both sides to come up with a good bill that would work out some of the problems that had been brought to our attention.

We groomed a lot of legislation. We rewrote a lot of legislation in committee because I really wanted to make sure that we could be as fair as we could be before it ever came out of committee.

Marcello: I'm sure that the mobile home dealers descended upon the Legislature when that piece of legislation was going through.

Johnson: Yes, they did. Once I take a stand, and really believe that I am right in my decision, it is a hard stance to switch. And so I had a long conversation with them. I talked at length. I didn't hide where I was; I still have not hidden where I am. I was called to see if I would approach the attorney general to see if he would give them just a sixty-day stay. I said, "Now look, you have known about this legislation since January. You have known since May that was signed into law." I didn't see any point in extending another sixty days, as far as my opinion was concerned.

I was threatened by one of the persons that called me that come campaign time that they were going to remember it, and they were not going to make contributions. I said, "Fine! These are the kind of things that I have to deal with when I am in office."

Marcello: I think I read someplace in the paper where one of these people contacted you, and your reply was he had never contributed anything in the past, so he couldn't hurt you very much in the future.

Johnson: You know, what you haven't had you sure can't miss (chuckle). So, you know, we had a rather heated exchange. He started to attack me because I told him that I appreciated hearing his side and that I was in sympathy with his personal feelings, but I was much more understanding with the persons that were getting ripped off out there. That is where I stood, and I wanted him to know that. I wasn't trying to hide where I was, and under no circumstances would I be in touch with the attorney general's office to ask him for a stay.

And at that point, he said, "Well, when campaign comes around, I will remember that and we will remember that when contribution time comes. You will not be getting one from our industry." I said, "I don't remember seeing it in '72 or '74, so when '76 comes I doubt if it will be of any consequence." You know, what you

haven't gotten . . . it's not that you don't need it when the time comes, but if you haven't gotten it, I don't see how you could really miss something you haven't gotten.

But even that would not have made the difference at this point because I want people to know that when they contribute to my campaign that it is not for the purpose of buying a vote. You know, I will never take a contribution on that basis. It's not worth it. My soul is in better shape when I can walk in and feel free to make the decision based on what I think is right. Consequently, I don't have any dues to pay.

Marcello: You mentioned that when you accepted the chair of the Labor Committee that you really did not have very much of an association with labor and perhaps hadn't even formed too many opinions about labor at that time. By the end of the session had this attitude changed any?

Johnson: Not really because my relationship with the people remained pretty much the same. I think that they are more aware of who I am in terms of having heard my name. I am not sure that where I stand with labor has increased or decreased. I think it is probably about the same.

Marcello: You may have mentioned this awhile ago, and pardon me if I am asking you to repeat something here, but did

you mention that organized labor is not necessarily a very strong element in your district?

Johnson: I am not aware of it being . . . I really don't think so. In my district in the first place, there are no large businesses and no large industry, and they are usually more concentrated where there are large numbers of employees. And, of course, there is a large section of business in my district--all the shopping centers and hospitals--but they are not infiltrated with labor. There are a number of people who live in my district who belong to labor, but certainly not a majority--not anywhere close to being a majority. They might have decisive votes, but they would certainly have to be hooked onto something else.

Marcello: Let's talk about some of the major issues that came before the Legislature--issues that were not necessarily geared toward the Labor Committee. I'm speaking now in terms of, first of all, public school financing. Obviously, this was one of the, if not the number-one, priorities of the state Legislature.

Johnson: That was certainly my number-one priority.

Marcello: Okay, let's talk about what you consider your number-one priority.

Johnson: I consider it my number-one priority because there is not another system in this state that affects the lives

of people any more directly, whether it be good or bad. And it could have both effects. Our future in this state rests on the kind of public education system that we offer. Of course, it effects every black citizen in this state, and while I do not profess to be the kind of a person that is just geared toward that one segment of society, I cannot forget that I have a great responsibility toward the black community, and to all of the black citizens of this state. And all citizens, but I think it is only natural that I ought to be aware of the problems of the black people first. This would be a very high priority. I had my own public school financing bill.

Marcello: What sort of a public school financing bill did you wish to see come out of the Legislature? I think you can answer that in terms of your own bill.

Johnson: Okay. I had a model bill that I was carrying with Representative Truan that had been put together through our work with the Texas Advisory Committee of the U.S. Civil Rights Commission, through the avenues of research that they had available. We studied every possible plan and looked at areas across the country. We had experts come in to talk about certain plans.

Now I personally feel that until the states take on the full responsibility of public school financing, it



will hardly be equitable across the state, for simple political reasons. Because you know the urban-rural, the rich-poor kind of factors will always enter in.

My bill did not call for full state financing because I didn't think that at this point it was realistic. If I thought it was any possibility of getting near that, it would have contained it. What we tried to do was put together a mild piece of legislation, and also with some realism. Well, we decided on the weighted pupil approach.

Marcello: Which was Governor Briscoe's approach.

Johnson: Which was also the governor's. We didn't decide on it because it was the governor's. We decided on it because we truly felt that it addressed the individual student's need indirectly.

Marcello: How would you explain the weighted pupil approach? I don't think some legislators really understand what that weighted pupil approach is.

Johnson: Okay. Just let me finish one more statement, and then I will try to explain it to the best of my ability. We didn't think that it would hurt our bill to use the same approach, but that was not the sole reason why we used that approach. Now the weighted pupil approach is simply: weight meaning areas of need for each individual student and then determining percentages of need and financing

accordingly, with the focus being on the student rather than the teacher. So it was really the direct opposite almost of the formula that had been used under the Gilmer-Aikin plan. And, of course, the teachers did not understand this because they felt that it was pulling away from their salaries. But the formulas were made up based upon the student need. Well, obviously, we couldn't possibly leave the teacher out now. I personally feel that if we could write a good educational formula and leave the teacher salary out, we will be in better shape. But it is not politically expedient.

Marcello: TSTA is fairly powerful as a lobby, is it not?

Johnson: Yes. The main reason why it is powerful is not so much because it is TSTA but because the teachers themselves are over eighteen years old and the students are under eighteen. It is because the people back home are voters. So TSTA wouldn't have any more power as a lobby than any other lobby is they couldn't point out and say that the people we represent vote. So, you know, I think the power of a lobby depends on what is behind it. The effectiveness of the lobby this time was really not that pronounced. It is just that the people there fully remembered that these teachers are old enough to vote and many of them are registered. And that had more to do than anything that TSTA was saying.

My heart goes out to children in this state because they are in a handicapped position, because they are under eighteen. They don't have a lobby, and they are at the mercy of us, really. My main focus was on the student, and that weighted pupil approach does put the attention on the student.

Now it is unreasonable to think that you can give the student the best without having the best teachers, and I think this is what teachers could not understand. Certainly, if you are talking about offering the best educational opportunities and addressing the individual student's needs, you are talking about getting and paying for some of the best teachers you can get because the learning process is facilitated through the teachers.

I think it was difficult for teachers to understand because of their lobby. They were getting the mail out, and they were just saying, "yes" and "no" kind of things instead of explaining. Many of the teachers that I talked with certainly began to understand what it was all about. But that was the one time that I simply was not going to be swayed by a group of people simply because they were voters, and I didn't give in till the very end.

I supported the package that came back from the Senate because I knew that that was the best that we

were going to be able to get, and we needed what we could get. It was closer to leaning in the direction than what it had been and what I was working toward. And, of course, it self-destructs in two years, so we will be back fresh again. I had the full support of the Dallas Independent School District for my bill.

Marcello: What sort of support did you get in the state Legislature for your bill?

Johnson: Little (chuckle).

Marcello: There was Kubiak's bill, and TSTA had a bill, and the governor had his bill, and I don't know how many others there were.

Johnson: Yes, and our bill ended up being incorporated a great deal into the governor's bill. The reality of the situation was that I knew that probably my bill would not come out of committee. I'm not an educator, and I was not on the Education Committee. The field of education and the financing structure of education in this state is extremely complicated, and I would daresay that there are probably not more than fifteen people out of the thirteen million we have in this state that understand it completely. I certainly didn't become an expert in that period of time.

The only thing that I was concerned about was my true, sincere interest in the child. I felt that was the best thing that I could address myself to, and the

bill that I had was drawn up with me saying, "I like this, and this is what I think I would like," and then with experts coming in and saying, "Well, this is the way that we arrived at that." So I was really carrying this bill on the basis of what the people's (that I trust and believe) integrity and their knowledge in the field could put together. Dr. Earl Lewis of San Antonio I considered to be one of those people in the state, that I consider to be one of the most knowledgeable in the field of education. So he was my prime mover in terms of answering my questions and addressing the different things that I thought needed to be addressed. Plus he thought of other things that I wasn't that aware of that needed to be addressed--how to approach this and how to approach that--because I'm not in the field of education.

I just simply knew from observation that there were individual student needs that we were not touching in this state, and consequently we were losing a lot of our students. I knew what I was talking about, but I didn't know how to describe it in educational terms. I didn't know what to give it as a label. But we were able to get it in, and we continued to meet and work on weekends. We had weekend conferences and to fully understand and build strategy.

Marcello: This was you and Truan?

Johnson: Truan and Lewis and a few other people around the state. Then there was a black group that organized and was called the "something" Leadership for the Black Children and the Youths of Texas. They were educators from across the state. I met with them, and we talked and we kept in constant contact, telephoning back and forth, meeting in conferences. I became a bit more knowledgeable about what I was doing and why I was doing certain things to accomplish the things that I thought a black child and other disadvantaged children needed.

We finally arrived at a strategic point at which we said, "We might not be able to get funding promised for everything in here, but if we can go for getting the formula adopted, then the next time around we will work toward getting it funded." We had some bottom line things, but we also recognized that we were dealing in a tough area. We probably would not get everything that we wanted and that was needed. We only wanted what we think is needed. We would try to do the very best we could. I have to do the best I can and then try to improve upon it. So we worked in that vein.

We were not totally defeated. We did visit with the governor a couple of times, and we did visit with all the leadership people. We visited with the chairman

of the committee. I don't think we lost completely, and we didn't win completely.

Marcello: Well, there is a pilot program concerning the weighted pupil approach in the public school finance bill that eventually came out. Now getting back to your own original bill again, how much did you address yourself to teachers salaries in your bill?

Johnson: Well, in the first bill that we put together we left it out, and then we talked about strategy and decided that we needed it in there. So we put the base salary at \$8,200 with a formula to increase it at regular intervals. That was acceptable to them. They were mainly interested in money, I mean, their whole focus was money, and so we just felt that if we put the money in there and addressed it to the money, at least they wouldn't fight the programs for the students.

Marcello: I think this disappointed a great many people because of the emphasis in the Legislature seemed to be upon teachers salaries rather than implementing the Rodriguez decision. Now, of course, the Rodriguez decision had more or less been thrown back into the hands of the State of Texas again, but obviously that is what you were trying to do there.

Johnson: We finally got to the point where we decided as a strategy, that if we couldn't truly address the problems that

the Rodriguez decision addressed, then we would try to make it so bad that we could go to court. We didn't do either one (chuckle). I guess we did more toward addressing it then we left ourselves in a position to go to court. We had pledged--and I was really very strongly committed--to just seeking the rule of court again. But it addressed it enough that it removed that possibility when the Legislature was over. Also, it self-destructs in two years, which means that we will be right back where we started come January '77.

Marcello: How much would your bill have cost?

Johnson: We had a discrepancy in figures, and we modified it. It would cost somewhere around \$1,000,000.

Marcello: How did that fit in with the governor's refusal to countenance any new taxes during this particular legislative session?

Johnson: Actually, I feel that it didn't cost that much more than the governor's plan because the structure that we had in it were methods of bringing the money in which would have really cost ultimately less in terms of how the money would have come in to finance public school education than what his bill would have. It was not impossible to finance that public school education bill if the Legislature wanted to do it. Because all you have to do is shift the money from somewhere else. We



started out ahead, and the money that had always been spoken of as surplus money was never surplus. Some of it was really the money that was not used for public school financing the last term. So that was sort of the reserve pot to start with, and he wanted to keep us in that reserve pot. But I thought it was an unfair and unrealistic kind of thing, though we stayed.

Marcello: You are referring to that budget surplus that existed at the very beginning of the legislative session?

Johnson: Yes. That was simply money . . . we just didn't finance public school education in the last session, and that money had been kind of set aside for it. And when you set aside something and don't use it, it's just there.

Marcello: In other words, your bill planned to use this surplus in order to finance this bill.

Johnson: That was the plan for all of us. That was the governor's plan; that was everybody's. Everybody's plan had had as their target that money. You see, that was the one way to easily get the money designated because it was undesignated, because it previously had been designated for education.

Marcello: But, of course, you no sooner started that session than that surplus was very quickly dissipated for salary raises for state employees and various other things.

Johnson: Right. But there are still the areas where we could have gotten the money. There were areas that could have been easily cut back without really hurting programs. I speak now specifically of higher education. The budget of the University of Texas could easily be cut, and we could get enough money out of that budget to finance public school education and not hurt the University of Texas with the kind of structure that they have to finance their school and the kind of endowment that they have. If we had had the people who were willing to take on the responsibility, we could have found the money. That was not the major issue.

Marcello: Okay, why don't we cut it off at this point and arrange another interview. I think we can finish off talking about this session in one more interview.

Johnson: Okay, that is good.

Oral History Collection

Representative Eddie Bernice Johnson

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Dallas, Texas

Date: December 1, 1975

Dr. Marcello: This is Ron Marcello interviewing Representative Eddie Bernice Johnson in order to get her reminiscences and experiences and impressions from the recent session of the Sixty-fourth Texas Legislature. The interview is taking place on December 1, 1975, in Dallas, Texas. This is a continuation of an interview that was originally started on September 10, 1975.

Now when we finished talking the last time, we had been discussing the public school finance bill and had completed our discussion of that particular topic. What I would like to do now is to go into another topic.

Let me just back up a minute. One of the things that we did not discuss the last time was the influence that the budget surplus, or the alleged budget surplus, had upon the conduct of the Legislature during this session. Do you remember that when you went into the Legislature, the comptroller had announced that it looked as though Texas was

going to have a sizeable budget surplus. How did this affect your thinking, your attitude, your conduct as a legislator when you went to Austin?

Johnson: Of course, I was never convinced that it was surplus. What I was aware of was that we had not financed public school education as we should have, and that was just perhaps some projected money that had not been used. I think it was more influential on persons who were not members of the Legislature than members of the Legislature. There were persons who were local officials who had offered many ideas how the money could be spent. But persons that were inside knew there would be ways of spending without getting new things. As soon as we arrived, there were emergency measures that we had to pass to finance areas of crisis, and the surplus was simply gone. We had never really had to consider the surplus as such.

Marcello: It went to take care of certain retirement benefits and things of that nature.

Johnson: Retirement benefits, utility bills. You know, utility bills had gone up quite a bit. Many institutions had difficulty meeting the bills because of the energy crisis. And there were education programs that had been extremely stripped because we had not passed the public school financing act in the last Legislature. So we had several

major emergency acts to pass right away in order to get the money in the areas of crisis. Of course, we did not really start with a so-called surplus.

Marcello: Well, I guess in a way a surplus is an embarrassing thing, is it not? In other words, when a government has a surplus of funds, that means that it has money that really should be out in the community being used by the citizens of the state. In other words, it is great to break even, but it is not necessarily good to have a surplus.

Johnson: Yes, I think that is one of the disadvantages of having a biennial Legislature. When we have to plan for two years hence, it is very difficult to do it. It is especially difficult when at the last minute you have a failure of a very, very important act, which was the public school financing act. You know, we had to wait two years in order to deal with it again. In the meantime we had both children and school districts and all suffering due to a lack of funds. So surpluses can only reflect, for the most part, inefficient government. We can never, and we will never, have a very efficient government in Texas until we get annual sessions or until we get a leader who is willing to address problems immediately as they come up. And right now we don't have either one.

Marcello: Are you saying, in effect, that because of the biennial sessions that one tends to be very, very conservative financially in terms of projected income and things of this nature?

Johnson: No, not necessarily. I think that we probably waste money by having no plan for two years in advance. But it is wasted in that it is probably not appropriated in the right areas. We probably don't appropriate well enough in certain areas, and we over-appropriate, perhaps, in other areas. It is just that when we over-appropriate in areas, it doesn't show up as clearly because there's always ways to spend the money. So it is not so that the money isn't spent; it is just that if we have the opportunity to look at what is going on in the state as things change on a national level, as inflation affects our everyday living, etc. If we would have a time every year to look at it, it certainly would be much more efficient planning than to be living in one year and then appropriating money not for that year but for the two years after that. That really provides for very inefficient government.

But I don't think that we have yet told our story well enough to the general public for them to understand that it will probably cost a lot less to run government when we can address the problems as they come up and

as we can see them as we look at present economy than trying to guess the future.

Marcello: Let's shift and talk about another topic that was rather important during the legislative session. I am referring now to constitutional revision. It is kind of a dead issue at this point, since the voters recently turned down the new constitution, but nevertheless it is interesting that the new constitution was very quickly approved by the Legislature during the session, whereas there was a tremendous amount of wrangling during the Constitutional Convention. How do you account for the swiftness in getting legislative approval for that constitution?

Johnson: Well, I think that a clear majority of the persons who were a part of the Sixty-fourth Legislature had been delegates to the convention, and they were fully aware of what was in the argument. They also knew what the "red herrings" were, and they knew what the problem areas were, and I think that after resting . . . because we did have to work under a great deal of strain in terms of time factors. After getting away from the situation and looking at what Texans wanted--returning home--we were more willing to remove some of the areas of great contention and strengthen perhaps some other areas.

Basically we had the same document, but I think

that probably the most revealing change was that we did not have separate submissions, and, of course, those were the very questionable provisions before. It was the separate submissions that really kept the document from being produced at the end of the convention and probably would be the factors that kept it from passing. I really feel that if we had produced a document perhaps at the end of the convention, then probably it would have passed.

Marcello: In other words, what you are saying, in effect, is that during the convention you voted on each one of the provisions of the new constitution individually.

Johnson: Yes, we did that as well during the convention, but there were separate submissions, the alternate issues, which was a side package during the convention. We had enough votes to vote for just a document, you know, the eight propositions that we had, but we needed to clear two-thirds. The House and Senate was together, but we had a number of persons that were not going to vote for anything. That makes a difference when you have both the upper and lower houses together and you are talking about two-thirds of that total body rather than separating the two and having it two-thirds in each one.

That is, number one, I think; number two, everyone



was more willing to complete the job, and they were very concerned about completing the job. I had been one of those persons who had voted against each proposition that contained those separate submissions in the convention. It was not because I didn't want a new constitution and not because I would not have voted for the body of the propositions even at that time . . . and I think that if we had one more period to bring forth the resolution that would have presented that only, it would have passed during the convention. But we could not get it done, so we have no way of determining whether it would have passed in retrospect. We feel that we had enough persons who had indicated that they would vote for just that. We only needed three votes as it was. I was certainly one of them, and I knew of several others who would have just voted for the document itself, and that would have been enough to bring it out. But since we could not get that motion recognized at the last minute, we had a failure.

When we went back this time, I think everyone, regardless of philosophical views, was for a constitution in any form. They were for working on completing a job that they felt was really kind of incomplete, and they felt that a good job had basically been done on the document by persons who were sensitive to the views of people because they were elected.

They had not been over-influenced by lobbyists. I think that is a misnomer. Lobbyists are not nearly as strong as what the general public thinks. They can easily be a scapegoat.

We wanted to produce a document, and the tone was different. The emotions were not as high because we had not just worked constantly on that one thing for several months that we had done previously. We had a chance to get away and look at it and think about it, and that is important. If we had had more time during the convention, I am certain that we could have recessed for two or three weeks, returned, and I think that things would have been different. I think that everyone would have been willing to give a little more, but as it was in that convention, we were under such pressure and we worked so many very long hours that we were not quite sure what all was in that document because each time that it went back into the Committee of Submission and Transition, there were a few little changes that were made. In documents that important, one little change can change the whole thing. So everyone was very, very tired, and they had polarized, and they were suspicious, and nobody was really that willing to trust all the last-minute little tinkering to make everything okay for a two-thirds majority.

I think that the whole objective somehow got lost in the process because it became, "Let's produce a document," rather than, "Let's do something where we get the votes," rather than looking at the total picture and taking time to see what the consequences might be in the document because it is a very far reaching document. I feel that that had a great deal to do with the outcome. A lot of people think that that was a very long time to work on a document, and it is. But it is not that long when you think in terms of it being a hundred years old and think about people coming together to completely redo it to last maybe another hundred years in a short period of time.

We first had to determine what was in the current one and then try to put something together that would preserve some portions of stability of what had gone to make this state pull together for all those years. In addition to that, they tried to address the current and future times. And that is not an easy task. It is a very serious task, and it ought to take some time. But people that are very long distances apart physically, philosophically, emotionally, and intellectually from the situation . . . it is hard for them to see that every minute was spent working.

Marcello: What sort of a reaction did you get from your constituents as a result of being in Austin so long, working on that document, and then not being able to pass one?

Johnson: Not near anything that I had expected. I was very surprised that even several weeks after coming home people were still saying, "Now when do we vote on this?" It really is very, very disappointing to realize how little people pay attention to what is happening in their government.

Marcello: I was going to ask how important this issue of constitutional revision would be in your district.

Johnson: I had several people from my district who asked to have explained what happened and why they didn't have one and that sort of thing. But a greater number didn't even know that we were supposed to produce one. I think that, generally speaking, overall that probably is the biggest letdown that I have had since being active in the elective scene. People don't care any further than their own individualized problems and most of the time do not even express their feelings even if they know. They do not express any concept that is broader than their home and car and street. That is very hard because it is very difficult to get forums where you can talk about the real impact of the overall government and how it affects them as individuals because they aren't going to come.

Marcello: If I interpret correctly what you are saying, constituents are more interested in bread-and-butter issues that directly affect them rather than something that perhaps is a little bit more abstract like the constitution.

Johnson: Yes. I would get up and talk about the constitution, and the first question would be, "When was the last time that you have been down to a prison unit and seen what is going on down there?" It is just that they want news that will give them something on the inside of what is going on. This is important, but it is not nearly as important as documents of that sort that are going to affect not only the prison system but everything else in our state, too. But it is very hard to get Texans in general interested on that level.

Marcello: I think that it is almost true in national politics as well because I think that we can talk foreign policy and things of this nature as much as we want, but people usually vote according to the state of the economy, I think, more than anything else in national elections.

But my original question was actually a leading one. I was wondering if constituents did voice enough dissatisfaction and that this in turn may have prompted legislators to vote for a new document and get it out of the Legislature as quickly as possible.

Johnson: That might have been the case in some areas. This did not become an issue in my district at all. I think that I felt

more of a personal commitment than of any encouragement that I had. I just absolutely had hardly any input. There is a paper in this general area that services Oak Cliff in general--The Oak Cliff Tribune--that ran several articles on it, but many of the constituents in my district don't even read that paper. So it was really very little reaction in my district on that. There was much more attention given to other problems and issues and concerns of a constitutional revision, they would just sit quietly until I finished, and then that first question would be on another subject for the most part.

Marcello: You mentioned something awhile ago, and this is a little off the subject. But you mentioned awhile ago that the lobby is not nearly so powerful as a lot of people imagine or think. This to me kind of reflects upon your education as a state legislator. I believe the last time we talked, you seemed to be . . . you yourself seemed to be perhaps a little more suspicious of lobbyists and the lobby in general than what your statement now is indicating.

Johnson: That is true because when I was campaigning one of the things that came up continually was how I was going to deal with the lobby, and, you know, what was I going to do about all the powerful lobbies. There was so much attention given to the lobbies that I became very highly

suspicious of lobbyists. In arriving there, I guess the whole first term I was so suspicious that actually the lobbyists that . . . there were probably many I had no contact with because I gave them a really cold acceptance, and I was eager to move on. I didn't really want to be bothered. And generally my attitude has not changed on that. It is just that it seems that . . . I have seen individuals where we have talked, and they have expressed what they think, what they believe, and they will talk about, you know, that this lobby's for this and this lobby's for that and what have you. But when it really comes down to a decision, it is not based on what a lobbyist tells them. It is what they want to do. And if they want to put it on that, that is a good excuse. That is a good way to rationalize it, I guess, if you are trying to put the responsibility for that decision on someone else. But basically, I see people making decisions based upon what they themselves think.

The lobbies can furnish a great deal of information. The information is going to be well-researched, and they usually tell you the truth. It is certainly going to be geared toward their point of view, and you recognize that right off. They would be stupid not for it to be. They can justify their stands quite well. And I have

asked many questions as to what positions they expect, and they know that very well. They will give you that information. So I think in terms of using them for informational sources, they can be very helpful. Even if you are suspicious of them, they can be very helpful. When you question some of the things that they are saying, if you asked them they'll tell you where to find that information. If you research it, you will find that for the most part they will tell you the truth from their point of view. If you challenge them on finding something else, sometimes they will have some rationale to try to rationalize it. But sometimes also they will simply say, "Well, yes, that is a good point, but we think that ours outweighs that." But I find them to be fairly decent people who are hired to do a job that they try to do well.

Marcello: Also, once the lobbyist does lie and is caught lying, his usefulness, I would assume, comes to an end.

Johnson: That is right. Because once the credibility of a lobbyist or a legislator is dampened or, you know, if it is scarred in any way, they can forget it. Because when they get up again, even if you have the same philosophical views, you tend to have very, very little respect for someone that has indicated something different than what the facts are, especially if it is discovered that he knows the difference. That does not go over well at all for



anybody. Whether people are for you or against you, they want to hear the truth. I think that if I had to pinpoint the thing that I think was most important, I think that that would be it. People want to feel that you are credible regardless of what your philosophical views are. I don't like or dislike people based upon their philosophical views. I might dislike or like their stand on that particular issue, but I have learned to respect and disrespect based upon the credibility of one.

Marcello: Okay, let's talk about a third topic that was of a great deal of interest and consumed a great deal of time in this recent legislative session. I am referring now to the establishment of a public utilities commission. Let me ask a very general question first of all. In your opinion, how much need was there in Texas for a public utilities commission?

Johnson: Well, you know, in my own feeble opinion, I think that there is very much of a need. I base it quite a bit on the fact that I think we are the only one of two states without a public utilities commission. Number two, we were in an energy crisis. Number three, utilities bills were soaring, and people were questioning what the possibilities were of them just being taken and what have you.

Well, I didn't know then, and I don't know now, whether the bills are fair. And I think that it is difficult for me

to know because it is not my field and I don't have the expertise. In my opinion, if we have a body of experts --I am not sure that we have that, but that was the intent anyway--they can look into the real facts, and we can determine that.

I realized before we even started talking about a utilities commission that it was a great possibility that nobody's utility bills would go down with one. There was also a great possibility that they would not go down without one. I am not so certain that I was ever convinced that it would have that much impact on what people would pay one way or the other. But I felt that whatever they paid, they would feel that it was much more of a valid kind of responsibility if they knew the facts and if they could trust that there was someone, a body of people and a staff, that could take complaints and where complaints could be investigated. They could then feel that they were on sound ground.

The other thing was that I felt that it would offer checks and balances. While it might not do very much of anything, it could at least oversee. And the mere fact that there is a "big brother" standing there watching, utility companies would perhaps be a little more responsible in their decisions. So I felt that in view of that fact, my opinion was definitely prejudiced in behalf of a utilities commission.

Now at this point I have no predictions as to what will happen with this commission. I don't know the persons who have been named to head the commission. But I have generally not been impressed with the governor's appointments. They seem to all be so politically tinged, and there are none that I consider to have been made based on expertise. I somehow have some real doubts as to whether these people will be as they should be. But I have no way of knowing. It is not fair to them to make that kind of assumption that maybe they won't. But I have been very distressed by the appointment policies of our governor.

Marcello: Of course, Briscoe originally had come out in opposition to a public utilities commission anyhow, did he not?

Johnson: Yes.

Marcello: And the same thing was also true for Billy Clayton. Originally, he came out in opposition to a public utilities bill. How did his opposition affect the passage of that bill through the committee and on the floor of the House?

Johnson: He had indicated that he was personally and philosophically opposed to one, but he would not fight it. If the majority of the members wanted one and had a bill, then he would not fight it. Now whether or not he fought it, I have no idea. Because it was overwhelmingly passed in the

House. The House passed a very strong utilities commission bill. The Senate passed one that was very oriented toward the industry. The conference committee tried to work out a pretty good compromise, and I guess it really was a pretty good compromise although it lacked a lot. The conference committee was pretty well-balanced from the House side, and . . . but it was not balanced in behalf of the vote that was expressed in the House because it was overwhelmingly passed in the House. We did have some "antis" and some questionable, you know, some kind of neutral bending type people on the conference committee. But it turned out pretty well.

I had been a part of an ad hoc group that we financed to do research and pull everything together, and we had a broad, broad spectrum of people. And generally speaking, I think that the people in this state wanted one because it was definitely reflected in their representation. It was really definitely wanted, I think, in the rural areas of this state. They have to deal with problems that we haven't seen yet in urban areas. We have rather efficient telephone service and electrical service, but that is not true throughout the state. And, of course, we have to deal also with the conglomerates, and then that is not necessarily true throughout the state. There are real problem areas where people have real cause for complaint,

and they were desperate for a change, and this it was reflected in their representation. We had a number of rural legislators who were in favor of it. Labor came out in favor of it . . . there were many different factions. The women's groups came out in favor of one. Then it clearly reflected a majority in the state.

Marcello: You mentioned that labor came out in favor of this bill. Near the end of the session when they were getting down to brass tacks on that public utilities bill, wasn't there a television program--I guess you would call it a television program--that was sponsored primarily by labor perhaps in order to convince the public that something needed to be done in the field of public utilities?

Johnson: I guess that was paid for by labor. I really don't remember. But I did take part in it, and I do know that they had a number of people that did. It was led by the lieutenant governor. We had statements by a cross-section of persons in the Senate, the House and the attorney general. I think that it did have some impact. As a matter of fact, it was probably that program, as I see it from my vantage point, that influenced the governor to lighten up on his "anti" stand. Because we all encouraged the persons to call the governor and the lieutenant governor. The calls really came in. So I think that it had a great deal to do with influencing them to lighten up on their opposition.

Marcello: I guess maybe the principal author of that bill in the House was Representative Wilson. I think that he put in quite a bit of time on that bill.

Johnson: Yes, and, of course, Representative Boone and Watson did a great deal of work on it. They were probably not as articulate as Representative Wilson. He was the one that was credited with bringing about that compromise in the conference committee, which is certainly an honorable thing on his part. But he had a great deal of help. He had a lot of good press going for him at that time. He was given a lot of credit. A lot of work had gone into it from a lot of people.

Marcello: I think those people also worked very, very closely with Senator Clower, did they not?

Johnson: Yes, yes. He was one of the originals with it, and he was really having hearings long before the ad hoc group came together. So there were a number of people. I guess like anything else there has to be one star, but he had a great deal of help, and very competent help.

Marcello: Let's talk about some other minor issues or those that perhaps didn't take so much of a legislator's time during this particular session. Higher education . . . what was the feeling of the state of higher education in the past session of the Legislature?

Johnson: Of course, in higher education it was the general feeling of those of us who are very, very interested in the smaller children that the over-weight and the imbalance of funding was very apparent. There is so much more money put into higher education than into public school education. I have a strong feeling, and I think that there are a number of people with strong feelings that if you don't get a good, strong foundation, then you can really have things completely out of proportion, and you also lose sight of the real educational process. Higher education has much more influence because I guess it is closer to the people that are there. They are closer to the age group of the college people and the college experience. They have much more clout within the body than the kids, of course, who need the original basic education.

Marcello: Of course, I would assume that the colleges lobby pretty heavily during a session.

Johnson: Yes, they do lobby heavily, and we don't have that much lobby in behalf of children. The teachers lobbied for their pay raises, but they didn't lobby for the children. You have a few school board members, but they are politicians as well. They are trying to make sure that their constituency is protected tax-wise, and there is really not a

a great deal of attention given to the needs of children by those persons.

The only people that I can clearly say, I think, worked very, very hard for the children were persons like the League of Women Voters, different independent education groups. But more or less they were the mothers or the parent-type groups who are working for public school education. There are no high-powered lobbyists. Naturally, children could not be there to lobby for themselves.

I was very angered and disappointed that the teachers didn't even look after the students. They wouldn't have jobs if they didn't have students to teach. Their whole focus was on their pay raise, and their comeback was, "Well, quality education rests with teachers, and unless they are well-paid, you won't have them." Of course, there are many more programs involved than just teachers. If you only had teacher salaries and nothing else, you would still be in a bad way in terms of education.

But I really think that higher education has been over-financed as compared to other things in this state. I just do not intend to bite my tongue about it. I simply think that we have put too much money on one end and not enough on the other. This is not to say necessarily that



they were over-financed, but I think that they get over their share of what we put into education.

Marcello: I think that it is also true that many legislators felt that from a physical standpoint higher education was over-built in the State of Texas. In other words, there were too many buildings and maybe even too many campuses. You know, at one time any town of any size had to have its college, and that seems to have changed, or at least I think that the attitudes of legislators is changing.

Johnson: Yes. You can't finance quality if you have spread it out everywhere. We really do need to focus in on what we have and how we can improve that. I feel very strongly about that, and I also understand why citizens in Dallas County are concerned about why we don't have state-supported law school. Because this is a very large metropolitan area not to have one, and I agree to that. I did not feel that we needed another medical school, although I voted for TWU's medical school because I thought that the reasons were valid and all the mail that I was getting from constituents wanted it. But I did not feel that it was financially right to have it.

I felt very much more strongly about having a school of osteopathic medicine because we did not have a state-supported one anywhere in the state, and I thought that

that was very important. I thought that it was important because we can depend on osteopathic medicine doctors to go into rural areas. They seem to do that more readily than others. They also remain in the state. We have many persons who come into our medical schools and leave the state. I know that we are short when it comes to doctors in the state, but we are not short on educating them. Also, we have not used the opportunities to us --like our foreign graduates, our home, native Texans who are forced to go into Mexico to go into medical school simply because they cannot get into a medical school here. It has been proven that they have a pretty good background, but it is almost impossible for them to come back and practice here. I just think that that is completely unnecessary in view of the need and in view of the quality of education that they are getting. So we did pass legislation in order to try to facilitate more opportunities for them.

I really think that it is very attractive to see all those buildings go up, and I am sure that each time another building is sprouted in Austin that the board of regents can look with pride and with their chests out. But I am not so certain how necessary it is for the quality of education. Of all the buildings we might

have there and with the kind of endowment that we have for the University of Texas at Austin, we ought to be an institution of higher learning of the very first class. But we aren't and we are losing ground. I think it's because we have completely lost focus of our education as such, and we are handling it all politically. You know, it is not going to work in terms of making it first class.

Marcello: When you say "handling it politically," what do you mean by that?

Johnson: Well, in terms of the leaders and the oppression under which some of the professors have to work. It is all still the old patriarchal type of establishment. I have not seen that work anywhere in institutions that are very widely known for their great educational facilities. There must be some trust given to persons who are heads of departments and some choices given them in choosing leaders.

Now whatever the rules, I have nothing against the present president, Ms. Rogers. But I do have strong feelings toward the procedure because I think that that very thing has set back the focus on education at the University of Texas for the next ten years. I think we will have professors learning, and I think we will have

professors that will loose interest, and we will have professors that will spend their time focusing on that when they would really rather be involved in other academic matters. So I think that anytime that you meet a very, very strong, strong area of resistance like that to get the focus away from what you are there for, you lose. You lose on statewide, nationwide basis on the focus of education. And for periods--and may be still--there were students who were demonstrating instead of concentrating on their studies. We don't have the best law school, and we ought to have one of the best in the country.

You know, all of the areas of . . . all of the educational areas could stand a good deal of improvement. We nowhere came up to the quality that we should in terms of the kind of money that is available. I really think that is unfortunate because we are a large state and we are a rich state. Our future and what happens to this state depends a great deal on the kind of education that we offer to our leaders, and obviously those students are our leaders. We only have to reflect and think about who our governors have been and where they attended college and who have been U.S. senators and who have been U.S. congressmen. The clear majority of these people, I think, are products of the University of Texas. If that school

is going to maintain that kind of leadership, certainly we need a very high quality of education being offered. We can only have the kind of leadership that we prepare.

Marcello: Let's talk about some of your personal legislation that you were interested in during this past session. What personal bill of yours were you most satisfied with that got passed during this session?

Johnson: That got passed? Well, actually, I think that probably the two most important pieces of legislation that did pass as far as my interests have been concerned were the Child Care Licensing Act and the Interstate Compact. Now I was a House sponsor for Interstate Compact, and House author. But it was moving so slowly that I did go straight to the Senate and ask Senator Doggett if he would introduce it. So he introduced it long after I introduced mine, got it passed, and got it sent over to the House before I could get mine on the calendar. But it did pass, and I think that that was extremely important.

The Child Care Licensing, I was one of the major co-sponsors of, and we had been in that long interim study on child care. I felt very, very good about those two pieces of legislation passing. I certainly felt that our children needed that attention in our state, and I think that we have some protective measures now for them in terms of being placed in child care institutions.

In addition to that . . . a very personal piece of legislation that originated right from this very room is the protection of a person who serves on a jury. We had a situation where a woman was fired here, and it made lots of news, because she took off four days to serve on a jury. The district attorney was willing to do something about it, but he found that he had no grounds because there was no law against it. Only the public employees had that protection. There was no protection offered to those people who were working for independent business. So I did introduce that idea and got it formulated into a proposed law, and it passed. There is now a law to protect persons who serve on a jury as jurors.

Marcello: Awhile ago you mentioned the Interstate Compact. I am not familiar with that, and what is the background on it?

Johnson: The Interstate Compact for child placement has to do with agreements . . . it is a reciprocity thing among states. No state would be allowed to come in and place children within another state without first having the facilities investigated, having an agreement between persons who are in charge in both of those states to determine what the situation is with the child, determine the needs of the

child, and then determine whether or not the facilities that they want to place them in is one that is accredited and that they can offer all satisfactory care.

So it is really setting up standards for child placement across the state lines. We are hoping to get it passed in every state across the nation. We have been able to work with other states and influence its passage in those states where we had difficulty in child caring institutions before. Specifically, those states were Illinois and Louisiana that were involved in it the most. They have now passed it. And a number of other states--I think something like thirty to thirty-two or thirty-four states--have passed that act, and we are very pleased with this.

Marcello: Let's finish up the interview by talking about Governor Briscoe. How would you compare or contrast his performance during the Sixty-fourth session with what it had been during the Sixty-third session, which would have been the first one in which he served?

Johnson: You know, I have never been extremely impressed with him, but I was certainly more impressed with him during the first session. It was very clear to me that, in my opinion, he feels very secure with a four-year term, and I suppose he is not thinking about seeking another one afterwards. Because I have seen no leadership, no

no involvement, other than a personal kind of involvement in state government during this present tenure for which he has been elected.

I think that his appointments have been much more politically motivated. He has put fewer minorities, if that is possible, and fewer women in positions. He has really virtually ignored minorities in the state, and that includes both women, browns, and blacks.

He has really, I guess, ignored most things because we cannot find him; he is never there. He is hard to get to. Before, I couldn't say that. Each time that I asked to see him before, there was always the possibility of seeing him, and not having to wait so long. And now he is just sort of out. Nobody seems to be able to get a chance to see him.

He is very noncommittal. He did put his influence into the constitution. But I was able to predict that he was going to come out against it because I was trying to figure out how he was going to protect his pocket on the finance article and support the other ones without it being extremely obvious. So the obvious thing, I guess, for him to do was to come out against adopting the whole document. He angered a great number of legislators, and I think he knows that he ought not call a special session anytime just real soon.



I am extremely disappointed in his leadership as a governor, extremely disappointed. I am not sure that he makes any of his decisions. I know that everyone needs a staff, but I am not impressed with him as having done anything for himself. It seems to me that everything that is done is done by somebody else. I just do not see that as a leader, let alone a strong leader, so I am very disappointed in him as a governor.

Marcello: Well, Representative Johnson, I want to thank you for once again taking part in our oral history project. As usual, your comments have been very candid and most enlightening. It is a pleasure to have you working in the program once again.

Johnson: Well, thank you. I am going to read over that first one. I might go ahead and open it. I really don't think that it is that big of a deal. I guess that the longer that you stay there the less frightened you become. But anyway, I will take a look at it, and I will make a decision after that.