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O. H. Harris
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Oral History Collection
Senator O. H. "Ike" Harris

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Dr. Marcello: This is Ron Marcello interviewing Senator O. H. (Ike) Harris for the North Texas State University Oral History Collection. The interview is taking place in Dallas at Mr. Harris's office on November 5, 1969. Now, Senator Harris, since this is the first time that you have participated in our oral history program, I think it would, perhaps, be appropriate if you gave us a brief biographical sketch of your life.

Sen. Harris: I was born on June 5, 1932, in Denton, Texas. At the age of five we moved to Dallas, and I completed elementary and started secondary education here. My mother remarried and we moved to Pittsburg, Texas, where they still reside. I finished high school there in 1949. Then in that year I went to Kilgore Junior College for one year and transferred to North Texas. I received my degree there in 1954, which was a B.A. in political science.

Then I went into the service. I received my commission upon graduation in R.O.T.C. I went into the Air Force. I went through pilot training for a year and was an instructor

pilot for the balance of my tour of duty in the service. I was discharged in 1957.

I returned to Dallas and entered the S.M.U. Law School. I completed that in 1960. While I was at S.M.U., I was active in campus politics. I was president of the student body association and president of the student body at S.M.U.

My wife, Ann, from Fort Worth, the former Ann Landrum, and I married in 1955 while I was in the service and upon her completion of college in 1955. We were married when I went through law school.

Upon completion of law school, I went to work in the District Attorney's office, and Ann had our first child, Wynn. She is now eight. I worked there for about eighteen months and filed for the legislature on the Republican ticket in 1962. Since the District Attorney was a Democrat, I had to terminate my employment there and only then went into private practice.

I was elected to the legislature in '62 and sought re-election in '64. But as you will recall, '64 was not a very good Republican year, and I, along with a good many others, went down in defeat.

In 1966 I chose to run for the state senate, and this was after the reapportionment year of '65 which created senatorial districts within Dallas County. The one that was

in the eighth district in the northwest section of the county looked pretty good for the Republicans. Well, I ran and had a party primary that time against Horace Houston and then defeated him and took on a Democrat incumbent of about eighteen years, Senator Parkhouse. I was defeated in that race by 562 votes out of about 80,000 cast, three-tenths of one per cent.

Then he died in office in August of 1967, and I ran to fill his unexpired term that year. I was elected in November in the special election and then had to stand re-election in 1968 for a full four-year term in which I prevailed against Joe Moody in November of the general election, 1968. And along the line there, five years ago we had another little girl, Gillian.

Marcello: I might also add, or ask you at this time, when did you decide that you wanted to enter politics?

Harris: I have always had an inclination toward politics. When I was on the campus at North Texas, I was somewhat active in campus politics, to a lesser degree than I was when I was at S.M.U. I knew that I wanted to get involved in politics one way or another, and probably as a candidate, well before I did file the first time in 1962.

Marcello: Have you always been a Republican?

Harris: Yes. Even in East Texas, and that's not very easy. In 1954 upon completion of college when I was at home during the summer, the Republicans of my county were holding their

convention. Camp County, second smallest county in this state, is where Pittsburg is located. It was entitled to one alternate delegate to the Republican state convention in September of that year. Out of the four of us at our county convention, I was elected to be the alternate delegate to the Republican state convention in '54, and have been active in the Republican Party ever since.

Marcello: What committees do you serve on in the Senate?

Harris: I am vice-chairman of two committees, Federal Relations and Military and Veteran Affairs. The biggest and most active committee I'm on is the Senate Finance Committee which is concerned with the appropriations bill. I'm on four major business committees that affect Dallas County. That's Oil and Gas, Transportation, Insurance, and Banking. I'm also on the Water Committee.

Marcello: As you know, my primary duty here, of course, is to interview you with regard to the 61st Legislature. Now, most of the questions I'm going to present to you have to do with the budget, as you probably are well aware.

Harris: (Chuckle)

Marcello: So the first one I'd like to ask you is this: Did you favor the one-year or the two-year budget . . .

Harris: One-year.

Marcello: . . . and why?

Harris: I favored the one-year budget because we could get by without

any new taxes in 1969. At least, we knew we could for '69. As you'll recall, we had to up some of the fees at our state supported universities and colleges. We did some adjusting. We didn't spend as much money in '69 as the two-year appropriation's bill originally would have, and we postponed some of that spending to the second half of the biennial. We were in hopes that the comptroller's estimates historically have been conservative since the sales tax had gone in in 1961. It sounds good that it's conservative but in any particular year you have a major tax bill, it's bad because the tax bill is going to be that much higher than his estimate is conservative. That figure is going to be the same or roughly the same. Also, the Nixon administration has indicated and advocated and Congressman Bush from Houston has introduced legislation that will allow some form of tax sharing by the federal government with the state. We had hoped that this would come to pass so that additional money will be available in the '70's maybe not to prevent taxes in 1970, but lighten the load. I'm quick to tell you, too, that there is a very strong political consideration here, and it wasn't my desire to help out the Democrats, but by the same token I've got to get re-elected myself, and the feeling in 1969 of people in the state certainly wasn't in favor of **taxes, and** it may not be any better in 1970, but it wouldn't be any stronger against.

Marcello: Were you for or against raising the level of the state sales tax and why?

Harris: I was on the Senate conference committee that did most of the tax writing--five of us from the Senate and five from the House. I was the only Republican on that conference committee and was responsible and take responsibility for participating in writing most of the tax bills. Most of them didn't pass, and finally one did. But I shared that responsibility and did vote for a .25 per cent increase in the sales tax. My initial position in the Senate and on the conference committee was not to raise the sales tax this time.

Marcello: Were you for or against the inclusion of alcoholic beverages on this bill?

Harris: Oh, yes, I was definitely in favor of that because it's a tax on a luxury, and if one's willing to consume it, they should pay taxes on it. Then whiskey has a lot of hidden excise taxes we don't see, but still that is no reason why it shouldn't be on the sales tax because ultimately we're going to broaden the base in Texas, and the sales tax will include all items, and certainly when we go toward broadening the base, alcoholic beverages should be one of the first items.

Marcello: How potent was the beer lobby in campaigning against the inclusion of beer under the sales tax? I'm speaking in particular here, perhaps, of Homer Leonard, who is the chief lobbyist of the beer industry.

Harris: They were very effective in the House, not so in the Senate. We had the votes in the Senate to include beer and whiskey under the sales tax. The House was very effectively lobbied, regulated, controlled, whatever word you want to use, by the beer industry and particularly Homer Leonard, and his close association with Speaker of the House, Gus Mutscher. It is speculated, and I wouldn't be at all surprised to see it occur in the next couple or three years, that Gus Mutscher will take over Homer Leonard's job, because he does intend to retire.

Marcello: There is, then, a close alliance between Gus Mutscher and the beer lobby?

Harris: Extremely close.

Marcello: Were they more or less responsible for his election?

Harris: They went a long way in not only helping him get elected in his legislative district in Washington County, but also his election as Speaker, very instrumental in that campaign for Speaker.

Marcello: Were you for or against the inclusion of food under the sales tax and why?

Harris: I voted for it. I was one of the infamous fifteen in the Senate that voted to include groceries under the sales tax. There again, the broadening of the base of the sales tax is the avenue. Now, there are two other factors that didn't get a lot of publicity, but nevertheless, should have been included.

We broadened the base, also, to include beer and whiskey in that tax bill and got the private agreement of the five House conferees, as well as the Speaker of the House, that if we could pass it in the Senate, they would make every effort to pass it in the House. When the publicity got out overnight, they thwarted their efforts and they looked like the great bunch against it. It also reduced the rate from 3 to 2 1/2 per cent overall on all items. This I felt was a very attractive issue. But again we're going to have to broaden the base and keep the rate at a reasonable level in Texas, because the next avenue or source of income, and advocated largely by the liberal element in the Senate particularly, is some form of income tax, and I want to work with and thwart that as best I can.

Marcello: That was my next question. How close was the legislature in its past session to considering or passing the state income tax?

Harris: Well, the vote, in my judgment, the two trial votes we had on corporate income tax, are not reflective of the feeling because of the timing of it. In one instance, the liberal element did not give the necessary support to Barbara Jordan that she needed when she introduced the first amendment for including and creating the corporate income tax. It was the mechanics of the play. Now, I want you to understand I am glad that it did not pass and didn't get any more support

than it did, but looking at it politically and practically, the circumstances existing at the time apparently didn't necessitate their immediate support. I know that when it's a hard issue and the liberal element of the Senate is pushing strongly, they're going to have at least thirteen votes with the present makeup of the Senate, if they can keep in line. So you are getting dangerously close to the margin needed to pass some kind of income tax, at least in the Senate.

Marcello: Do you predict that at some future session we eventually will get a state income tax?

Harris: Oh, yes. I'm scared that we will. We may eventually have it. Again, I hope not. But if the speculation is correct that in 1971 the 62nd session of the legislature is going to be another major tax session, I think you can see, at least in the Senate, a major effort by the liberal element to put in some form of an income tax.

Marcello: What was your opinion of Senator Hall's compromise solution for the tax bill?

Harris: Let me explain to you, first, I wasn't all that excited about it. But let me explain to you that tax bills must arise in the House and come to the Senate, and because of the make up of the Senate we're obviously going to pass something completely different. The package, the accumulation of all these different sort of taxes into one bill, is passed out of committee and by the Senate for the purpose of then

sending it to the conference committee, the ten members--five in the House and five in the Senate--to work out these differences and come up with some alternate program or some program or package that will sell in both houses. So though he had what was called a compromise package and one that did pass the Senate, like all the other tax bills it was to get it to the conference committee to do the work. So there is not any real magic about this compromise.

Marcello: What role did the Republican legislators play in this tax struggle?

Harris: Well, as I told you a while ago, I was on the tax conference committee, and I felt that since the appropriations bill had been passed, the money was going to be spent. We made our efforts to cut spending within the committee structure and were, oh, for the most part unsuccessful. We may have managed to cut back a couple of places. But that was passed. It was out of the way. It was behind us. We had to balance the budget under our constitution. It was a responsible position to take in my judgment. So I set about working within the framework of the operation of things to have my say in writing, whatever form of tax bill. You can look around that Senate and see who else might have been on that conference committee and you wouldn't want them writing a tax bill for it. Plus the fact, and quite frankly, I like the involvement. I'm not just satisfied just sitting there

and voting. I want to be participating.

Marcello: Do you think the taxes were evenly divided between business and consumers in the final tax bill?

Harris: Let me answer your question properly in two ways. One is, within the publicity that came out in the form that the liberal element consistently talked about a balanced bill between consumers and business, yes. But I do not subscribe to their position at all. In my judgment they are all consumer taxes because the taxation that is placed on an item is figured in the cost of operation, and since the margin of profits of those industries is going to stay the same, the price of the commodity is going to go up. So they're all consumer taxes.

Marcello: Would you care to relate on any of the behind-the-scenes maneuvering that finally broke the impasse over the tax bill?

Harris: Oh, yes. Let's just go back there and give you the chronological order of events. Do you want it in some depth?

Marcello: Fine.

Harris: I am somewhat equipped to talk about it because I was there and served on it. I made several speeches about it since. The first bill that was passed by the House . . . it was just innocuous . . . no, nothing more than a caption really to get it out of the House and over to the Senate. Well, we then came right back and passed the governor's proposal. That sent it to the conference committee. We thought we had

something. After the meeting for the public and with the press, we then went back to Barnes' office and came to an agreement with the House that we thought could pass. And we came back to the floor of the Senate to propose this. And Senator Moore, chairman of the Senate conferees, made the motion that we accept the conference committee's report. Well, that conference committee's report is not amendable, but it is debatable. And they started debating it. When we walked out on the floor, Governor Barnes told me that we've got--was it twelve or thirteen votes? I forget. But we were two shy, as I recall, two or three. I said, "We better get those votes. We're going to take a few licks out here if we don't." And he said, "No, I can get them out here on the floor." Well, he mustered up one or two, but he never did get enough. As the debate was going on, word got around--you know, the body is just thirty-one, so word travels fast--word got around to some of the Senators that were supporting this tax bill, would vote for it, that we did not have the necessary votes. It was a hurry-up, too much of a hurry-up. I questioned Barnes's attitude about it when we took it to the floor for debate. But he said they could get the votes, so I didn't want to argue with him on that score. Well, once they saw we didn't have the votes, some of those that were for us began to drop off. And we dropped down. We got beat 22 to 8, as I recall.

Well, that left the House never having had to vote on a conference committee report. There again, they were the good guys and the Senate was the bad guys with a bad tax bill which we couldn't pass. So we regrouped and wrote another one and that's when we came up with the infamous tax bill that included groceries under the sales tax. That was debated and filibustered for a couple of days, finally passed in the Senate by a vote of 15 to 14 on an early Sunday morning, about twelve-thirty or one o'clock.

When it did pass, well, then, the House was committed to us--the conference committee, the Speaker, and his lieutenant were committed to the Senate and the Lt. Governor to get that passed in the House. Well, they had Sunday to go on and they could not muster the votes. As early as Monday morning when they just didn't have the votes. There again, everybody that said they'd vote for it backed off, and we got beat 144 to nothing. (Chuckle) So that was a slap in the face.

A second special session came along then, so it's a new game. The House had to start over with another bill, had to come to the Senate. Remember that we held hearings in the Senate on Labor Day. Then the bill was finally passed in the Senate. The conference committee went back to work, and we did then come up with a bill that was finally passed. We went the bill down to the legislature. The first bill

that was passed in the Senate, brought to the Senate for debate, was sent to the Legislative Council to change some wording that we didn't like in the House bill. Well, when it came back up for debate the same wording had been put back in. Well, Senator Moore, who sponsored that bill, was left with an egg on his face.

If we would have sat down and read it, we wouldn't have had that problem, and we could have also worked on the vote and could have been sure we had everyone before we went out there. That was not done and we then began to do it and the bill was finally passed. I would not sign the conference committee report until we got Hawthorne Phillips of the Attorney General's office, as well as Jim McGrew of the Texas Research League to come and sit down, not only just to read the bill, but to compare it with existing tax laws and the statutes that now exist, before I'd sign it to take it out there for debate. We were late that night getting it done. As a matter of fact, the House wouldn't even consider it until the next morning, because it was so late and that was my fault, but I wasn't going to be out there in a position of defending something I didn't know was in there.

Marcello: What responsibilities must Ben Barnes bear for the impasse over the revenue bill?

Harris: He had a lot of responsibility, just by the nature of things. Our way, the way we operate, the Speaker and the Lt. Governor

have a large say-so in the conference committee on both appropriations and taxes. Well, in one instance he tried to back off of the involvement of putting groceries on the sales tax. It made all fifteen of us mad because we had gone to bat and worked with him to muster up the votes and we were taking the blame, too, and he wanted to back off. Well, fourteen of those fifteen votes told him privately they were unhappy with him. I happened to be the only one that voiced it to the newspaper and it made up for the coverage as to his involvement. He was for it, he helped us work for it, and sure it became an unpopular bill, but once you support something and then try to weasel out of it, you are in more trouble than you were before.

Marcello: Do you think he provided the leadership that was necessary in this particular legislative session? How would you assess his year as Lt. Governor and President of the Senate?

Harris: I think, and not that I want to be charitable to Governor Barnes, but I think he did a more adequate job than I would have cared for him to do, based on a purely political approach, but leadership did break down from time to time. Things just got out of hand, and he had to go back to his lieutenants in the Senate to get them mustered up again, and they deserve responsibility there, and they deserve a great deal of credit for getting Barnes out of three or four problems. Then when he comes along and backs out of

placing groceries under the sales tax, says he was not involved, if the session had lasted much longer, he would have been in serious trouble with the Senate, because it's not the way to win friends and influence fifteen people that you're going to need on any issue if you're going to back off it.

Marcello: How much credit do you give to the so-called taxpayer's revolt?

Harris: In the most recent Belden poll done that was in Dallas Morning News, I believe, Sunday, is anywhere near accurate, then the revolt was dying out, because people are seemingly not that concerned about taxes now as they were at the time. I think the revolt not only came because of increased taxes, which, yes, has been a tough year to pass them, but just look at the tax bill in the state and the portion we pay for state services as opposed to the federal government. If you want to revolt against something, revolt against what's going on in Washington. Certainly our city of Dallas here raised the evaluation to twenty something cents.

Let me go back. Groceries under the sales tax would also have broadened the base of the city sales tax, and the city fathers came to Austin in favor of that bill, and they wanted it passed because there would have been additional revenue. They told us they would not raise the rate of ad valorem tax if that would pass. That was another reason for supporting it--to keep that ad valorem. Excuse me, I got off on . . .

Marcello: . . . the taxpayer's revolt.

Harris: . . . the taxpayer's revolt. Because we'd been there awhile, we wallowed around collectively, the legislature generally had wallowed around. Again, that bill we took out for debate and couldn't get the votes, well, that looked bad. Well, what do you do? We're not doing anything worthwhile regardless of whether it's taxes or not. Then the fight occurs over in the House, and this gives the legislature, the state government, a black eye. These kind of things all accumulated into one is what caused the taxpayer's revolt.

Marcello: How do you think all the bickering so prevalent in the 61st Legislature affected the stature of that body among the voters?

Harris: It decreased considerably. I, as a Republican, can enjoy it from the standpoint of partisan politics. But as a citizen and as a member of that legislature, I, along with all the rest, received a black eye, and I, for one, am disappointed in the activity of the Texas Legislature and its inability to conduct its affairs, first, openly to the public, but in some gentlemanly manner.

Marcello: Do you think the failure of the voters to approve the referendum calling for increased legislative salaries was indicative of their disenchantment of the legislature?

Harris: No question about it. That's one of the reasons. I think most would be willing to raise our salaries if we were going to be working longer in annual sessions, that sort of thing.

But the climate and the atmosphere politically was just such that people were just not interested at that time, and they were a little bit disappointed in our activity.

Marcello: Perhaps you're not qualified to answer my next question, but I'll ask it anyhow. Some of observers have stated that the present House of Representatives was the most irresponsible one in modern times. Do you agree or disagree with this statement?

Harris: Well, as you say, to some degree, I'm not qualified. Only as an observer and, of course, from dealing with them, there were a good many reasons to say they were irresponsible, and I can think of instances that occurred over the period of time. Leadership problems were really significant in the House during the regular session before we ever got to taxes. They don't function very well or very smoothly. One of the silly little things they did, for example, was that every Senate bill that was passed and sent over to the House for consideration, if it got there before the House bill had come up for debate in the House, they would put our Senate bill back in the committee and let the House bill come out and debate it, and that would be the one that would pass. This is, you know, petty, and there are examples of some of this activity over there. Whether it's the most irresponsible one in history, I don't know. I served in this one session in 1963, and I think the leadership was a little stronger

then, relatively, not a lot, but some.

Marcello: When you're speaking about the leadership, I assume you're referring to Gus Mutscher in particular.

Harris: Yes, and for example, one time he made a statement at the conference committee meeting. We had a chairman of a major committee vote against the tax bill supported by the Lt. Governor, one of the Lt. Governor's major lieutenants, chairman of the Finance Subcommittee, Dean Aiken from Paris, who voted against it. Gus Mutscher stood in Barnes' office and told us at the conference committee, "It just wouldn't happen that one of my major committee chairmen would vote against me." Well, sure enough, the chairman of the State Affairs Committee, which is the major committee in the House, voted against this tax bill and left him in the lurch. He could not keep his people in line, as you know, and this is part of the game, the way they operate, is to keep them in line.

Marcello: Why do you believe the voters defeated the constitutional amendment which called for annual sessions of the state legislature?

Harris: They felt it would have increased the cost of operation, more money, and also the thing I mentioned a while ago--if we worked longer they might be willing to give us a pay raise, and they didn't want to do that. The climate at that time was just sort of against it, and there was no major campaign to get it passed. The lobby, generally the business lobby

interests in this state, did not want us to meet annually.

They like it the way it is.

Marcello: Were you in favor of the annual sessions?

Harris: Yes.

Marcello: For what reasons?

Harris: I think that for no other, and, of course, this is the way the legislature is run, that if we were to meet on even number years it would be to consider fiscal matters, and I think you can budget better. This is another reason that I was for the one-year appropriations. You can budget better on an annual basis. You can forecast your costs and revise them every year, and your major corporations do it.

Marcello: Do you think the news media has thoroughly covered the proceedings of the 61st Legislature?

Harris: For the most part, yes. There were a couple of instances where I was disappointed that they did not give us adequate coverage. I mentioned one, and that is what the tax bill that included groceries on the sales tax, what else it did was seldom, if ever, mentioned in the news media and got little or no attention from the press generally. Also, the things that were more catchy to the public, they tended to play up really more significantly than they really are.

Marcello: How would you assess Governor Smith's performance during his first year in office?

Harris: Very poorly, and let me give you some background there. I

was interviewed as were all other members of the legislature, certainly from Dallas, before the session started, and I made the observation to Dick Moorehead of the Austin bureau of the Dallas News that I thought Preston Smith would have at the end of his term or terms a better track record, productivity, than Connally did in his three terms and the reason being that Connally never could work with the legislature. I only served one term under his reign as well as one special session in 1968. But he never came to the Senate. He never came to the House. Any member of the House or Senate, no matter whether it was one of his men or his lieutenants who was working on a program, they would have to sit out in the reception room and cool their heels. He just did not have a rapport, and he had never served in a legislature. Now, Smith had. He had several years in the House and six years, I believe, in the Senate, and then presided over the Senate for six years. Thus, I thought that he'd have some rapport with the members of the House and Senate, and he did, but he never exercised it. He threw out a program and said, "There, now go pass it." And when it wasn't passed, and when asked by the press he'd say, "Well, whatever the legislature wants to do . . ." He made exercise of no leadership in getting any of his programs passed. One of his tax bills never did even get a sponsor in the House. They couldn't find one man out of 150 that would even offer the bill.

Marcello: Would you say that the description of him as a "legislator's governor," was perhaps true in that he barely lifted a hand in the course of budget and tax planning?

Harris: He lifted no hand at all. He just said, "Pass a tax bill and I'll sign it." He didn't really care what it was and had agreed, incidentally, to sign the one that included groceries under the sales tax and said he would work with certain House members to get it passed on that Sunday that we had the waiting period. To say he's a legislator's governor, yes, from the standpoint that he left our business up to us, but no, and I think more importantly no, in that he exercised no leadership as governor in working with the House and the Senate which he needed to do. It's a cumulative group.

Marcello: What type of relationship exists between Ben Barnes and Preston Smith?

Harris: Very poorly, very poor one. They are at odds politically, and now it seems as of this date that he may well run against Governor Smith and that's going to further sever it. The background there is the lack of relationship or rapport between Governor Connally and then Lt. Governor Smith. It never was good, and Barnes was in the House for a while and then Speaker, and he sided with Connally at all times, and this caused the severance of the relationship there, and it still exists.

Marcello: Also, I guess you really can say that Smith is not a part of

the "establishment," whatever that is.

Harris: True, I think he's not bucked the establishment; he's just not been accepted or endorsed by it, but he won notwithstanding their efforts against him. Now that was in the Democratic primary of '68. Of course, they were with him and against the Republicans in the general election in '68. So he's not with them or against them, and there are certain ones he has good relations with and certain ones he doesn't. Let me give you an example there. Frank Erwin, chairman of the Board of Regents of the university system, was reappointed by Connally just before he went out of office. This, to some degree, ired Smith. But Smith has lost sight in my judgment of what occurred in late '67, when the establishment had a meeting at the ranch, Connally's ranch, to decide who their candidate for governor was going to be. And they then got behind Gene Locke. Well, there were just two or three men at that group that said, "No, you've made a mistake. You've got to go with Preston Smith." Well, Frank Erwin was one of them, and he was out on a limb for Preston against his friends in the establishment. And Smith never has seemed to recognize that fact too much, and his relationship with Erwin, as I understand it, is not what it should be.

Marcello: What do you believe are Ben Barnes' future political plans?

Harris: He wants to go absolutely as far as he can which is the ascendancy of the throne. (Chuckle) He wants to be

President of the United States in my opinion. He feels, though he's never voiced this specifically to me, but in conversations with him and, well, Chairman Erwin, who is one of his close advisors, I get the feeling that they think the best avenue, and I would agree, is through the Senate of the United States, and perhaps something like happened to Lyndon Johnson. He's been compared with another Lyndon Johnson. But this is an avenue that is available to a senator from Texas that's not if you're a senator from New York or Illinois or Ohio, or a state of that nature. He probably will have to be a young dynamic senator in order to get the southern vote, a little more conservative than the eastern establishment. Get him on the ticket as a V.P., an attractive young man that's done something in two, four, six years in the Senate. Get him on the Democratic ticket. And this is just my speculation, but I gather this is sort of his attitude, and then move on to the presidency through the vice president's route.

Marcello: I assume then that you believe that he will not challenge Preston Smith?

Harris: This time?

Marcello: Right.

Harris: I think he will, but that's only to move. That's for another reason, only to move. Because of his age he's got time later to get in the Senate. It's not a good situation

for him to get in the Senate at this time against Yarborough. It would split up the Democratic Party seriously. He probably couldn't win it, and that would be a major set-back to his political future. 1972 is the next opportunity against Senator Tower, and that's not going to be any easy task. Though he's popular, he's not as popular as Tower in this state. I think Tower would beat him.

Marcello: You do not believe that he could beat Yarborough?

Harris: It would be a toss-up. I think, in my judgment at this time, if he chose to run against Yarborough that he could beat him. But it would so split the Democratic Party that if a man of the magnitude and notoriety of Congressman Bush was in the race in the general election, Bush may well beat Barnes. This would be worse still to his political future by being beaten by a Republican. (Chuckle)

Marcello: (Chuckle) Also it seems to me that perhaps even if he were to defeat Yarborough, he would be going to the Senate as a southerner who had defeated one of the few liberal southern Democratic senators and would subsequently probably have a little influence in Democratic circles.

Harris: Initially it would hurt him. It would cause him problems with his Democrat colleagues from the eastern part of the state--the more liberal areas of the Democrat Party. These can be off-set. Whether or not he's equipped to off-set them under the circumstances that would exist would, of course,

remain to be seen.

Marcello: Do you think Barnes' conduct in the 61st Legislature gave any indication of his future political plans?

Harris: Yes. In the regular session it certainly did, because at the conclusion of that session in early June I'm convinced in my mind, and from talking to some of his close associates, that he had made up his mind to run against Ralph Yarborough in the Democratic primary in 1970. But then the outcome of the special session has changed his attitude, and most recent polls are causing him to change direction. You see, one of his problems in the Senate is the close balance between the liberals and the conservatives and a few moderates that swing things. Those liberals have been with him and allied themselves with him on a good many issues and campaigns and certainly don't want him to take on their champion, Ralph Yarborough. They are discouraging him from it, talking in terms of revolt and one thing and another.

Marcello: Getting back to the activities of the legislature, what was your position with regard to the social welfare legislation passed by the 61st?

Harris: The major social welfare legislation that got the most notoriety was that constitutional amendment that upped the amounts that could be paid for welfare. And I opposed that. I opposed it because there is no effort in the Texas Legislature, and has not been for years, to take a look at our

welfare system and see if it is functioning properly--not economically, but if it's doing the job it's supposed to be doing. I, for one, believe it is not. But they always turn, though they talk about other changes that should be made, they always turn back to adding more money. And until you stop that approach you'll never have any significant changes. We had a change in mental health and mental retardation. Just spent some money not on building institutions but diverting some of that money to these community programs where they can work with mentally retarded children right in the local area. We have a pretty good set-up beginning in Parkland. But we have a strong effort on behalf of the people involved in mental health and mental retardation to continue to build more buildings, to institutionalize the mentally retarded. Yes, they're full now, but you can solve that problem by local community work in my judgment and more economically and get better results. I think the same application could be made in welfare. More local participation, more local programs such as day care for children as opposed to giving the mother money ahead to keep them so she can go on to work and things of this sort.

Marcello: Were you in favor of raising the state minimum wage?

Harris: No, I voted against the raise in the state minimum wage. It was primarily to affect southern regions of this state in the bracero and the Chicano areas in South Texas and establish

some sort minimum wage. I think that industry in that area, whether it be the citrus business and the fruit pickers or what, the industry generally in that area of the state has not met its responsibility. I was critical of it, and still am, of their position. In other words, they brought it on themselves by not acting before. When the legislation comes forward then they start reacting. Well, this is the wrong approach. You've got to realize the facts exist and move forward, and they chose not to. But I did not feel that I should support it because for one thing it did not affect this area, and I'm basically not in favor of minimum wage, governmental control of minimum wage.

Marcello: Why?

Harris: (Chuckle) I feel rather strongly that if they can set a minimum, the government, they can also set a maximum. It's a power that the government is not entitled to have. If I go to work for you, you and I arrive at an agreement, either contractually in writing or orally, to be paid a certain amount, and I'll do certain things in return. Well, if you don't pay me, I can breach that contract and quit. If I do not perform the services that I agreed to do for a certain amount of money, then you can fire me. It's government involving itself in a contract between two individuals.

Marcello: Were you in favor of a bill to establish a branch of the University of Texas at Dallas?

Harris: Yes.

Marcello: For what reasons?

Harris: For two reasons: The main thing we wanted to capture and capitalize was this gift from the Southwest Center for Advanced Studies and the facilities they have and the donations of the land and the support of the people involved. Economically it would be a major asset. It gives an advanced degree granting in the highly specialized scientific areas, not in conflict with the other colleges and universities in this area, contrary to some of the problems I got myself into in this session over this issue, as you recall. This is the way I envisioned it, the way it was explained to me, the design, the programs, what the University of Texas system has in mind, and the direction they want to take. But reason two is we find ourselves in somewhat of a dilemma, because all of the authorities that we can talk to around the country say that you cannot have a quality advanced degree granting program without a strong or a supporting undergraduate program. This became a conflict, but in determining what sort of conflict it was going to be, it turned out not to be one at all, because of when that undergraduate program will get under way, and also by that time the growth of the population in this area is going to necessitate additional facilities, notwithstanding the fact that we do have other state-supported colleges and universities in the area. There are going to be

plenty of bodies to fill up these colleges as fast as those people can build the buildings, just as they built the University of Texas at Dallas.

Marcello: Were you in favor of the establishment of four-year colleges in other areas of the state? I think there was one in Odessa.

Harris: I voted for that one.

Marcello: I think there was one in Corpus Christi and San Antonio.

Harris: I opposed the one in Corpus and the one in San Antonio.

Marcello: Why did you oppose those two?

Harris: Based on the need. Let me give you an overriding or underlying, however you choose to use the description, problem. Connally, under his administration started a program that would ride to what he called "excellence in higher education," and he made some headway. He put into effect, the legislature did, significant changes that were heading in that direction, the Coordinating Board, the University system, and the A & M System, and the College System, and the Coordinating Board coordinating the activities, as well as the Junior College System. Well, when you start, little by little, we have gone back to where we were, separate board of regents for our state-supported schools, which initially was taken away, that can manage the curriculum. For example, there is no point in having a masters or Ph.D. at the University of Texas at Arlington and North Texas in studying of history. I use that as an example because of the close proximity and anyone that

wants to get a Ph.D. in history . . . there is probably not a need for more than two around the state, so put them where the nucleus is. Well, it needs to be coordinated, and these are the activities as the Coordinating Board has envisioned. Then, the creation of new policies reduces the amount of money that's available. It spreads it out too thin to achieve any degree of excellence in higher education. In the Corpus Christi area, I didn't think we had the population need for it. We've got Texas A & I thirty-two miles away. San Antonio has . . . up at San Marcos there's a state-supported college and at Austin, the major university in this state under the system. We have several private schools in San Antonio: Trinity and Saint Edwards. The need was not there.

Marcello: Why do you feel that the 3.5 billion dollar Texas water plan was defeated by the voters?

Harris: It cost too much money. People were revolting at the polls over money, bond programs in their cities and counties around the state.

Marcello: Were you for or against this plan?

Harris: I was for it initially, and then I changed my attitude, because I was on that water committee. We were assured, oddly enough by the Attorney General's office, among others, that these were general revenue bonds, not general obligation bonds, and that the user paid. Ultimately, if some plan

went into effect, the user would pay. Well, about a week or ten days before the election the Attorney General ruled that they were general obligation bonds and tax dollars could be used to retire them. Well, that was misinformation that was given to us initially. That's why I just got out. That information got out that they were general obligation bonds.

Marcello: Another issue which was of some interest to certain Dallas senators was the one involving the abuse by vending machine companies with regard to their relationship with tavern owners. Would you care to elaborate on this? Do you think such an abuse exists or is serious?

Harris: My experience with them comes from my days in the District Attorney's office and from practicing law in Dallas, not being in the legislature. Thus, I've had contacts both in the District Attorney's office and on the other side, defending in some instances criminal cases, further representing some people in the vending machine business. My experience has been this: that what caused the flare up and the cry for legislation was the bickering going on between some within the industry and the blowing up of a place out here in the east side of town. This was criminal involvement that we have adequate penalties to cover once they are discovered. They were fighting over a ban. Now we've had problems in the past where one vending machine company was taken out of a place of business and another put in, and they get mad and

do damage and this sort of thing. There are plenty of adequate criminal laws to solve this problem. Now, to this issue of the participation in the ownership of a lounge or any place of business when the vending company holds the mortgage on the business, the place, or some of the facilities, or fixtures within the business, it's common practice, and that in itself is not bad. Now again the abuse between the vending machine company and that one owner might be a bad situation, but he's got his civil remedies there. Two is that a significant number of these vending machine companies own or participate in ownership of a lot of lounges or bars or taverns or clubs, and you'll find that for every one that they may be making some money off of, they are losing some money in that area. But if they close them up and let them go, that means their fixtures are inoperative. They are of no value to them. They are losing still more by closing them up. So they maintain them and keep them open at a loss, but not as much a loss as when they'll just shut them down.

Marcello: I'll ask you the old "bugaboo" question here. Do you think there is any Mafia influence involved in these vending machine operations in Dallas?

Harris: I don't think so. Now I'll tell you I've not discussed this with the Dallas police department anywhere in the near past, but I have sometime back in the days of the District Attorney's office, and they're not particularly concerned. Now some of

the activities are much like Mafia tactics, perhaps, a poorly organized Mafia or an unsophisticated Mafia. If it is it's very limited.

Marcello: Do you feel that adequate legislation was passed to deal with the student unrest on the state campuses during this past session?

Harris: Oh, that one bill that we did pass was primarily for a publicity factor, to get somebody some notoriety. It's one of those situations, too, where you can hardly be against that.

Marcello: What are your own feelings with regard to the current unrest among college students?

Harris: Well, I don't want to get too harsh, but I do feel very strongly about it, and I'll just relate back to my college undergraduate days, particularly, and too, when I was at S.M.U. Back in my single days and on the campus at North Texas, my attitude was trying to work within the framework of things and get along. Go to class, and learn something, and pass and get out of there. I had a little different attitude when I was in S.M.U. because I was then married and older and had been in the service. As president of the student body, I did attempt on one occasion, not a major one, to buck the administration and the Board of Trustees, unsuccessfully I might add. But now in retrospect I have better appreciation for their position. Though I thought I was right at the time, I have a better understanding of why they didn't think I was.

I am kind of like Frank Erwin in that if they were demonstrating against trees or cutting down a tree, or demonstrating about whatever it is they are demonstrating against, they've got a lot of free time on their hands that they ought to be doing something productive, like going to class and studying. To use the campus for a political forum, as such groups as S.D.S. and Student Non-Violent Coordinating Committee have been doing, as a forum to generate unrest among the students is very much out of place in our college campuses today.

Marcello: Do you have any feelings with regard to the Caroline case at the University of Texas? This is the case whereby the professor was dismissed or terminated because he advocated some form of revolution.

Harris: I think in retrospect that though I wanted him fired at the time, in retrospect I think that the Board of Regents probably did the proper thing, because he was not dismissed. They let his contract run out. They were faced with a dilemma that they would lose accreditation, because these associations have certain policies as far as dismissing faculty members, within the framework of academic freedom. The question arises as to whether you need that accreditation, and this board determined that they did. That's a state-supported university. Our tax dollars support that. The legislature controls all of our state-supported colleges,

but we cannot be bothered with (I think that to be a bad choice of words) we cannot be involved with the daily activity of a college, whether it be the University of Texas at Arlington, North Texas, or the University of Texas. Speaking for the legislature itself, we cannot be involved in that operation, so we turn it over legally by statutes and create a board of regents with the idea that they operate the college for us. This is their responsibility, and they are directly responsible to the legislature, and it is in effect an arm of the legislature, a body that we hired to run that college. Whatever policies they lay down, if we're not satisfied with them, then we can see to it that they're not reappointed or get them out or some way or another within the legislative legal framework.

Marcello: More or less in conclusion, are there any pieces of legislation which you sponsored during the last session that you would like to talk about at this time, that you feel rather strongly about?

Harris: No. This was the first regular session I served in. My attitude as being a first term regular session senator was to work with the other senators and house members from Dallas for programs that we were specifically interested in, that would affect just Dallas County or generally the North Texas area, the University of Texas at Dallas. I lent my support there and was co-sponsor of almost all of these.

(A couple I wasn't in favor of that were a matter of insignificance.) I took the position initially that I'd better work in this direction and get my feet on the ground, work with the other members of the Senate from around the state, work on committees, participate at that level, and learn and understand the operation of the Senate, as well as trying to create the impression that I was there on the job, responsible, and willing to work with them and help. My attitude will be different in 1971. I'll have a four year term and I will be back. I do have plans to introduce some significant legislation which will affect the state generally.

Marcello: There's something which I omitted to ask you earlier and I'd better ask you at this time. How exactly would you describe your position on the political spectrum: liberal, conservative, moderate?

Harris: Oh, generally out of those three choices you gave me, I'm a conservative, and I'm not trying to weasel, because basically my position is conservative. But in the framework I would describe in this way, I suppose, to be a little more definite. We have the middle of the political spectrum, and most folks who fall just a little bit on either side, are referred to as moderates. The guy who moves onto the left is considered liberal and the guy onto the right is considered conservative. From the middle of that spectrum to the far right wing-anarchy-- I'm somewhere in the middle. I'm that conservative, that good

straight-line conservative doctrinaire, as we know it generally within the ideology of today's thinking.

Marcello: In conclusion then, how would you assess the performance of the 61st Legislature?

Harris: Not very good at all, not only because of the problems we've already discussed that occurred around fiscal matters, but you've heard it before, you heard it in 1968, and you're going to hear it again in 1970, and if things stay basically the same as they are now, you'll hear it in campaigns from now on. The Democratic candidate for the major offices--Governor, Lt. Governor, Attorney General, the man running for Speaker--before and during the campaign, after and during the session, they're going to be advocating constitutional revisions, something that must be done in this state. They're going to be advocating better quality elementary and secondary education, pointing out how terrible it is that Texas is thirty-eighth in the nation. They're going to say we need more and better quality and achieve some degree of excellence in higher education, even major issues that need our attention. Then they turn right around and do nothing about it and correct it, then they've lost their issues for the next campaign. Not one item of the governor's committee report on elementary and secondary education was implemented in the 61st session. We went against the grain of achieving some excellence in higher education in my opinion. We turned little or no

attention to constitutional revisions . . . unproductive
on the major issues.