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Interview with
Oscar Mauzy
June 23, 1971

Place of Interview: Dallas, Texas
Interviewer: Dr. Ronald E. Marcello
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Oral History Collection

Senator Oscar V. Mauzy

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Dr. Marcello: This is Ron Marcello interviewing Senator Oscar Mauzy for the North Texas State University Oral History Collection. The interview is taking place on June 23, 1971, in Dallas, Texas. I'm interviewing Senator Mauzy in order to get his reminiscences, his experiences, and his impressions of the regular and special sessions of the Sixty-second Texas State Legislature. Senator Mauzy, I've decided to conduct this interview in a topical sense, and I thought that first of all we would start off by talking about the efforts made to raise revenue by . . . well, first by the governor, I suppose. Governor Smith made a couple of revenue proposals first of all. His first plan, of course, called for deficit financing, did it not--the borrowing of . . . or the issuing of bonds?

Senator Mauzy: So far as I can determine, for the first time in American history the governor of a state recommended that current operating expenses be paid for on a bond issue basis. Now, there's nothing new or novel about bonds being issued for capital improvements. Every city, every county, every local government, every state government has been doing it for many, many years, and there's nothing wrong with that. But so far as I can determine, it's the first time anybody's suggested

it as the day to day operational cost of government be borne by a bond program. Of course, he never got off the ground with it. I think that approach got twenty-four or twenty-five votes in the House.

Marcello: It was practically laughed out of the House, I think, was it not?

Mauzy: I wasn't there that day that they voted on it, but they tell me Jumbo Atwell introduced it and got it out of committee just so the House could vote on it. And as I remember it only got twenty-four, maybe twenty-five votes.

Marcello: Well, apparently he pulled it on the House and, well, the whole Legislature I suppose, without very much warning. Apparently he'd taken most people back when he proposed that. What do you think his motive was in proposing it?

Mauzy: I'm not sure I'm a very good judge of Governor Smith's intentions or motives; I'm rather prejudiced on this subject. But it struck me as being another typical Preston Smith-- Bob Bullock approach. Bob Bullock is a former member of the House, the former law partner of Byron Tunnel, who works for Governor Smith. He's supposed to be his lawyer. And they both need a great deal of help in that regard.

Marcello: Is this Bullock a close confidant of Smith's?

Mauzy: He's his bag-man; he collects the money for him.

Marcello: I see.

Mauzy: Yeah, he's very close.

Marcello: What do you mean by that when you say his bag-man?

Mauzy: He goes around with a bag and picks up the money from people. For example, when we passed the court bill in '69 and created all the new courts here in Dallas, anybody that wanted to get appointed to judge had to pay Mr. Bullock \$5,000 before they were seriously considered. I mean just that. He is a bag-man. He carries the bag and fills it up. But, of course, the Governor had run in '70, you recall, on a platform of no taxes, which was idiotic. And everybody running for office that time tried to outdo each other on this demagoguery. The Republican that ran against me ran on a platform of no taxes. So I suppose that Bullock and Smith between them decided that this was the way that he could claim that he tried to carry out his campaign pledge. And that damned old fool Legislature just wouldn't adopt it, and consequently people are going to have to pay new taxes although he was opposed to it. I suppose that's it; I don't know.

Marcello: Suppose you were a lobbyist. Would this proposal be a pretty good idea?

Mauzy: No, I don't think it would. In the first place, any time you go the bond route you wind up paying twice as much as you do by the direct appropriations process. Of course, it's spread out over twenty years. But whether it's a bond program or direct appropriation, it has to come from revenue, and revenue has to be raised from taxes. So what the hell's the difference?

Marcello: I see. Well, like you say, it didn't get very far in the

House, and, of course, I think they just held a sense of the Senate meeting or something on it in your chamber and . . .

Mauzy: Well, we never did anything about it . . .

Marcello: No.

Mauzy: . . . because like all other revenue things it has to originate in the House . . .

Marcello: Sure.

Mauzy: . . . and when the House killed it, we never voted on it. I don't think it would have gotten three votes in the Senate.

Marcello: Then, of course, he came back with a second revenue proposal, did he not? Oh, among other things, of course, he called for an increase in the state sales to 4 per cent, a tuition increase, and there was an increase in the tax on the sale of motor vehicles, and things like that. Apparently, this was mainly another consumer oriented tax proposal, was it not?

Mauzy: As I recall--I'm having trouble remembering what his second proposal was--but it was, as I remember about 88 per cent consumer and about 12 per cent business. I think he recommended an increase in the franchise tax, also . . .

Marcello: Right. That was another thing.

Mauzy: . . . which most people consider a business tax; I don't. It's not a fair tax. The franchise tax is very unfair.

Marcello: But here again, I suppose this was simply a place to start and from this point on, I suppose, he left practically all revenue proposals in the hands of the Legislature.

Mauzy: Well, he did what he customarily does. He makes a speech and recommends something and then turns around and walks away, and he did not provide any leadership insofar as trying to have that or any other program that he recommended enacted, which is pretty good politics, you know. The chief executive can say, "Well, I told those clowns what to do and they wouldn't do it and I'm not responsible. They wouldn't follow my suggestion, and now I'm faced with the alternative of either signing what they did or vetoing it," like he did last Sunday night. It's a classical example of executive versus legislative.

Marcello: Was this one of the first times that you can remember where a revenue bill was given priority over an appropriations bill? Don't they usually make appropriations first and then follow through with a revenue bill?

Mauzy: Well, the process of writing the appropriation bill always begins first because it takes longer. The final appropriation bill is seldom finalized until the last week of the session, anyway, and that was true again this year, too. The tax bill then comes along afterwards when you kind of know what you're going to have to raise. The appropriation process ought to begin first because it's more complicated. And by the appropriation process, you pretty well determine your priorities which in turn determine what your revenue needs are going to be.

Marcello: Okay, so the House then passed its own tax bill, and apparently, here, too, it was heavily weighted against the consumer. And apparently, there was quite a bit of disappointment when this bill reached the House. In fact, I guess Speaker Barnes, among others, expressed his disappointment. And I suppose this is where we perhaps could talk about some of your activities. At this time were you working toward the possible adoption of a corporate income tax?

Mauzy: Yes. We had begun actually before the session started.

Marcello: How did you organize your forces? Here again, from what I read in the newspapers, you and Senator Schwartz of Galveston were perhaps two of the leaders in marshalling the forces for the corporate income tax.

Mauzy: Yes, Schwartz and Wilson and I actually did the work. But the word leadership in this connection is very badly misused. I got my butt blown out of the saddle early in the session as the supposed leader of the liberals in the Senate. There's a lot of petty personal jealousies.

Marcello: I'd like to hear about those.

Mauzy: Well, Senator Jordan decided she wanted to go to Congress, and so she made a deal with Barnes that she would get a congressional district in return for being a good girl and doing what she was told. Senator Wilson decided he wanted to go to Congress and made the same deal. In the meantime, Barnes was picking off the people that had banded together one by one on various issues.

There's nothing unusual about that. That's traditionally what the Lieutenant Governor does. At the same time, Barnes has the unique quality of being fair to most people most of the time, so you can't really get anybody mad at him where they will organize against him. And unfortunately liberals--by some quirk in their personality--are best organized against something rather than for something.

And about the second week of the session I had instituted a series of weekly caucuses of our group. Seventeen people were invited to them, and we were getting pretty good attendance that first couple of weeks. We got fifteen one time and sixteen, I think, the next. But about the second week of the session, I was told that I was no longer the leader. And I said that was fine; I didn't want to be the leader. Let's rotate it.

Marcello: Who brought this forward and told you that you were no longer the leader, and what reasons did they give?

Mauzy: Well, a number of people. Don Kennard was the one that specifically called it to my attention the night of the inauguration. We were kind of having a "government in exile" party. We didn't go to the inauguration party. We were all out at my secretary's house as a matter of fact. Don Kennard and his wife were there, and my wife and I, Jim Wallace and his wife, and Babe Schwartz and his wife, I think Charlie Wilson and his wife were there. There were six or eight of us there.

And Kennard said, "You know, a lot of the troops are saying you're getting too much credit, you're getting your name in the paper too much, you're being talked about as the leader, and they don't like it." And I said, "Well, that's fine, Don." I said, "Let's just rotate chairmanship and let somebody different call it every week and let him set the agenda, and that's fine and dandy with me." And it was. And that's the system we went to and, of course, as I told him at the time, of course, within about six weeks it will collapse because some of those clowns won't do any work. They won't make the physical arrangements to rent a room to hold a meeting in. And that's what happened when it got around to Ronald Bridges and Mike McKool or Chet Brooks or Joe Bernal. They're not mechanically minded in the sense that they are willing to spend the time necessary to do these things. And so the meetings degenerated until we finally even quit going through the motions of even trying to hold them. As I say, the reason it happened was that Barnes was being very adroit; he was picking one off at a time.

Marcello: He didn't have to pick off too many because what? It was seventeen-fifteen? Or what was the majority in there?

Mauzy: Seventeen-fourteen.

Marcello: Seventeen-fourteen rather, yes.

Mauzy: But that included people who really are not with you all the time like Herring and Patman. You know, I never did say at any time that we had an absolute majority in the Senate. I knew we

didn't. I knew that we had what I considered twelve pretty deeply committed philosophical votes that would probably be on the same side on philosophical issues. And then you can normally pick up three or four or five more just because they're mad at the other side for what they're trying to do.

Marcello: In other words, you could get a majority on some issues.

Mauzy: Right.

Marcello: And that's about it.

Mauzy: Yeah. But the corporate profits tax was, of course, to be the big push in the whole session. The way I wanted to go about it was to have each member of the Senate vote in the caucus the day the session started for an unlimited office expense so that we could then hire the people that we needed to do this work for us. We lost on that. Some of them didn't want to get the reputation of being big spenders and all that crap. So we finally settled at \$4,500 a month for office help, which was not sufficient. But I got an amendment put out on the caucus report that would allow each committee to also have staff. And as chairman of the Education Committee, I guess I had the biggest staff of anybody down there, and I had four or five people full time working for the Education Committee. Two of whom, in fact, did nothing but work up the corporate profits tax report. They drew a bill, got it technically correct. Schwartz did the same thing. He had two people on his payroll as chairman of the Rules Committee. And Wilson did the same

thing with Constitutional Amendments Committee. But we provided the manpower that could do this. It would have been preferable to do it the other way, true.

Marcello: I assume that Ben Barnes did not want a corporate income tax.

Mauzy: Oh, no. He was on record against it. Sure that's no secret, he held a press conference over the damn thing. And he switched a vote or two. But it's not fair to say that Barnes is the one who killed the corporate profits tax. The truth of the matter is Jim Bates is the dirty son-of-a-bitch that did it. He's the one that sold out. Here is the list right here of people that signed up saying, "I will vote for the following tax program: (1) raise the sales tax $3/4$ of a per cent, and (2) a 5 per cent corporate profits tax." And that list is signed by thirteen members of the Senate: Kennard, Wilson, Jordan, Herring, Wallace, Brooks, Harrington, Schwartz, Kothmann, Bernal, McKool, Mauzy, and Bates. And everyone of the people that signed that plus some other ones voted for it except Bates. He voted against us, and we lost sixteen to fifteen. If he had voted with us, we'd have won.

Marcello: What was the reason for Bates' switch?

Mauzy: He got paid.

Marcello: You think this was the case. . .

Mauzy: I know it was.

Marcello: . . . in this case also. Now there was also another one that switched. Was this Beckworth?

Mauzy: No. Beckworth did not switch. That's inaccurate. Beckworth never committed himself to us.

Marcello: In other words, he only voted to bring the motion up. Is that correct?

Mauzy: He voted with us on a motion to table. Schwartz and I sent up the amendment. Creighton then moved to table the amendment. And Beckworth voted with us not to table it. And then he voted against the amendment. So we won sixteen to fifteen on the motion to table, and we lost sixteen to fifteen on the merits because Beckworth switched. But Lindley Beckworth never did commit himself at any time. Jim Bates did. And therein lies the distinction.

Marcello: Now I assume that the members of the business lobbies in Austin were doing quite a bit of politicking while all this was going on. Is this correct?

Mauzy: Oh, yeah. After the tax bill passed the House, Tom Sealy organized a group called "Texans for Tax Reform" or something.

Marcello: I was going to ask you about Sealy.

Mauzy: Well, Sealy is a lawyer out in Midland who represents all the oil interests. He was the chairman of the group that passed the first state sales tax in 1961. He is very knowledgeable and a very able man. He commands a great deal of respect in the political community in Texas. He can raise tremendous sums of money on very short notice. The information we had was that when they held their first meeting that they raised \$300,000 to help defeat the corporate profits tax. And they went about it

in a very shrewd, professional, business-like way. Tom Sealy was the chairman of the group, and George Christian, who used to be President Johnson's press secretary, was their PR flack man. And George Christian and Tom Sealy are two very able, knowledgeable people who know their way around. We still should have won, and we're going to win next time. In addition to the people on that list we picked up Patman, Christie, and Bridges. And if Bates would have stayed hooked, that would have made sixteen.

Marcello: So you just didn't have the necessary votes then to get that corporate income tax passed this time.

Mauzy: Well, we had them. Bates was still committed as recently as the night before the vote. But overnight the money changed hands, and Bates changed. He wasn't there when the session started that morning. I remember very well. I went to a phone and called Harry Hubbard over at the AFL-CIO who was sitting up in the gallery, and I was signaling him to go to my office. And I called him and I said, "Bates isn't here. Send somebody out to get him. He's our key vote." And they went out and got Bates and brought him in. And when he came in he said, "By the way, I'm not going to vote with you," which told me something.

Marcello: I see. Now Jimmy Yancey of the Texas Manufacturers Association also campaigned rather hard against that bill. Do you know anything about his activities?

Mauzy: Yeah. Yancey has been a lobbyist for the T. M. A. for some time. He doesn't have the stroke that Sealy does. Yancey is kind of a light-weight really. We ran all over him in the Senate on a lot of things. Of course, it didn't make any difference; they were able to kill them all in the House. But I strapped it on Yancey on the Unemployment Compensation Bill, for example. We passed a lot of good workman's compensation stuff that he was opposed to. Yancey is just not that heavy. Well, for example, Yancey never comes to lobby with me because it doesn't do him any good and he knows it. And he's smart enough that he doesn't waste his time or mine. But Sealy is the guy you've got to give credit to for killing the corporate profits tax.

Marcello: Sealy packs a lot of weight or he's well-organized.

Mauzy: Right.

Marcello: He has a lot of money backing him up.

Mauzy: Well, for example, his committee had every banker in Dallas County, Texas, on it. And I heard from them. And that's alright with me, you know. They're entitled to know what I think.

Marcello: When you say you heard from them, you mean . . .

Mauzy: Oh, they'd write and they'd call and all that garbage. You know, we were going to ruin Texas and run all the business out of Texas. And they're a bunch of nipshits. They don't know what they're talking about.

Marcello: How many states have the corporate income tax now?

Mauzy: Forty-three.

Marcello: So where are those businesses going to go?

Mauzy: Oh, now I think forty-five. I think since we failed to pass it, two other states have passed it. I think it's up to forty-five now. There's no question we're going to pass it next time.

Marcello: What particular votes do you see changing to give you the majority to pass it.

Mauzy: I think Beckworth will vote with us next time. I think if Bates decides he's going to run again for the Senate that he's going to have to switch his vote. I think we'll pick up people like A. M. Aikin and Jack Hightower who . . . you see, next year when we go back to special session, we're going to have a tax bill of at least \$400,000,000 which is the equivalent of an \$800,000,000 two-year tax bill. And there's just no place else to go. Now that's all there is to it. The sales tax is now at 5 per cent. And there's not a single state in the Union that collects five cents sales tax--5 per cent--that does not have either a corporate or a personal income tax or both. And there's just nowhere else to go, and they're not going to dismantle state government. It's just that simple. And I think people like Hightower and Aikin are reasonable men. They're honest men. We weren't able to persuade them this time; but I'm convinced we're going to get them next time. As a matter of fact, I really think the corporate profits tax will pass in '72 twenty-three to eight or something like that in the Senate and a hundred to fifty in the House. It's going to be a very popular tax. It's popular

with the people right now, I assure you.

Marcello: While we're on the subject of taxes and revenue, Don Kennard apparently was the one who proposed the two-cent increase in the gasoline tax. Supposedly he had done this after Ben Barnes. I just don't quite understand. You usually think of Kennard as being a member of the liberal fortress.

Mauzy: He is.

Marcello: But yet he, of course, proposed this two-cent tax on gasoline which was essentially a consumer tax.

Mauzy: Well, it is. And I disagree with Don about this particular tax. But he was in good faith about it. He's conscientious. He felt that the only way that we were going to get the highway system brought into the urban centers was to relieve the counties and cities of having to purchase the right of way, of having to pay for the cost of utility relocation and, curbs and gutters, which is a major cost that the cities and counties bear as the interstate highway system, as the whole highway system, comes into the urban areas. And it's a tremendously expensive process. You know, it's a lot of difference from building a mile of interstate highway in downtown Dallas than building it in Loving County, Texas. So this was Don's way--through the gasoline tax--to relieve the cities of that burden. And it was very popular with all the city governments and all the county governments in Texas. And there is some merit to the concept. I happen to disagree about it, but it's not the worst tax in the world. A better way to tax gasoline would be

to tax it going into the refinery rather than coming out because that way it's paid for by everybody in the United States who buys any gasoline that's refined in Texas. But I can't quarrel with Don. And while I'm on the subject, the Observer had a very nasty article . . .

Marcello: I was going to ask you about Kennard.

Mauzy: . . . about Kennard that is totally untrue. And Ronnie Dugger, or whoever wrote that, is a damn liar.

Marcello: In other words, I believe you're referring to the article where they say he was more or less a plant or a spy . . .

Mauzy: A "Trojan horse" is what they called him.

Marcello: . . . among this liberal caucus.

Mauzy: And that is totally untrue and totally underserved, and I'm very . . . you can tell I'm damned upset about the Observer publishing something like that. You can expect the Dallas Morning News and the Houston Chronicle to gut you, but then the Texas Observer does it, they know better. And Joe Bernal is the one that told them that. And Joe Bernal's a damn liar, too.

Marcello: In other words, you think it was a case of irresponsible journalism on the part of the Observer.

Mauzy: Irresponsibility on Joe Bernal, too. Joe is too damned emotional. He thinks . . . as a matter of fact, Kennard voted with us every step of the way on the corporate profits tax--5 per cent, 4 per cent, 3 per cent, 2 per cent, and 1 per cent. And to say Kennard was in there finking for Barnes or anybody else is

just a damn lie.

Marcello: Now also, I think it was Senator Schwartz who made, oh, I think a combination of about four proposals that would have increased the taxes on various phases of the oil and gas industry. Apparently, no headway was made there either, and there was quite a bit of lobby pressure against those particular proposals. How serious was Schwartz?

Mauzy: Schwartz was serious. He and I sent up every amendment that was sent up to the tax bill. No, I take it back. Bill Patman sent up one. None of which were adopted. Of course, the big one was the corporate profits tax because if we could have gotten that adopted then the tax program was going to be what I just read to you. We had agreed that the sales tax would be raised to 4 per cent, and when we count the city tax it makes it 5, and the corporate profits tax at 5. That's as fair as I know how to be. One is a total consumer tax, and the other is largely a business tax. And there wouldn't have been any additional taxation needed because those two sources between them would have raised \$700,000,000. But then our fall-back position was to go the single shot tax approach. Babe sent up an amendment to raise the gas severance tax, to raise the oil severance tax. I sent one up to tax natural gas, long lines, gas pipeline companies--the so-called "Strong Mauzy" amendment that we ran with in '68 that is constitutional. I sent up one, I think, on something else. I can't remember. But we knew when the vote was taken on the corporate profits

tax we were dead; we were finished. And the fight went out of everybody. But the oil industry wasn't down there lobbying too heavily. They knew that the whole key vote was on the corporate profits tax, and so they all got together on that one vote.

Marcello: Do you think that Texas business and industry have more or less accepted the fact that very, very, very shortly there is going to be a corporate income tax, and about all they can do now is simply fight some sort of a delaying action?

Mauzy: Yes, I do. They're intelligent people. The day the fight was over there, we recessed for lunch right after the vote was taken, and Barnes asked me to come back to his office so we could talk about strategy that afternoon as to how the rest of the debate ought to be carried on. And Sealy and Christian were back there in his office. And as I told them at the time, it was a fair fight among honorable men and they won. And they said, "That's right, but, of course, you're going to win next time." And I said, "I sure as hell am." And they know that. I'm not telling any stories out of school. Anybody who hangs around state government at all recognizes the inevitability of this. Some of us want to do it a little quicker than others.

Marcello: Now the Senate finally did get around to passing a revenue bill, again which was essentially consumer-oriented. And I believe you did vote against final passage, did you not?

Mauzy: Yes, I did. I voted against . . . I said all along that I would not vote for any tax bill that did not include a

corporate profits tax of at least 5 per cent. I would have been willing to vote for 10 per cent corporate profits tax. I will tomorrow. If you're really talking about equity, that's what it ought to be.

Marcello: You think it should be at least 10 per cent?

Mauzy: Sure. It is in many major states right now. When we're finished, I want to give you the report that Senator Schwartz and I worked up or rather that our staff worked up; we signed it. But the kids did all the work on it; I didn't. I think it is a very scholarly presentation of the tax structure in Texas and the alternatives and why we chose the corporate profits tax.

Marcello: Do you say you do have a copy of this?

Mauzy: Yes, and I'll give it to you.

Marcello: Would it be possible for us to put it in the record . . .

Mauzy: Yeah, I was going to give it to you because we have extras.

Marcello: . . . okay. Fine, very good.

Mauzy: One of the things that the Senate did this year in this caucus report was to authorize committees to have staffs and publish reports. And this is something that is paid for and published at state expense, and they're proud of it. The corporate profits tax report that was put out, I think, is very well done. The interim report on automobile insurance rates, I think, is very well done. And the Torts Claims Committee interim report, I think, is very well done, and the interim report on pollution is well done. I'll give you a copy of all

of these. We are beginning to make a little headway in this concept of staffs and reports, and it's a legitimate expenditure of public money in my opinion. I'm not the least bit apologetic about it.

Marcello: Well, of course, eventually a compromise tax bill was worked out that was finally accepted by both the House and the Senate. I think this is all a matter of the public record, and I don't think it's necessary to go into the details too much on it. And then, of course, it got to Preston Smith, and Preston decided that he was going to veto the bill unless the two-cent tax increase on gasoline was taken out. Was Preston doing a little bit of demagoging of his own here?

Mauzy: Of course.

Marcello: Putting himself off as a man of the people.

Mauzy: Here's a guy who . . . just like he did last Sunday night when he vetoed the appropriation bill. The Legislature's a bunch of damn fools. They'll run around here spending all this money they shouldn't be spending, and so I'm going to save you from any new taxes. As you remember, he said no new taxes. You know, this is a nice sound. Of course, what you say when you say no new taxes is no new sources of taxes. You're going to increase the existing taxes. Now what he's got in mind is to increase the sales tax next time from 5 to 6 per cent. I can tell you what he's up to. He won't remember it, but that's what he's actually up to. But I just think the political climate of this state is going to be different in that special session

than it was in the regular session, even though it's the same members.

Marcello: Kennard is quoted as having said the following speaking of Smith: "He offers no solutions to problems he creates by vetoes." Do you think that was rather apropos?

Mauzy: I think that's accurate in that and every other instance. I've got a copy there of the veto of the Comparative Negligence Bill that he wrote--that was a bill that I sponsored--that's pure demagoguery. His answers provide no solutions to the problems of insurance rates. He just says my bill would have raised rates. It wouldn't have done any such thing. It would have lowered them. But he doesn't tell us how to lower insurance rates. He's not about to. Of course, he got paid \$30,000 for that veto.

Marcello: Now, apparently while these revenue bills were being knocked around in both the House and the Senate, neither chamber was receiving any sort of instructions or had any hint whatsoever that Smith was going to do something like this. Is that correct?

Mauzy: That's true.

Marcello: Obviously not, or they wouldn't have put it in there.

Mauzy: As far as I know, the Governor never divulged to anybody what tax bill he would or would not sign. His public position has always been, "I'll sign whatever the Legislature passes, or I'll take a close look at it," you know, which is saying nothing.

Marcello: Is there anything else that we should talk about with regard to revenue raising that you think ought to be a part of the public record?

Mauzy: Well, I think the appropriation process ties in here. And you see, he did say in January to the joint session of the Legislature, "Two years ago you passed a one-year appropriation bill. I vetoed it. I thought it was unconstitutional then, and my thoughts have not changed," which was saying, "If you pass a one-year bill, I'll veto the goddamn thing again." Now the son-of-a-bitch has come back and vetoed a two-year bill, and his explanation--if you witnessed it last Sunday night--was "Times have changed, and my mind can change." Well, I'm delighted to learn that. I've always thought that anybody was educable, even Preston Smith. Perhaps I'm right.

Marcello: I guess at this point then we can switch from revenue to appropriations. Now in the appropriation process, to you, what items do you think have top priority in the appropriations bill?

Mauzy: Which items did or which items should have?

Marcello: Which items should have.

Mauzy: Well, the items that should have had priority were the whole educational system in Texas--the need to expand free public kindergarten, for example--the need for increased appropriations for faculty and for plants in our university and college system, the need to expand the mental health and mental retardation department to provide the kind of treatment that

those people who are unfortunate enough to suffer from mental illness deserve; we should have expanded the rehabilitative processes of our penitentiary system; we need to expand more drastically than we did vocational education and the opportunities it gives people to earn a living. Law enforcement needed to be beefed up by the appropriations process and some other things. Those are the main ones as I would see it.

Marcello: Now apparently in the appropriations process there were some legislators, perhaps, who were adamant in their opposition to any proposed pay increase for college professors.

Mauzy: That was Bill Heatly, but he was . . .

Marcello: I was referring now to members of the Senate. Were there any in the Senate . . .

Mauzy: No.

Marcello: . . . that you can think of who were opposed to this?

Mauzy: No. The Senate bill provided a faculty pay increase. I voted for the appropriation bill when the Senate passed it; I voted against the Conference Committee report. First time I've ever voted against an appropriation bill. Since this isn't public, I can truthfully tell you why I did: first, because the House conferees refused to meet with the Senate conferees for over three weeks; second, because the House conferees were absolutely unwilling to give on anything unless we agreed to put an extra \$5,000,000 in there for a goddamn veterinary school at Lubbock that we don't need because we have a damn good one at A & M; and thirdly, because the final copy of the

bill was printed and laid on our desks only about sixteen hours before we were to vote for it. Now one of the things it didn't contain was a faculty . . . well, it didn't contain any pay increase for anybody in the university system. The custodial people are entitled to the same kind of raise the faculty people are in my judgement. And I am not going to be a party to that kind of demagoguery. I knew at the time I voted against it it was a wasted vote. It wasn't going to accomplish anything. But I was very upset by what was done. Politically and personally and publicly I can demagogue it now about that there was too much fat in that budget, which is true. There was and always is. But that's just a demagogue public position I'm taking because I think it's necessary to get re-elected next year if you want to be totally candid.

Marcello: Well, if we can believe the newspapers, Ben Barnes did do his best to see that some sort of faculty raises and money for organized research were inserted in that appropriations bill.

Mauzy: I think he did too. And this may shock you, but Frank Erwin was down reasoning with that Conference Committee really going to bat for faculty increases and for organized research both. And the Senate conferees tried. I know they did. Joe Christie and Babe Schwartz hung in there just tough as a boot. But the problem that the Senate never got around to really looking at realistically was that we never said to the House, "You dirty sons-of-bitches, we're going to blow the whistle on you. We're not going to pass any House bills until you come to

your milk." And as a result, the House called the tune all session. The same thing happened to us in '69. To me, it was a mistake of tragic proportions. It was a mistake that I, for one, warned against from the first day of the session on. And I say the Senate's got nobody but itself to blame for that. And I include myself in that criticism. For some reason I wasn't able to organize fifteen other people to stay with me.

Marcello: What sort of punch does Frank Erwin have with the Legislature? Is he a rather influential person around the Legislature?

Mauzy: Yes, he is. Erwin is a very knowledgeable man. He does his homework before he comes before a committee. Erwin is as tough as a boot. He's got a quality of toughness about him that I admire very much. I like tough people. I like people who are . . . who take a position, who are able to document it, who are able to defend it and stand there and fight until hell freezes over. And that's what Frank Erwin does. Whether you agree or disagree with the position he takes on a particular issue, I still think, and consistently, you have to admire the man for his resourcefulness. He is a very resourceful fellow. And in the fights that go on down there, he's right more than he's wrong. Now I know Erwin's got a terrible public image because Erwin has a very short temper and he's indiscreet about some things he does. He drinks too much, for example. I've gone out and drunk with him at night at Forty Acres, and he gets drunk publicly and makes a fool out of himself

sometimes. But, you know, all of us have got feet of clay. And Erwin does a lot more good for education in Texas than he's given credit for.

Marcello: Let's talk a little bit about legislative ethics. Let's start with the Sharpstown case. Is there anything that you would like to say about that that hasn't already been said?

Mauzy: I don't have any personal knowledge of any of it. The Sharpstown case to me just represents the logical culmination of a system. I've known ever since I've been an adult and long before I was ever elected to the Legislature--and I think everybody that's been around the Legislature very much has known--that special interest legislation gets passed because those people who are for it make deals with the people in the positions of power and leadership in the Legislature to ensure the passage of it for which they reciprocate with favors--stock tips, money under the table, the paying for you and your family to go on a vacation. There's all kinds of ways that . . . and the Sharpstown incident to me is different from the rest of them only in number one, the size of it, and number two, the indiscretion and the stupidity of the people involved. That's the only distinction I can draw.

Marcello: What do you think can be done to prevent something like this? Is there anything that can be done to prevent this sort of activity?

Mauzy: Well, the major thing that needs to be done is we need to modernize and reform the structure of state government in Texas.

Number one, we ought to have annual sessions; number two, the Legislature ought to be able to call special sessions; number three, we should not be limited to those things that the Governor submits in the special sessions; number four, we need year-round standing committees, year-round staffs--it's a broken record, the same thing I've told you each time we've talked. The difference is that the public has gotten to the point now that they're ready for legislative reform. And the "Dirty Thirty" in the House has gone about this in a very organized, very systematic way. They're an intelligent group of people.

Marcello: Here again, I think it's a case where they have something to be against, like you were talking about a while ago.

Mauzy: Well, that's true, but, you see, they have made the transition now. For example, Dick Reed and Fred Agnich both the other day said, "We don't want to talk about Mutscher anymore. He's dead. Let's talk about the structural changes that need to be made." The point is that the public's ready for reform, and they're smart enough to see it, and it's not enough to get Gus Mutscher scalped. He doesn't amount to a hill of beans. And he doesn't. And neither does any other individual. What's important is to structure a system that will prevent as much as possible this same kind of thing from happening again. So what are they recommending? They're recommending reform in the rules in the House; they're recommending that the speaker be limited in his power; they're recommending that committees

elect their own chairman; they're recommending year-round staff. They're doing all the right things, and I commend them for it.

Marcello: You hear a lot being said about legislative pay increases as perhaps being a preventative measure. Do you really think that this would be much of a preventative measure? Or don't you think that they could raise legislative salaries high enough to prevent this sort of thing?

Mauzy: I don't know really how to answer that question, Dr. Marcello. I know that you cannot buy honesty. I know that. At the same time, it is also unreasonable for the public to expect a man to serve in the Legislature and get paid \$4,800 a year, to be totally honest, unless he's a very rare individual. Now you either have to be independently wealthy or you have to be in the happy circumstance I am in where I have eight law partners and associates who approve of my political actions and who are willing to carry my share of the work in this law office while I'm gone to make the money that I need to survive. My family and I cannot live on \$4,800 a year. There's no way I can do that. My income tax has been filed every year for record, so it's no secret. My wife and I, both of whom are lawyers, last year made \$41,000 with this law firm, and that includes \$4,800 legislative pay and some investments that we had. It requires just about that much income for my family and I to maintain our standard of living. And if I were forced to have to try to live on \$4,800 or \$8,400, which is the proposal that's going

to be voted on, I could not do it. Now I'm being totally candid with you. As long as my partners are willing to support me, I can stay in the Legislature. The day they decide that they can't do it, then I've got a horrible decision I'm going to have to make. I'm either going to have to leave this firm and organize my own firm and try and find somebody else that will support me, or I've got to get out. It's just that simple.

Marcello: Well this is what I was getting at. You hear a lot of people say, "Well, all we have to do is raise legislative salaries," and like I say, how high can you raise them, you know, to prevent this sort of thing?

Mauzy: No, that's too glib. That's an over simplification.

Marcello: Sure. Right.

Mauzy: If they raise it--if the public votes for \$8,400--I could not work . . .and I would like to see service in the Legislature become a more or less full-time job. It's almost that with me now, truthfully. In the last five years I would say fully 60 per cent of all my productive time and works have been spent in the Legislature and in the legislative process. It has not represented 60 per cent of my income. My income as a lawyer suffers while I'm in the Legislature. It's just that simple. Sure, I could get on the take with some people. There's no question about that. I could do it in a way that's perfectly legal and under prevailing morals perfectly ethical. It would be offensive to me, and I personally couldn't do it. But

there are those whose morals or ethics are different from mine.

Marcello: Was there anybody in the Senate who was sweating when this stock case broke that you know of?

Mauzy: No, as far as I could determine there weren't. A lot of them had bank applications pending. They were sweating whether Elmer Baum was going to get busted or not. Doc Blanchard had one pending; Tom Creighton had one pending; Joe Christie had one pending. Of course, we never did vote on Elmer. We had the votes to bust him, and we would have busted him. But we never did have to vote on it, so they all breathed a sigh of relief when the Governor withdrew his nomination.

Marcello: Well, now apparently after the Sharpstown case broke, everybody was for legislative ethics and what have you. And, of course, I'm sure there was raft of bills which were introduced. Now among others, of course, Ralph Hall's, I think was, perhaps, one of the most important ones. Now, Hall apparently came in for quite a bit of flak in the process of his fighting for his bill. Many people accused him of demagoguery.

Mauzy: Well, he was.

Marcello: Do you think this is a valid criticism?

Mauzy: Dr. Marcello, everybody demagogues the question of ethics, including myself.

Marcello: Well, getting back to Hall's bill, were there any improvements that you think should have been made? And among other things, of course, now he called for a . . . just a financial disclosure. I don't believe it was a public disclosure, was it?

Mauzy: No, I think the original was Senate Bill 86 did require disclosure both of your financial condition and your income tax.

Marcello: Income tax.

Mauzy: I believe.

Marcello: Income tax was the one I was thinking of.

Mauzy: Yeah. And to me that's one of the key parts of it. And, of course, it's not in the bill that was finally passed. Hall was obviously demagoging, and it's no secret. And I don't say it critically of him. Ralph . . .

Marcello: If he hadn't done it somebody else was going to.

Mauzy: Yeah, he was the first one out of the blocks with it. But, you know, he's been demagoging ethics for years just like Jim Nugent in the House has been demagoging it for years. And for years the play down there was this year the Senate will pass an ethics bill and the House will kill it; next year the House will pass one and the Senate will kill it. I remember very well in either '67 or '69 Nugent passed his bill through the House and came over to the Senate and told me, "For God's sake, kill that goddamn thing. Can't none of us live with it." Well, you can't write an ethics bill I can't live with. I'll tell you right now. I can live with any damn thing you want to write, and I can vote for one that's as tough as anything you want to write. That's what I did. Even though I was aware of the fact that the tougher you made it the harder it was going to be to enact it and that the Conference Committee would water

the damn thing down.

Marcello: In other words . . .

Mauzy: But, for example, I voted against the Blanchard amendment which was really a gut-vote on Hall's bill. Hall's bill would have had the practical effect to put me, for example, out of the workman's compensation business. Now I like to think that I went about trying to change that in a more honest way. I sent up an amendment that would not have made that section apply to a lawyer who practiced before a state agency where either side had the right to appeal the decision of that agency where the trial was in a court de novo to a jury, which means that what happened at the administrative level is not binding. And I told the Senate very honestly--and I only got four votes for it by the way--that it was obvious to me, and I wanted them to understand what I was trying to do. I was trying to exempt people who practice workman's compensation law before the Industrial Accident Board because I really didn't think it was necessary because you do have the right to appeal--either side does. And if I, as a member of the Senate, can influence the Industrial Accident Board--which I doubt very seriously--but if I could, the insurance company would not be hurt because they would have the right to appeal to a court where it would be tried to a jury. And so I really thought it was a legitimate amendment. Obviously the boys had gotten together and I knew that too. They were going to vote for the Blanchard amendment which exempted all lawyers practicing before all agencies,

which is pure damn self-interest. And I voted against it. So my record, so far as the public's concerned, is that Mauzy's Mr. Clean, you know. Politically, I came out smelling like a rose.

Marcello: Well, apparently Chairman Moore of the State Affairs Committee wasn't too hot about any sort of an ethics bill. Is this correct?

Mauzy: Oh, (chuckle) . . . Bill Moore is a character. And Moore's smart enough that he can learn to live with any kind of an ethics bill you write, too. He was demagoging to some extent. Of course, Hall and Moore don't like each other, and Moore was in his cups that day, to tell you the truth. And that's the reason he got in that argument with Hall on the floor of the Senate. But Herring was the guy that Hall was out to get with his ethics bill.

Marcello: For what reason?

Mauzy: Well, Herring's running for lieutenant governor just like Hall is. And Herring's firm is one of the major lobbying firms in Austin. I don't know how many members there are in that firm, but I can think of five right off the top of my head who are up there lobbying full-time. And obviously a great deal of Charlie's income comes from that.

Marcello: In other words, this is a way of putting Herring on the spot, perhaps.

Mauzy: No, putting him out of business--him and his firm out of business.

Marcello: (Chuckle)

Mauzy: He'd either go back to being a full-time lobbyist and get out of the Senate or his firm would give up lobbying--one of the two.

Marcello: Blanchard also was apparently only luke-warm about any sort of an ethics bill.

Mauzy: Well, Blanchard's another one who . . . he does a great deal of practice before the State Securities Board. He had a bank application pending before the Banking Commission. Blanchard's honest in his prostitution.

Marcello: Well, at some time during this debate over ethics, I guess it was Brooks and Kennard, was it not, who proposed the constitutional amendment to tie legislative ethics and pay raises into one package.

Mauzy: No, they did not tie them together. The constitutional amendment that Kennard and Brooks introduced we worked out one afternoon at one of our caucuses. They were delegated to do it. The original amendment they came up with was only to create an ethics commission, to give it subpoena power and make it enforceable. And that's the way we passed the amendment in the Senate. The House then got it and Jim Nugent and his crew got to work on it. They tied the legislative pay into it. They watered down the powers of the commission. It came back to us and I served on the conference committee on that constitutional amendment. As I remember, we had to have it finished, passed by both houses, and signed and filed with

Secretary of State by Saturday morning at eight o'clock, as I remember, to meet the constitutional publication rules and so forth to get it on the ballot May 18th. The House passed it and sent it to us, as I remember, at three o'clock on Thursday afternoon. Well, we had to go to conference and finish it. And I was very reticent to sign that conference committee report when they would not agree to separate the two things. I decided to sign the conference committee report and vote for the amendment because it was obvious to me that was the only thing we were going to get done.

Marcello: Were you pretty sure that such an amendment was going to be defeated by the voters?

Mauzy: Not at the time, no. I was not. I thought it would be adopted. But before the election was held May 18th, it was obvious. I thought all these amendments were going to be defeated truthfully.

Marcello: Now in the final Senate vote on the ethics bill, I believe there were only three who voted against it. Bates was one of them, I believe. Moore, of course, was another one. And I can't recall offhand who the third one was. Creighton, I think it was. Any special reason why they would have been against it?

Mauzy: Are you talking about the adoption of the conference committee report?

Marcello: No, this was in the Senate. I'm going back to the Senate Bill again.

Mauzy: The Senate, I see. I'm surprised that anybody voted against it.

Marcello: Twenty-eight to three was the vote.

Mauzy: Now after the Blanchard amendment went on, you see, that whipped the guts out of it. So that explains why Blanchard and Herring and that bunch voted for it. I guess they were trying to demonstrate something. I don't know.

Marcello: As an aftermath of the stock fraud scandals the Senate did organize a five-member general investigating committee. Did that committee do very much work during the session?

Mauzy: I really don't know. They hired as general counsel, Hubert Green, who used to be the district attorney in San Antonio. And I think they did hold some meetings and some hearings, but I . . . really this session was the hardest session I've ever been through in terms of man hours. I carried more bills than I should have been carrying, and I was strung out all over the place, and I really didn't have time to keep up with things that I was not immediately and directly involved in. They evidently did something because they came out right at the end with eight bills they . . .

Marcello: Eight or nine bills which tightened up the banking regulations, I believe.

Mauzy: Yeah. That's what they were represented to do. I voted for them. I don't know whether they did or not. But evidently they did do something . . . I just can't give you any personal knowledge.

Marcello: Sure. I understand. Let's move on to another subject--the welfare crisis. I suppose you could call it the welfare crisis. Anyhow, Ben Barnes believed it was a welfare crisis. What can be done to solve this whole problem?

Mauzy: Well, the first thing that needs to be done, of course, is that we've got to remove the constitutional limits on the amount of money that the Legislature can appropriate for direct grants to the recipients. It becomes increasingly obvious to me, however, that that will never be done by submitting a constitutional amendment to that effect to the people because the House will never agree to it. So I think it's going to take a lawsuit. I think some bright young lawyer ought to get busy and file a lawsuit. The damn thing is obviously unconstitutional on the face of it. That's the first thing that needs to be done. Secondly, Blue Cross-Blue Shield, who has the contract with the state to provide in effect the insurance it pays for drugs, medicine, hospital care, nursing home care. That system needs to be changed. I would rather see us . . . I'm convinced Blue Cross and the nursing homes and some doctors are raping the people of Texas. They're, in some instances, I'm convinced, providing medical services that people don't need only because they can get paid for doing it. I would prefer to see us go to a system where the state pays directly rather than going through a commercial insurance company. Those are two things I would recommend.

Marcello: How about the aid to dependent children or the aid for dependent

children? This apparently seems to also be an area that siphons off quite a bit of the welfare money. What can be done in a situation like that?

Mauzy: Well, the whole welfare system in Texas is backwards. In the first place, again the constitutional limit needs to be taken off. The fact is that we have more poverty in Texas than any other state in the Union. And the public has been poisoned where they think that the only people who are drawing any kind of welfare are a bunch of what they call "little nigger bastards" and that Negro women deliberately conceive and have illegitimate children for the purpose of collecting welfare. It's not true, but it's a myth that's abroad in the land. And I used to take people on publicly and argue about this. I've gotten to where I don't anymore because frankly it's political death to do it. There are some abuses in our welfare system. They're a very small relative handful of cases, but there are some. There's nothing that a conscientious "Christian" society--and I mean that in terms of what I conceive of christianity as being, not a religion but a way of life. You can't countenance a situation where children are starving to death, where children just because they're from a poor background or because their families are destitute are not permitted to go to school and get an education, where children die of diseases that are correctable. No civilized society can live with that. And yet, as a state we have been unwilling to belly up to the bar and say, "Now look, there's all these poor

people out there, and we're going to have to provide for them until they can become self-sufficient," which means you're going to have to provide an educational system that will permit them to acquire skills and job opportunities. You're going to have to raise a minimum wage. You're going to have to do a lot of things. There's no end in sight in my judgement to the need for increasing the amount of money we spend to help these kids and their families. As a human being, I'm unwilling to say that I'm going to let people starve to death or die because we're not willing to furnish a doctor to them-- just because they're poor. I'm just not willing to do that.

Marcello: Well I think at one time during the session, the welfare crisis got so bad, did it not, that money had to be borrowed from the Teacher's Retirement Fund . . .

Mauzy: Yeah . . .

Marcello: . . . in order to meet immediate payments anyhow.

Mauzy: Yeah, we transferred . . . but that was just a stop-gap thing.

Marcello: Sure.

Mauzy: But hell, you know, the public refused to raise the welfare ceiling, and so they're going to be cut . . . the way to get at it politically, I'll tell you very simply, is not to just cut AFDC but to cut the old age assistance because everyone of those people vote. And it's cruel, you know, to talk in these terms, but by god that's the answer.

Marcello: Cut them off for a month or something and then get the vote out.

Mauzy: You're damn right. And you'll have every politician in Texas jumping through his elbow to do something about it, too, particularly people like Aikin and Hightower who come from these rural districts where, man, that's two-thirds of their vote.

Marcello: Let's move on to another subject and one which I suppose is, or was, anyhow, dear to your heart. That's the redistricting.

Mauzy: That's another one I really struck out on. The House redistricting is a real abortion. (Chuckle) We're going to amend our pleadings in the Houston redistricting case which has been on file since '63 and get after that one next week. The congressional plan, I think, is also unconstitutional and one's going to be filed next week. The Senate never did get around to redistricting the Senate, and that's going to be filed next week, too. I've got a very busy summer ahead of me as a lawyer.

Marcello: Let's go back just a minute and talk a little bit about congressional redistricting. What influences a legislator--now, of course, I'm sure there are many influences--but what are some of the general influences that determine the way in which a legislative district is drawn? Now I know it's supposed to go by population and the one man-one vote rule and all that. But what other factors do you keep in mind in redistricting?

Mauzy: Well, I'm not a . . .

Marcello: You were on the redistricting . . . the conference committee,

were you not?

Mauzy: No, not the conference committee. I was on the Senate Redistricting

Marcello: That's the one I meant.

Mauzy: But the short simple answer to your question this time was, anyway, that the lieutenant governor and the speaker determined how congressional redistricting would be accomplished, and they proceeded on the premise of protecting the incumbents. That was the rule from which all other rules came, and that's what they set out to do, and that's what they did.

Marcello: Do the incumbents themselves do very much lobbying themselves to keep their districts intact or to have them redefined in a way . . .

Mauzy: Yeah.

Marcello: . . . which would be more favorable to them?

Mauzy: Yeah. They all . . . and, of course, you know, Mutscher told them all, "You get along with me and you'll get along with the House." And Barnes told them, "You get along with me and you'll get along with the Senate." Mutscher and Barnes spent a lot of time with the Texas congressional delegation making sure they understood that they were two men in power. And in addition to that, of course, every chamber of commerce and business lobby group in Texas was helping the incumbents because they sure don't want to elect anybody to go to Congress who'll vote to tax them, you know. So they're very interested in keeping Tiger Teague nibbling in Dallas County and Tarrant

County. They're very interested in . . .

Marcello: He's your congressman now, is he not?

Mauzy: As a matter of fact, I live in the congressional district which he so ably represents now, until the court knocks it out. And the business community generally lined up with the incumbents. You know, they don't want any more Bob Eckhardts, Jim Wrights and Jack Brooks than they've got right now.

Marcello: Did certain legislators themselves have ambitions--congressional ambitions--and did this possibly play a part in some of the redistricting which did take place?

Mauzy: Sure.

Marcello: I'm referring now especially to a case over in East Texas between Representative Haynes and Senator Wilson.

Mauzy: Well, that was the one that got the most publicity of all of them because that was a head up fight between Charlie and Clyde about who was going to run for that district next year either against Dowdy, if he hadn't been sentenced to the penitentiary yet as a vacancy, and Wilson won.

Marcello: Now I'd also read someplace in the newspaper--and here again this, I'm sure, was a far-out rumor--that even Mutscher himself at one time was perhaps interested in carving a congressional district for himself.

Mauzy: That was not far-out. That was his original intentions before the session started, but the Sharpstown thing blew that for him. So he was then relegated to the position of trying to protect the incumbents.

Marcello: Let's go on to another subject in redistricting. And you, of course, have been a long time foe of the multi-member districts. Is this correct?

Mauzy: Yes. I filed that lawsuit in 1963 and still haven't had it tried on that one issue. We've been to the Supreme Court of the United States twice. We've had three hearings. We've won every hearing so far, but we never have gotten to the question of single-member districts, and truthfully we won't this time either. The court will declare the plan that was passed unconstitutional but for a reason other than that.

Marcello: Is it true that most of the Dallas establishment kind of likes the idea of multi-member districts?

Mauzy: I don't know that that's really accurate. I know that John Stemmons and Bob Cullem and that bunch of thieves like it the way it is because they've always pretty well been able to control the nominating and the election process. And if they succeed and we have eighteen members elected county-wide next year, they're going to wake up in November of 1972 very sad and disillusioned people because, if I'm any judge, the Republican Party will elect every goddamned one of them. And they are going to be out of soap when that happens, just like they're out of soap with people like me and Dick Reed and Zan Holmes right now.

Marcello: Now one of the creations that came out of the redistricting was this so-called "mid-cities" district. What was your opinions or what are your opinions of the "mid-cities" district?

Mauzy: It's an abortion. Tommy Shannon drew it trying to help Mayor Vandergriff.

Marcello: Now apparently they sneaked this through without too much consultation whatsoever on the part of anybody from the Dallas delegation or anything. Is this correct?

Mauzy: It was written in the conference committee, and I don't remember whether there was . . . I don't think anybody from Dallas was on the conference committee from the House. I know none of us from Dallas were on the Senate side. They kept changing those lines in the last three hours before the bill was finally agreed to in conference committee. They had four or five different versions of it floating around, including the so-called "mid-cities" district. At one point, they had it drawn in such a way that they were trying to get my vote. They came around and showed me they'd created a district--a congressional district--that was my present senatorial district plus South Dallas. And they said, "You know, we have run this through the computer, and you can get 62 per cent there. You can go to Congress." And I said, "I ain't interested in going to Congress. I told you all along I don't want a congressional district. I'm going to vote against any goddamn thing you people come out with because you're not proceeding from the centers of population out; you're proceeding from the rural areas in, and you're nibbling us to death. And I ain't going to vote for it and go screw yourself."

Marcello: Now if they had followed . . . in other words, if your

recommendations had been followed, Dallas would have had what: three full congressional districts and about three-quarters or nine-tenths of another one. Is that right? Four altogether?

Mauzy: That's senatorial you're talking about.

Marcello: Right. Yeah, I'm thinking now of the senatorial districts.

Mauzy: No. We don't have quite enough population for four complete senatorial districts. I had two plans: one that divided Dallas into three congressional districts of equal population which I think is legitimate under the Holdings and Kilgarlin vs. Hill in '67. The Supreme Court held in the Texas legislative redistricting case that you can take into account the population growth of an area in the ensuing ten year period. Because there they held that in Houston when they redistricted the House in '65 you had three districts, one of which had seven members in the House, the other two had six. And the district with seven members had less population in 1960 than the other two districts which had six. But it was the fastest growing section of Houston. And the court said that's legitimate. You can do that fellows. That's okay. So I then tried to apply that principle on congressional districts which I think is legitimate. I think the court would uphold it because we can create three districts of equal population would be about 40,000 or under in each congressional district. But in a year or two you'll be equal. I was unsuccessful on that. Then my second plan was to create five congressional districts in the Dallas-Fort Worth SMSA--Standard Metropolitan Statistical Areas, which

are Dallas County, Johnson County, Ellis County, Tarrant County, Denton County, Collin County, Kaufmann and Rockwall, as I remember. The population in those counties is exactly right for five congressional districts. And that's the second plan that I presented that I got wiped out on also.

Marcello: All in all, this wasn't too successful of a legislative session for you in some of your major issues, I suppose, was it?

Mauzy: No, it wasn't, and to a large extent that's my own fault.

Marcello: In what respect?

Mauzy: I made a mistake of trying to . . . I spread myself too thin and, you know, if you want to play the numbers game, it's the most successful session I've ever had. I introduced 101 bills. I passed sixty-eight of them through the Senate and thirty-seven of them passed both Houses which is a better percentage than the Legislature as a whole did or that any member did as far as that's concerned. But that doesn't mean anything. It doesn't mean anything to me anyway. The things I was really interested in I lost every one of them. I lost on comparative negligence. It got passed in both Houses and was vetoed by the Governor. I lost on redistricting. I lost on the major portion of the workman's compensation reform I was trying to get. I lost on tax equalization under the minimum foundation program. The major things that I think really are the harbingers of change in Texas, none of them were accomplished.

Marcello: Now on redistricting--getting back to that again--despite what

you said, rumor has it--and I assume you'll confirm that it's a rumor--that you are possibly a potential candidate in that "mid-cities" district.

Mauzy: No, I'm not.

Marcello: Is this strictly rumor?

Mauzy: Yeah, I don't know where that got started either. I have never told anybody that I was going to run for Congress. As a matter of fact, anyone that's asked me I told them I was not basically for three reasons. First of all, my wife would divorce me if I tried. She may anyway. (Chuckle) Secondly, I'm just selfish enough and I'm just egotistical enough that I think the '73 session of the Legislature will be the Legislature that will bring about the major change in Texas government. I think my political philosophy will be the majority in the Senate and hopefully will be in the House, too, as strange as that may sound. I know that there will be an urban majority in both the Houses. I've got a lifetime invested in trying to bring about change within the system of government that we have in the state. And I can see that we're on the threshold of achieving a major portion of that, and I want to be there. I want to be a part of it. I want to be one of the architects of it. My pride would not permit me to do otherwise, truthfully. In all candor if I didn't run for the Senate again, I would encourage Dick Reed to run. He's the only person I know in that district who can get elected who would vote the way I think the senator from that district ought to vote. And so, you see, there's a

lot of ego involved in these decisions.

Marcello: I've also seen rumors--in the Dallas Morning News, of course-- that you might someday be a possible candidate for state attorney general.

Mauzy: Some of the labor people started that rumor last fall before the general election, as a matter of fact. And some of them want me to run for attorney general. I'm not going to. I really don't have any desire to be attorney general of Texas. I might someday. I don't now. Some of the labor people are trying to get me to run for lieutenant governor right now. I'm not going to do that either. One of the things I think a politician has to protect against is his friends. People admire you; people respect you. And they want to promote you, which is all very flattering. And I am flattered that some of these people want me to run for these jobs. But I'm not going to give up what is a relatively safe district for me and a relative position of power right now on the offchance that I might be able to confound the pollsters and the voters and the lobby and win a state-wide race. I don't think I can. I don't think anyone of my political persuasion can today in Texas. Four or six years from now hopefully that will be different. But I can't. I'm not sure I've got the physical stamina to run a state-wide race because the only way I know to run a race is on an organized precinct-by-precinct basis. I'm not a media politician. I don't project that well on television. I couldn't get the money to get on television.

So I'd have to go about it by organizing precincts--the only thing I know how to do. And I don't think there's time or people or money enough for me to organize every goddamn precinct in this state (chuckle) frankly, or anybody else for that matter. And the last reason is that state government today doesn't . . . no executive office presents an office that has the power in it to effectuate the kind of change that I would want to effectuate if I were a member of the executive branch of the government. I think I can do more good toward accomplishing that purpose by staying in the legislative branch and trying to statutorially create a system that will give the kind of power to the attorney general, for example, that he should have, to the land commissioner, to all these executive jobs.

Marcello: Now another rumor that I've seen in the Dallas Morning News once again is that you have apparently picked up quite a bit of support from, as they put it, the downtown business establishment in Dallas. Is this true, or have you always had a certain amount of support here or . . .

Mauzy: Well, some of the business community has come to the realization that they're going to have to learn to live with me, that I'm not going to go away. Some of them discovered that before 1970. Some of them thought they could beat me in 1970, and I taught them a goddamn lesson. I beat their man in the primaries by 58 to 42 per cent in the lightest turnout we've ever had. If anybody told me the day before the election that the turnout was going to be that light I would have told you I

was beat because I really was running stronger than I thought I was doing. Then in November I got 62 or 63 per cent. And one thing about these clowns, they do know how to read numbers, and so I think some of them are going to back off next year. They're not going to be willing to finance another major effort against me. They're going to run somebody against me, and they're going to go through the motions because they're going to be wanting to keep me tied down where I can't be out doing other things, you see. I expect next year that I'll have a conservative white opponent and a black opponent, either an "Uncle Tom" or a militant--one or the other. And they're going to run at me from both directions which, considering the make-up of the district, is a smart thing to do. The thing that they don't know that I know is they're not going to hurt me in the black community because I'm going to go to the black community and campaign like I've always done. And the fact that a black is running against me isn't going to touch it topside nor bottom.

Marcello: About what percentage or what portion of your district is black?

Mauzy: Of course, we don't know yet what the district's going to be.

Marcello: Right. I see. But if it were the one you had. Let's say the one you had.

Mauzy: Well, my present district, I would say, is about 32 to 33 per cent black in population and about 30 per cent black in votes, which is a significant number. If the plan that I want for the district goes through, it will go up to 38 per cent black.

I am not afraid of a black opponent because of my voting record, because of my contacts in the black community, and because I think Negro people by and large are just like white people-- they vote for the guy that identifies with their interests. And I really don't believe that the black community is any worse than the white community in voting for or against a man because of his color. I really don't believe that. It will be interesting next year to see.

Marcello: Moving on to another subject, it seems like we talk about this every time also--Ben Barnes. Were you surprised when he announced for governor?

Mauzy: No. He told me six weeks before the end of the session he was going to run for governor and not United States Senate, which I think is a mistake. I disagree with him. I understand why he's doing it.

Marcello: First of all, why do you think it's a mistake?

Mauzy: Because I think he could beat Tower. I truthfully think that any Democrat who's articulate and right on the issues can beat John Tower next year. Tower ain't no hill as far as I'm concerned. He's never run in a presidential year except the year he ran against Lyndon Johnson and got beat in 1960. He's never had an articulate opponent. He's never had anybody run against him on the issues. After all, the only two clowns he ever beat were Bill Blakely and Waggoner Carr, and I don't consider either one of them to be hills either. You know, if I could get the Democratic nomination, I could beat John

Tower--strange as that sounds--after having said just what I finished saying a minute ago. But the issues are different, you see. In a federal election where you know you're going to have the eighteen-year-olds voting--hopefully we'll have them in all elections next year, but in federal elections you know you're going to. If Nixon is the nominee of the Republican Party, and I don't think he's going to be, he ain't going to have no coat-tails to be riding on. There's going to be a Democratic tide running in this state, particularly for federal offices. And I think any decent candidate can beat John Tower next year. And I think Barnes is making a mistake because of the people that own him, frankly--John Connally, Lyndon Johnson, and that crew.

Marcello: Obviously he was getting advice from somebody that he shouldn't run for the Senate despite what he said--that he arrived at that opinion on his own.

Mauzy: He didn't arrive at that opinion on his own. He was told that by John Connally. I can tell you because he told me. It's a top down deal. The deal is that Barnes runs for governor, and the Republicans don't try to run anybody against him. There will be a candidate, but he will be a token candidate. In return, John Tower runs for re-election to the United States Senate and the Democrats don't run a major candidate against him. The third part of the deal--the one that I think is going to fall through--is that the Republican ticket will be Richard Nixon and John Connally. That's what the deal is.

Lyndon Johnson and John Connally and Richard Nixon put this together. I just happen to think that history's going to catch up with Mr. Nixon and that he's going to pull a Lyndon Johnson and refuse to seek the nomination in 1972. And I think the Republican nominee is going to be Ronald Reagan, and he ain't about to countenance John Connally or anybody like him. So that's the Mauzy theory that so far as I know has only one advocate at this point.

Marcello: (Chuckle) Also, I would assume that Barnes running for governor would more or less effectively stop any bid that Ralph Yarborough might possibly have.

Mauzy: Well, I . . .

Marcello: He might run, but, of course, I think . . .

Mauzy: I personally don't think Ralph could win another state-wide race. I hope he doesn't get into one because I like Ralph Yarborough personally; I like him politically, but I think he's finished. I think he's washed up. I think it'd break his heart to lose another race. And I hate to see that happen to any human being, particularly someone I like. Right now if I was making book, I would say that Ralph will run against Barnes for governor next year. And if he does, he's just going to get the living bejesus kicked out of him, if for no other reason than the fact he'll be seventy years old and Barnes will be thirty-five, which for some people is reason enough.

Marcello: Do you think Preston Smith is going to run again for governor?

Mauzy: No, I don't. I think as of today he intends to. But I know as of two weeks ago tomorrow, he's commissioned Alex Lewis here in Dallas to make a state-wide poll for him, and I think I know what that poll is going to show. And the people that pay for it are going to read it, and they're going to say adios Preston just like the lobby met in Austin a month before the session was over and said adios Gus. That's the reason you've seen all this defection. The lobby still runs the Legislature, believe me.

Marcello: Now this is something that you see occasionally in the newspapers, and I think liberals use this term quite a bit. They talk about "The Lobby." What is "The Lobby?" When they refer to "The Lobby," is it a group of lobbyists or is there such an organized animal as "The Lobby?"

Mauzy: Yeah, it's a euphemism for it. All major business interests-- and not just business, but all other major interests in Texas-- have paid representatives who do their legislative representation for them, which is perfectly legal, perfectly constitutional. When I say "The Lobby" I'm referring to the organized lobby that represents the business community, various industrial groups, various business groups--the insurance lobby, the oil lobby, the natural resource lobby, the highway lobby, the teachers lobby--all these groups. And they have no formalized structure, but they meet together, the pros, the guys who are there year-round--Homer Leonard, David Irons, Walter Cavin for the railroads, Leonard Mohrmann for the liquor people, you

know, these guys. And they sit down and they talk with each other. And they get up kitties and pots from time to time, and that's how they elect the speaker. And they decide what's in their best interests and what isn't. And personal likes or dislikes or political philosophy or anything else has anything to do with it. It's a pure business matter. And they have ascertained in their wisdom that Mr. Mutscher is dead, and therefore they have jumped ship and they have said adios Gus. And when they see the poll they're paying for, and obviously they're going to, they're going to say adios Preston. It's time for you to go back to Lubbock, Texas, and show your dirty movies and sell your real estate and let's see if you can get any stock tips then.

Maybe I'm old fashioned and maybe I'm a traditionalist, but one of the real surprises to me was this aid to private schools and universities that passed. I personally feel it's unconstitutional, and I voted against it. I didn't really work very hard against it. I couldn't conceive of it passing, truthfully. But even if it's not unconstitutional, it's bad public policy. It's bad public policy. We ought to have a free public education system in this state that extends from kindergarten to Ph.D. as far as I'm concerned. And if other people--whether they be church oriented or otherwise--want to establish an institution of higher learning that's privately owned, privately controlled, privately endowed, I have no quarrel with that. I just think it's a mistake to use public

money in any private venture, whether it's in education or business or anything else. And I was very surprised that they were able to line up the votes. There weren't but five or six of us that voted against that damn thing in the Senate, as I recall. There was no debate about it. The House had a hulluva a debate. I must say they did better than we did on it. They ran at it with a bunch of amendments of one thing or another. But I think it represents a rather dramatic change in the public thinking of the Legislature and in the public generally. I, for one, was very surprised that the traditional sources you would think would oppose this didn't, particularly among organized religion. I was surprised the Baptist Church wasn't in there fighting it tooth and nail. Now they did fight with us, and we were able to kill the bill that would have provided public aid to parochial schools, elementary and secondary private schools. And we were able to kill it. But it represents a new thinking in Texas, and I think a mistaken thinking. Dr. Moudy, the Chancellor for TCU testified in support of the bill in committee. And I asked him a couple of questions really because I really didn't expect the answers I got. I didn't think they'd be so damn brazen. I said, "Dr., this bill calls for, as I remember, \$300 a semester tuition equalization. But there's nothing in here that would prevent you from raising your tuition by \$300 per semester per student, so that the benefit to the student would be none whatever, is there?" And he said, "No." And I said, "Will you be willing

to accept an amendment that would limit it?" No, he wouldn't. Well, I was shocked by that brazenness. And the second thing was, "Of course, there's nothing in here that would prohibit you from excluding blacks, browns, yellows, one-eyed people, blue-eyed people, black-headed people, blonde-headed people, people who do not belong to your particular religious sect." "No there isn't, but, of course, we wouldn't do that." I said, "Then you wouldn't have any objections to accepting an amendment to that effect." "Well, yes, I would." Well, it just kind of surpri . . . and to sit there and ask those questions and then to see people like Barbara Jordan vote for it is just, you know, kind of surprising to me.

Marcello: Apparently, you were very much disappointed by the conduct of Barbara Jordan during . . .

Mauzy: Yes, I was.

Marcello: . . . the past session of the Legislature.

Mauzy: Yes, I was. She's a human being like I am. She's got a right to make political deals. I'm not quarreling with that. I just thought that Barbara would stay in the boat better than she did. I didn't think she'd let her personal ambitions dictate to her. I was not surprised by Charlie Wilson at all. But I was surprised by Barbara. The bright light of the whole session to me was Jim Wallace, a new member from Houston. He just is a tremendous guy, very bright, very able. He worked very hard. Of course, he and I agree philosophically about almost everything, and so that is part of it. But Max Sherman, the new

member from Amarillo, was also very pleasant surprise to me. He's as good a member as Jim is, although he votes opposite me most the time. Max Sherman is a very decent human being. He's an intelligent human being. He works hard. He would like to be a lot more progressive than his district will permit him to be. But he's just a real fine member. Kothmann and Beckworth, the other two freshmen, are nothing-bulls that didn't contribute anything. I just like to see people come down there who are conscientious, who work hard, and who are intelligent. And Wallace and Sherman are two outstanding members and will be real powers in the Senate in years ahead. I think Wallace by '73 or '75 at the latest will probably be running the Senate. He's got that ability. Jim is not as abrasive as I am, and so he can serve the leadership role better than I can, for example. I still get . . . you know, when I get pissed off at somebody I just tell them, "I'm pissed off at you, and go to hell," you know. Jim doesn't do that. He's a lot better diplomat than I am, and yet he's as tough as I am. He's a better human being with a better personality is what I'm saying. And he's a force to be reckoned within this state, not only in the Senate. Jim's got state-wide capabilities in him.

Marcello: Next year, or when the Legislature meets again, do you think that you, perhaps, will take any tips from the "Dirty Thirty" of the House and try to organize perhaps more closely along their lines, or is it a different situation altogether with them?

Mauzy: Yeah, the two things are really not comparable. I'm going to try between now and the next session to get people committed on rules changes. That's really the key in the Senate. I was in Houston yesterday and had lunch with Jim Wallace, and we were talking about . . . he and I are going to rewrite the rules between now and then. And we're going to try and get ourselves sixteen votes lined up, and we ain't going to say nothing to nobody. We're just going to do it. And I really think we can pull it off. We could have pulled it off this year except for Barnes. Barnes has that tremendous ability to not really get anybody mad at him. And, you know, I tried it this time and they said, "What do you want to do that for? Hell, that makes Ben look bad." And I said, "It don't make Barnes look bad, damn it. The Senate ought to run the Senate's business." And, "Well, it'll make Barnes look bad. Let's don't do that." Well, goddamn. How can you fight a guy when nobody's mad at him; you know. And I wasn't really fighting anyway, so it's a concept that I'm trying to establish. But whoever the next lieutenant governor is, it will be easier to organize against him because he'll be an unknown quantity at that point.

Marcello: What do you think Ralph Hall's chances are?

Mauzy: Zero.

Marcello: Apparently he's very much interested in the lieutenant governorship.

Mauzy: Oh, hell, he's been running for it for three years now. But

Hall ain't going to get off the ground. I personally hope he runs and gets the living hell beat out of him, if you want my opinion. Hall has become a real legislative whore since he's been in. He went there as a good man, an honest man. But, boy, he has been gotten to. And it's caught up with him and that's one reason he . . . Ralph will run. I think you'll see a twelve, fourteen, sixteen-man race. And if there's twelve candidates, for example, the best Hall will do is finish around fifth or sixth.

Marcello: You referred to Hall as a legislative whore. What exactly did you mean by that?

Mauzy: I mean that if anybody that pays him to introduce a bill, and I don't necessarily mean money--promise him political support--he'll introduce it. He demagogues. He had the damndest battery of so-called law and order bills this year I have ever seen. He in the Senate and Joe Golman in the House. He had a bill in there to legalize wire tapping that is just abominable for any lawyer, you know. I hold lawyers to a different standard when it comes to things like this than I do other people. Any lawyer who would countenance the thought of legalized wire tapping, you know, ought to go back to law school. He ought to go back and read some Brandeis and some Cardozo and some Holmes, and some opinions of the Supreme Court where they call it what it is--"Dirty Business." It's been illegal for fifty years in this country. And the fact that John Mitchell's for it and that everybody demagogues on it

really doesn't touch the argument. It's a basic violation of a constitutional right of privacy. Hall, you know, doesn't bat an eye. He just goes right on in and introduces it and tells you privately, "I ain't really for that," you know. And I said, "Well, I'm going to make goddamn sure that you get credit for being for it, my friend." I don't like that kind of stuff. It's very offensive to me.

Marcello: Something else we didn't mention, and I guess we really should, and that is the University of Texas at Dallas. Now, as I recall, once again--I shouldn't say once again, but during this particular session of the Legislature--there was a proposal to make the University of Texas at Dallas a four-year institution. Is that correct?

Mauzy: Right.

Marcello: And they were going to move the time-table for accepting juniors and seniors up to 1973. Is that correct also?

Mauzy: Uh-huh.

Marcello: And then by 1975 they would also accept both freshman and sophomores.

Mauzy: I think the junior and senior thing was 1971, but I'm not sure. I truthfully don't remember.

Marcello: I'm pretty sure. I think it was '73. I think it was originally to be '75, was it not, and then I think it was moved up to '73.

Mauzy: Yeah, the original deal was '75.

Marcello: Right.

Mauzy: The bill that was passed two years ago that created the school.

Well, as far as I'm concerned, I never was really convinced in my own mind that the University of Texas at Dallas was a good idea to start with. But for purely political reasons, which I think I told you last time, I voted for it.

Marcello: Right.

Mauzy: Because it was going to pass anyway . . . well, anyway, I did. I wasn't happy with that vote. I never have really squared it in my own conscience except on pure political expediency. But I was on the conference committee that wrote the final bill, and there was an agreement among all ten of us on the conference committee, and it's not just my recollection either. Jack Blanton and Ralph Hall and Don Kennard and I've forgotten who all was on that conference committee, but we had an explicit understanding with the sponsors of the bill and with the Governor's office and with the Coordinating Board that the bill that was passed would be acceptable and that nobody was going to come back and try to change it in two years or four years. Now they violated that agreement. I am not going to go back on my word. As far as I'm concerned, I made a commitment, and I'm going to live with that commitment. And if the Dallas Morning News or the Dallas business establishment doesn't like it, I'm sorry about that. But I told them before the session ever started, "Don't you count on me. I'm going to vote against it. You are not going to come around here and make me out a liar. And if you get the votes to pass it without me, more power to you. But just don't . . . include me out."

And McKool conveniently forgot that agreement, and Harris conveniently forgot it, and Hall conveniently forgot it, but I didn't. It's just that simple.

Marcello: Well I guess that Kennard at least stymied the attempt for at least one more session anyway with his filibuster. Were you there to witness very much of that filibuster?

Mauzy: I stayed and helped Don during most of that filibuster.

Marcello: How could you help--by asking long, long, long questions . . .

Mauzy: Oh, I . . .

Marcello: . . .and this sort of thing?

Mauzy: From three o'clock until five-twenty in the morning I asked one question--I read a book in the form of a question and let him sit down and rest. Chet Brooks did most of it, truthfully. Chet helped Don in terms of time more than I did because my family was in town that weekend--the only weekend they had been in Austin during that session. And I really did need to get out and spend some time with them, and Chet's family wasn't there so he stayed the whole time with Don. During a filibuster you always have someone stay with you to help you. And Chet helped some, Jim Wallace helped some, Babe Schwartz helped some. Right at the end Charlie Wilson got drunk, and his conscience got to bothering him. He and Barbara, they both voted right, finally. They helped a little. It was an interesting filibuster. Kennard . . . it's the first time I've ever seen a filibuster work--the first time. He actually switched a couple of votes.

Marcello: How do you go about switching votes . . .

Mauzy: Well . . .

Marcello: . . . in a case like that?

Mauzy: . . . in that instance, Don told us all before we . . . we had lunch together--the so-called liberals--and Don told them. He said, "You know, everybody knows what I'm going to do. I'm going to take it up on that bill today." See, we had defeated the day before the motion to suspend the rules right on Thursday, and then they were going to try again on Saturday. And Don said, "I understand they switched Sherman, and so they'll get the votes to suspend the rules, and I'm going to filibuster. And I'm going to talk as long as I can, and I'm telling you I'm in shape." And he was. Don had quit drinking when the session started, lost about forty pounds, he had dehydrated himself. And he said, "I'm going to talk as long as I'm able to. And I'm going to fall down before I quit. And I'm not going to quit." And I never will forget when he said, "Now goddamn it, you sons-of-bitches, you know, I've been good this session. I've been on time. I've quit drinking. I've shown up. You've all told me I'm a new man. And I never asked a single one of you dirty son-of-a-bitches for one goddamn favor. And I've whored for all of you on your local stuff. And goddamn it, I'm asking you now Wilson, McKool, Bridges," and just eyeballed everyone of those chicken shits. And frankly, a lot of people didn't think Don could carry through with that, but he did. And everybody was there cheering him on

when he broke the record. As I say, Wilson got drunk and his conscience got to bothering him. He also thought he was going to get screwed out of his congressional district, too. At that point he had been screwed out of it. As it turned out he wasn't. Jordan, her conscience got to bothering her. The two of them switched. I went by and firmed it up with them. They had come by and indicated to Don that they were going to, and he asked me to go by and firm them. And I got their commitments. And their words are always good. If they tell you they'll do something, they'll do it, and they said, "That's right, we'll go with you this time." You know, Wilson told me, "Hell, you guys got more guts than anybody the way you're taking the heat." See, they'd both been against it two years ago. And so Charlie agreed to stay, and Barbara agreed to stay then. And so I rounded up all the other votes against it except Joe Christie. And Christie was pulling one of his flake jobs. He was going to be absent when the vote was taken. They had switched Sherman so they thought they had the votes. With Christie absent they would have except we switched Wilson and Jordan, and they were very surprised. They didn't know we had the votes.