

NORTH TEXAS STATE UNIVERSITY
ORAL HISTORY COLLECTION

NUMBER

0137

Interview with
Representative Ben Bynum
September 22, 1971

Place of Interview: Amarillo, Texas
Interviewer: Ronald E. Marcello
Terms of Use: OPEN
Approved: Ben Bynum
Date: 3/6/73

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THE UNIVERSITY OF NORTH TEXAS
IN THE CITY OF DENTON, TEXAS**

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Oral History Collection

Ben Bynum

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Amarillo, Texas

Date: September 22, 1971

Dr. Marcello: This is Ron Marcello interviewing Representative Ben Bynum for the North Texas State University Oral History Collection. The interview is taking place on September 22, 1971, in Amarillo, Texas. I'm interviewing Representative Bynum in order to get his reminiscences and impressions and comments concerning the regular and first special session of the 62nd Texas Legislature. Mr. Bynum, since this is the first time that you have participated in our program, would you please start by giving us a brief biographical sketch of yourself? In other words, would you tell us where you were born, when you were born, your education, so on and so forth?

Mr. Bynum: I was born in Amarillo, Texas, on April 16, 1943. And my father and grandfather before him all lived in Amarillo. My grandfather, B. C. D. Bynum, settled in Amarillo only three years after it was first

established--not as a city, but in 1892. He came here and started with the Smith-Walker Grocery Company and then later went into banking. My father was born here, and my mother's family moved here in the early 'twenties and are still here in the funeral business. Her maiden name is Boxwell. My educational background is strictly an Amarillo background. I grew up in Amarillo and went to grade school here, junior high school here. I went to Amarillo High School and graduated in 1961. I then matriculated to the University of Texas in the fall of '61 as a freshman and stayed there three semesters. In the spring semester my father had extensive ranching interests in Alaska and had to take an extended trip up there and did not want to leave my mother and sister home by themselves, so I came home and went for one semester to Amarillo Junior College here--which I dwelled on some in my campaign. Then I returned to the University of Texas, finished my government degree, and then took graduate work in communications and public relations at the University of Texas. From there I went to work for about a year for the State Democratic Committee's Young Texan Resource Panel, which was an effort to bring young people into the

Democratic Party. From there I was hired on the lieutenant governor's staff and worked for him during the 1968 campaign for about six months--for Lieutenant Governor Barnes. And then shortly thereafter we returned to Amarillo. And then when Walter Knapp announced that he was going to run for the Senate--therefore not going to run for the House seat in District 74, place 1--I announced for that seat. We announced for the Legislature in November two years ago and then had the primaries the following May, the general election the next November, and then the regular session started in January.

Marcello: What made you decide to get into politics?

Bynum: Well, I'd always been very, very interested in it. I was interested in school-type politics clear back in junior high and high school. Then in college I was very, very active in campus politics. I served two years on the University of Texas Athletic Council and was executive assistant to two different student body presidents. I've also been in the Student Assembly at the University of Texas. So when I got out of college, the Democratic Party was looking for somebody to organize this Young Texan Resource Panel, and I went to work for the SDEC. That was when Will

Davis was chairman of the Democratic Party. And the rest of it proceeded very naturally. It was no sudden decision or anything like that; I've always been very interested in it. I enjoy it. And when it was obvious there was going to be a legislative vacancy, I was the first to announce.

Marcello: I gather then that you have been or you are now a freshman representative. Is that correct? This past time was the first time that you had run.

Bynum: Yes. I'm a rookie.

Marcello: Let's talk a little bit about the Legislature then. What sort of problems or what sort of a situation confronted you as a rookie legislator when you went to Austin for the first time?

Bynum: Well, I guess the same problems that would confront any new legislator, and that's trying to get to know the people and understand the rules. I think those are your two biggest problems. I had an advantage because for two different sessions while I'd been in college I had worked as a part-time aide to J. M. (Red) Simpson, who had represented Randall County and five other counties in the seat that Tom Christian now sits in. I'd worked for him for two sessions, so I wasn't as lost in the

capitol as I'm sure someone who had never spent much time in Austin and run for the Legislature and come down there. I felt like I knew a lot of people there, and I felt like I knew a little bit more about where things were and what to expect. I was not overwhelmed, I don't think, or surprised with what went on. And I think my major problem was probably trying to understand the rules and knowing what should be done exactly when and where. And, of course, I had the same problem I'm sure all freshman did, and that was trying to get to know everybody. You felt like, "Here's 150 people. I'll never learn everybody's name." Of course, by the end of the session you felt very, very close to virtually every one of them. You certainly knew who everyone was. But I think these were the primary problems that confronted me as a freshman representative.

Marcello: What committees were you assigned to?

Bynum: Well, I felt like I was very, very fortunate with my committee assignments. I was assigned to the State Affairs Committee, which, of course, is the major policy-making committee,

Marcello: Very important committee.

Bynum: I was assigned to the Insurance Committee; Constitutional Amendments, which was, I thought, a very interesting committee; Elections, which was the committee I was very, very interested in, and it turns out I was very, very instrumental in the final draft of the voter registration bill as a result of that. My fifth committee was Common Carriers, which I think maybe met one time. But I had four very, very busy committees, and, I think, probably pretty important committees. I would say that only one or two other freshmen had any as good or any better committee assignments.

Marcello: To what do you attribute your luck--if we can call it that--let's say of getting on the State Affairs Committee?

Bynum: I think probably it was due to the fact that I did have a number of contacts in Austin before I ran and during the campaign. People who knew the speaker and knew other members of the Legislature, members of the lobby, and probably . . . the speaker was very interested in my race from the beginning. I spent a good deal of time in Austin with him before I made my decision to run. And he visited me in Amarillo a couple of times during the campaign.

And I think these things . . . I was more of a known quantity than most of the freshmen that were there. There were a lot of people that knew me. I was not just a new face.

Marcello: Who were some of the people that you think perhaps may have helped you? Would you care to mention some of them?

Bynum: Oh, I'd known Rush McGinty for some time, people like Terry Townsend, who represents the Texas Motor Transportation Association, John Selman who represents the furniture dealers. He's with Sneed, Vine, Wilkinson, and Selman Law Firm there in Austin. Both of these were people that I'd known from my college days. I think there's no question that my very close association with Frank Erwin probably helped. I don't know whether Frank was ever consulted by the speaker or not. But I think what I'm saying is that when the speaker or other older members would ask about freshmen, I very often would be--in a group of older members, people like this--would be a known quantity. I'd worked around the Legislature. I knew a lot of the older members. I knew Jim Slider. I don't know whether the speaker asked--he's the

Chairman of the State Affairs--I don't know whether the speaker asked him who he wanted on the committee or not.

Marcello: Did you meet most of these people or did you get to know most of these people through your activities with the State Democratic Executive Committee--through your work there?

Bynum: Some of it. I would say more of it though went back to my two years of work with Red Simpson when he was a member of the Legislature and just being there for two years.

Marcello: I suppose that when you went to Austin you were pledged to Speaker Mutscher. Is that correct? When I say pledged, he had your pledge card.

Bynum: I had signed either shortly before or shortly after I announced--a week before probably--pledge cards for the 62nd Legislature and the 63rd.

Marcello: How would you place yourself on the political spectrum--liberal, conservative, moderate?

Bynum: I think that--and probably everybody answers this way--I really consider myself a moderate. And let me say that I represent a very, very conservative area. The Panhandle is a renowned conservative area. I think it speaks for itself to say that in 1964

when Lyndon Johnson was running against Barry Goldwater that there were only sixteen counties in Texas that went for Goldwater. Of those sixteen, eight were in the Panhandle. One of them is the one that I represent. So I think we can say that this is a conservative area. Now I'm not convinced it's necessarily a Republican area, but I find myself very often probably voting my district and my constituents, and therefore my record would probably reflect itself a little more conservative than I think probably I am myself. I really don't like labels. I think labels belong on tin cans. And so I hate to get put in a box and classify myself because on some issues I'm sure that I'm probably very liberal and on other issues quite conservative. But by using other people's definitions and labels I think my voting record would probably reflect that I'm pretty conservative. I think that personally I'm more moderate than my voting record would actually reflect. I think that as a representative you often end up in the situation of often when you cast votes deciding whether you are going to represent what you know would be the majority feeling of your district or whether you're going to vote your own conscience.

And I think there's those times when you have to vote your own conscience, but I think the majority of the time that if you know that your district would feel a certain way that there's some obligation. You know, you're very title--Representative--I think in itself lends itself to indicate that you're somewhat honor bound to at least attempt to reflect the attitudes of your district.

Marcello: What are some of the things that the people of your district are interested in? In other words, when you go to Austin what do you have in mind?

Bynum: Well, I think the people of this district are probably concerned about the same problems that most of the state is. I sense that they're very concerned about high insurance rates, I sense that they're very concerned about more taxes. Welfare is very unpopular in my district just generally speaking. Specifically, I think there's some things that my area is concerned about perhaps that others are not. One is water. We realize--at least I realize, and I think the great majority of people in my district realize--that the underground water in the Panhandle which has made our agriculture and our life in essence what it is

is not replenishing itself, and that within at least as short a time as ten to twenty years and as long a time as forty or fifty years this underground water will actually be gone, and that we must find ways to replace this water whether we import it from the Mississippi or bring it down from Canada or whether we try to find ways to desalt the water and pump it all the way up from the coast. I don't know what the answer is. I felt very strong during the session and will continue to work to implement a Texas water plan. And I'm not committed to the Texas water plan that was defeated at the polls some three and a half years ago. I'm not sure that the answer is to pull it out of the Mississippi, but I am sure that we must spend whatever money it's going to take to at least begin the research and the contacts to see where we could provide water for our future because we've got to have it. Generally, this is an agricultural area. I'm concerned with agricultural problems. Another concern that I became very involved with that I hadn't much thought about before was T. S. T. I.--Texas State Technical Institute. This is the system which is headquartered in Waco and has campuses in Waco, Harlingen, Sweetwater,

and Amarillo. And there was an effort during this last session to completely destroy that system. So I became very involved with attempting to kill that bill, interested enough that when it came before the State Affairs Committee I was very personally involved in seeing to it that that bill never got on the floor.

Marcello; What exactly is this Texas Technical Institute?

Bynum; Texas Technical Institute called either T. S. T. I. or State Tech is a vocational-educational system. It is what they call post-graduate vocational-technical training. This means that they want to give technical training to anyone who is out of high school. Now that doesn't mean that they have to graduate from high school. This is not saying that at all. It could be somebody that dropped out in the third grade. But someone who has no intention to go back into the regular schooling system can go to T. S. T. I. and go through a vocational-technical course. Some of them are as short as six or eight weeks in welding and mechanics. Other courses like their commercial art courses, their airplane mechanics courses, are two year courses. But I believe that vocational-technical training is in essence the most important single

educational fact that we've got to face in the next ten years in Texas. We have spent the last twenty-five years in Texas on a program to convince all people that going to college is the greatest thing they can do. And I think we have finally realized that everybody really shouldn't go to college. You know they say that the guy today that makes the most money is the guy that's a plumber who's moonlighting as a TV repairman. And I think there's a lot of truth in that. And if you tried to get quality work done on your car you know how hard it is to find a good mechanic. These are things which our society desperately needs which obviously we have not been training, nor have we given these professions the necessary prestige. Now this is one reason I really like this T. S. T. I. system. I think that it's a whole educational system. You know, they're going to have athletic teams. It's new. It just started. It's got its problems. But down the road, I think these schools will have their own identity, and it won't be a second class system of education. It won't be as if, "Well, I couldn't get in any college, so I went to a technical-vocational school." I think that we must give this system enough prestige that

people will want to participate in this program. It's tremendous. What they've done up to now . . . the history of the T. S. T. I. system was that when they closed the old James Connally Air Force Base in Lubbock, someone said, "Well, we ought to make this into a technical-vocational school." So the Legislature did this in '65. They did it by putting it under the A & M Board. And then finally in the '69 session of the Legislature they set up their own separate board of regents for Texas State Technical Institute and acquired these other two campuses in Amarillo and Harlingen, and the Sweetwater campus was a satellite of Waco. But each of these are old closed Air Force bases where they have tremendous building facilities and things like this. And here in Amarillo they acquired about twenty-nine or thirty million dollars worth of assets that the state bought from the federal government for three million and set up as the T. S. T. I. campus.

This effort that I was talking about was a bill introduced by Representative McAlister of Lubbock which didn't help matters either because of the infamous Amarillo-Lubbock rivalry. But this was a bill that would have brought the T. S. T. I.

system under the Coordinating Board. At the present time they're only loosely under the Texas Education Agency. It would have brought them under the Coordinating Board, and the truth is it would really emasculate the system because it would have actually turned over all technical-vocational training to the junior colleges. Now some junior colleges want this and some don't. Your large new junior college systems like your Tarrant County and Dallas County junior colleges are very interested in technical-vocational training. Your older, established, academic junior colleges like Amarillo College or Kilgore or Tyler or Horton, some of these that have very strong academic programs, really don't see their role as being primarily technical-vocational. But anyway, this bill I was talking about was a bill by McAlister which would have brought the T. S. T. I. under the Coordinating Board and would have basically turned over technical-vocational training to the junior colleges, which I'm very much opposed to. The bill that was originally written provided that the Amarillo campus of T. S. T. I. would be closed and disposed of by the Board of Control. And you can imagine after our whole city

had just been through a very, very exciting thing of opening this campus within the year how that went over here in Amarillo. But McAlister did almost immediately agree to amend that out of it, and he was going to set this campus up as a separate one with its own board. But that was not what we wanted, and I never did agree to the bill. And finally, in the waning days of the regular session he insisted that it be heard before the committee, and we heard it and promptly proceeded to kill it. But I also introduced a resolution setting up an interim committee to study technical-vocational training. I certainly agree with Representative McAlister that there ought to be some coordination of their programs. One of his complaints is that we just can't go down every session of the Legislature, and if some representative has enough influence to put in a new T. S. T. I. campus in his town, it's a political plum to do that, I agree . . .

Marcello: Like they're spreading out state colleges.

Bynum: Right, Right. Very similar, Then, of course, that was why they created the Coordinating Board to keep that from happening with state colleges. I agree with him there, but I didn't agree with his method

of doing it in his bill. So I hope that he and I will be able to vote them on that particular interim committee to study this and see what we can come up with. It's very complicated. It gets into some personalities. But the president of T. S. T. I. used to be a vice-president at A & M, and then he moved over and took over as president when they got their own board. There are some people in the Legislature that feel that he's an empire-builder and that he's very dangerous. I rather took the attitude that if he was going to build his empire in my district it was alright. I don't know. He doesn't impress me that way at all, but this is all on the side. But this was another area that I became very involved in.

I am personally very, very interested in the entire election and voting process, and I felt that Texas has some pretty archaic registration and voter laws. And, again, back to your labels, if I'm a liberal in one area, I'd be a great liberal in voter laws. I am very opposed to annual registration and some of these other things that are great old conservative standbys. So I am very interested in

that issue, but that's more of a personal one. I'm generally interested in higher education on all levels, not only vocational-technical level but also all your--we've got a wonderful junior college here-- junior colleges, and I'm one of those kind of University of Texas alumni that still bleed orange when I'm cut, so I generally have a real interest in higher education, again not because of my district but just because of my own personal background.

Marcello: Let's talk a little bit about some of the things that went on in this past session. Let's talk first of all about the raising of revenue. Now very early in the session Governor Smith proposed to finance state operations through deficit spending. I think it called for the issuance of around six hundred million dollars worth of bonds. What was your initial reaction to that proposal on the part of the governor?

Bynum: I was in favor of that proposal. I think I was one of the only twenty-six or so people who voted for it. Mostly for political reasons. I felt like that the governor was playing games with the Legislature when he came in and made this speech for a great "no-tax" package, which, of course, he was calling it. He certainly never referred to it as deficit spending.

His great "no-tax" package I felt like was a presentation on his part that said, "Okay, we'll have no taxes and finance this through these . . ." I believe he called them education-revenue bonds. In other words, his program was more palatable than . . . everybody started crying about deficit spending. But the truth is that he made his program pretty palatable because what his bonds were actually going to finance was the educational end of the tax plan, so you would have been paying for the colleges. And I felt like, "Well, he is going to throw it on us, and then we'll vote it down, and then he's going to blame us for the taxes." So I voted for the plan. I am not that opposed to deficit spending. Of course, you can make many arguments against it and for it. After all, our federal government claims that we would destroy the entire economy of the United States if they didn't operate on deficit spending. And I can certainly see the good points of pay-as-you-go, too. And there were some strong arguments made in the Legislature that this five hundred million dollars that we would end up indebting ourselves to would end up costing a billion dollars to repay in the long run and that all we were doing was just postponing

the inevitable and shifting the burden to a later Legislature. All of which arguments I agree with. Had it come down to a final vote and had I actually thought we might have done it, I'm not sure I would have ended up voting for it. It would have been very tough. But at the time, and considering what I thought was the game that the governor was playing, I just decided, "Well, we'll just play along with the game and just put it right back in the governor's lap and let him take the blame for it."

Marcello: Apparently he sprang this on the Legislature without any prior warning. Isn't this correct?

Bynum: Not only no prior warning, but after he sprang it on the Legislature I think it was pretty obvious to all parties involved that he was not committed to the program much at all. He didn't work the Legislature. He brought little or no pressure to bear on members to pass the legislation. I am personally convinced it was strictly a political gimmick so that later on he could say, "Well, I proposed a plan that wouldn't take any taxes."

Marcello: In other words, you believe that Governor Smith was perhaps looking ahead to 1972. Is that correct?

Bynum: I think so. I think so. Of course, I've supported Governor Smith in the last campaign very hard, and

I admire him in many ways. But I'll say this. He is one of the most unpredictable men in the world. And I think that's a good example of a very wild type plan that he thought sounded good at the time and he brought it up. And I would say in retrospect he never had any intention of it being passed into law.

Marcello: From whom do you think he was taking his advice? From whom does he get his advice? Do you know of any individual?

Bynum: I can assume only that his advisors must be probably three general people--Bob Bullock, Larry Teaver, and probably Dr. Baum. I'm not sure what hats they wear. I think that Teaver's probably his administrative aide and Bullock is an executive assistant, and you'd have to check me on that to see what hats they wear. In the early part of the Legislature Bullock was in charge of appointments, and they apparently flip-flopped Bullock because Teaver became appointments man and Teaver was mostly his legal advisor.

Marcello: Well, Bullock has since been appointed as the Secretary of State.

Bynum: And Teaver has just been appointed to the Insurance Commission. These moves, of course, are moves which indicate to many people that Preston isn't really planning to run again next time no matter what he says.

Marcello: In other words, he's taking care of his friends for six years. These are six-year appointments, are they not?

Bynum: Not Secretary of State. Secretary of State is only a two-year appointment. The Secretary of State is really the only patronage appointment the Governor of Texas has because we have an elected attorney general, comptroller, agricultural commissioner. All these in Texas are elected. And the Secretary of State is appointed by the governor and would run concurrently. So, whenever the governor goes out of office then so will Bob Bullock as Secretary of State. This was a real great surprise--this appointment of Bullock--because the rumor had it that Bullock was going to be appointed the Executive Secretary of the new Vending Commission. The Legislature created a Vending Commission, and Bob was supposed to be . . . and Bob has publicly stated that of the new commissioners that the governor appointed he had guaranteed every vote he knew but

one, and he thought he had that one. So everyone thought Bob was going to be appointed Executive Director of the new Vending Commission. And lo and behold I wake up one morning and Preston's appointed him Secretary of State. Now I did notice that the commission appointed an acting executive director after Bullock became Secretary of State. And there's much speculation that Bullock may yet be the Executive Director of the Vending Commission.

Marcello: Well, of course, it was up to Jumbo Atwell, I suppose, to carry the governor's proposal before the House. From all that I've read and from all that I've heard, he did so rather reluctantly.

Bynum: I would certainly agree with that, yes. The governor said, "Well, somebody's got to do it." And Jumbo said, "Okay."

Marcello: As Chairman of the Revenue and Taxation Committee he decided to do it.

Bynum: Jumbo is renowned for his ability to mutter at the front mike, and he was in his rarest muttering form when he carried that one that day. I think by the time it came up to vote there was no one who thought it had a Chinaman's chance.

Marcello: And it really didn't. According to some newspapers,

it was virtually laughed out of the House. Is this perhaps a good description?

Bynum: Well, a bunch of newspapers made some remark, as I recall, about the jeering and snickering that went on on the floor of the House. I think that probably there was a chuckle or a surprised kind of a laugh when there were so few votes for it because it was 120 to 26. And I think it was a surprising sort of thing. I don't think they were particularly laughing at the proposal. I think a lot of people that morning said, "Well, you know, it's not going to pass. It's not going to pass." But when it failed as miserably as it did that there was a reaction to it. The newspapers made it sound like the whole House was snickering at it. I don't think that's what it was. Many times during various sessions there's often some reactions to the board when it does calculate the votes. Anytime there's a major vote and it comes up on that board tied, you know, there's always a laugh or a gasp--a reaction--in the House. I think that's what it was that morning. The newspapers made a big thing of it, but I think it was more the reaction to the number of votes cast than it was a reaction to the governor's plan.

Marcello: Do you think that the newspapers during the past session did usually report the activities of the Legislature fairly and accurately?

Bynum: No, I don't. I just don't believe they did. I was very disillusioned with the press during the Legislature. My business is in public relations and in radio and television, and I certainly generally had somewhat of an association with and admiration for the press. I felt like during my campaign I had been treated very well by the Amarillo paper. And I was very disillusioned with the capitol press corps. I think a lot of it, of course, was caused by the stock scandal that broke on the inauguration day a week after we'd gone in session. I think that the capitol press had a tendency to take everything from a negative view, and they were convinced that . . . it was a bad situation. I'll agree . . .

Marcello: Do you think they still had a bad taste in their mouth perhaps from what went on in the previous legislative session? You remember, that was the one that was drawn out for so long in trying to come up with some sort of a tax bill.

Bynum: I think that's possible and there's some people that theorize that they were mad at the Legislature,

at the speaker in particular, because he moved them from the middle of the floor. You know, the press table has been in the middle and he put them over in that jury box where they claimed they couldn't see the board and what have you. And there were a bunch of ugly words said about that. Now whether that was that big a thing or not I can't say. I will say that just generally speaking that the press would cover what they wanted to cover. They would leave out things they didn't care about or didn't think was copy. And I think they did try to do an axe job on Mutscher. Maybe it was like the bleeding dog and the wolves coming. That's a real possibility. But I really felt like they did. I'm trying to sit here and recall specific instances of what they did. But I got pretty upset with them because I think the majority of the Legislature was working hard. We worked more hours than any Legislature's worked. We put in more time in session, more time in committee work. We had more bills than ever before. The Journal of the last legislative session with its indices was about 4,000 pages. Today, they're already 6,000 pages in this Journal, and that

doesn't include the indices. So, we did a lot of work. And the press didn't reflect that. If you'd read the press, you just thought we were down there, you know, jacking around the whole time, which I really don't think we were. And I think particularly . . . you know, I think there's got to be a lot of credit given this last session of the Legislature. After the stock scandal broke and the problems we had, it would have been extremely easy for that whole ball of wax just to come completely to pieces. Now people have said to us, "Well, why didn't you throw that crook Mutscher out?" Well, can you imagine what would have happened if somewhere in the middle of that session we had stopped, passed a resolution asking him to leave the chair, and then gone into a new speaker's race which no one was ready for? We could have spent a month and a half just messing around with internal problems, internal politics. I think that we had no choice as long as there had been no indictments and no proof but to go on with our business, and we owed it to the people of Texas to get out of there. After all, a lot of people have forgotten that when we went down there people were talking about the largest tax bill in history

and all these things. Many people were saying that we'd have two and three and four special sessions. People were talking about, "You're going to enjoy Christmas in Austin," before I left here. And we finished up with only four extra days in special session. A lot of people have been extremely critical of this session of the Legislature, and I think in many cases unfairly. And I'm saying this as a person who was not involved particularly in the leadership and as a freshman who was really not much more than an active observer in a lot of ways. But, I do think the press was unfair. I think they were unfair particularly to the leadership, but they would . . . I'd get very disgruntled, like I say, when we would spend hours and hours . . . you know, on Monday, Tuesday, and Wednesday night doing my committee work, I never got out of the capitol until after midnight--almost every Monday, Tuesday, and Wednesday night. And yet, some of those very dissident kind of members that I didn't feel like were really contributing anything to the session would get something going, and they'd start a little noise, and the whole press corps would gather around somebody's desk over there, you know. You know, Curtis would start something and . . .

Marcello: Curtis Graves.

Bynum: Right. Curtis Graves from Houston. And, you know, immediately, you know, here was somebody that was newsworthy because he was going to say something controversial. The same thing with Representative Farenthold from Corpus Christi. She was constantly the darling of the press, you know. They wanted to hear what she had to say and would give her inches and inches of type. And the average, run-of-the-mill, working member, whether he was a freshman or old member, was paid very little attention to. And from that standpoint I . . . reporters have their jobs to do, too. And I made an observation which may or may not be true during the session. It appeared to me that . . . for instance, the Amarillo newspaper has a political columnist who spent about half his time in Austin, and he reported back to the Amarillo paper. He was on a regular salary. He was going to be paid so much per month no matter what. I thought he did a very, very good job of covering the Legislature, that's not to say I always agreed with him. And there were times when I felt like I did something that I should have deserved more coverage for. But he did a fair job. Yet it seemed to me like the

capitol press corps--those who are paid by the inch-- had a tendency to say, "Well, if I write these kind of things, I'll get a lot more of those inches than if I give the routine, average, daily, run-of-the-mill-type of coverage. And I don't know. Maybe that's their job. Maybe it's the job of the press to try to keep us on our toes. But I can't help but feel like they should have a little bit more responsibility of simply saying what's going on. And, you know, the trouble with this session was we've always had a "Dirty Thirty." There's nothing new about a "Dirty Thirty." I don't care whether it was under Barnes or whether it's under Mutscher. And even when Turman, who supposedly was a liberal speaker, was elected he probably had him about a "Dirty Sixty" that were trying to torpedo the leadership. There's nothing new about that. It just so happened that because of the stock scandal they had a rallying point, and they had something where they could get attention. They could be heard on it.

Marcello: Right. Well, this is something I think we'll talk about a little bit later on. Many of these people who became members of the "Dirty Thirty" had been sniping at Mutscher long before the stock scandal even broke, perhaps as individuals rather than as a group.

Bynum: Right. And many of these people were sniping at Barnes before that--some of the ones that had been around for awhile. So, we'll get to it when you want to. I didn't mean to jump ahead of you. But just generally and basically, I think the press did the Legislature a disservice. I think they covered the sensational. They did not cover the work that was going on in the Legislature, and I do think for certain individuals that they did give them unfair coverage. I really do. I really think that the press in many ways crucified Mutscher. And, you know, here on September 21st-22nd I'm not ready to say, "Well, Mutscher was right or wrong for what he did." I think probably he was guilty of gross stupidity, and I'm sure you probably want to talk about that some more in a little while. We will. But the press really did a hatchet job on him. And I'll tell you where I sensed that. You know, obviously, the governor was as involved as the speaker. The governor at least made several thousands of dollars in the operation and the speaker didn't. And yet today, if you talk to any man on the street, they are much more convinced that Mutscher is a dirty

no-good crook and that Preston is, you know . . . there's just complete difference about the two. Mutscher and Preston are not in the same boat in the public's mind.

Marcello: Well, like you say, I think a good deal of that is not only due to the press but also to Mutscher's stupidity.

Bynum: Oh, I agree with that. I couldn't agree with you more.

Marcello: Which we'll talk about later on.

Bynum: I think he mis-handled it from beginning to end. But I do say the fact that all of this occurred during the session and that day after day after day in story after story after story it was brought out in the press about Mutscher. You know, everything Mutscher did. And we talked about the redistricting bill being vindictive. Well, there were three other redistricting bills--one by the Republicans, one by Price Daniel and one by Rayford Price. All of those paired more people than the one we passed did. But those were never vindictive bills. You know, anybody that writes a redistricting bill is going to be nicer to their friends than their enemies. Yet the press reports this as being totally vindictive.

And it didn't seem to me like, you know . . . anything. Mutscher kept being called a tyrant and a dictator. Mutscher was one of the easier going, fairer speakers that there has ever . . . Barnes was a tyrant! When you were in Barnes' House, you were either on the team or you weren't and you were either 100 per cent or . . . with Gus, somebody could go to Gus and say, "Gus, I can't go with you on this one." And Gus would say, "Fine." And he was eminently fair. In fact, many of the members of the House, particularly the older ones . . . one of the biggest complaints I heard about the speaker during the session was, you know, "Why in the hell won't he push this thing harder," you know. I got very tired of reading about what a tyrant and a dictator Mutscher was. People are quick to forget Byron Tunnell and Ben Barnes. They don't know what a dictator is until they've seen a House run by one of those two people. It just isn't true that Mutscher is a tyrant or a dictator. Mutscher prides himself in being a members' speaker and, you know, he really tries to be. I really believe that. I think one of the problems was that he tried to be too fair. It took a pretty big man to take some of the personal attacks,

particularly there towards the end of the session, that he sat there at the chair and took. And usually with a smile, at least, better than I could have taken it.

Marcello: Well, very shortly after the House rejected this first revenue proposal of the governor, he then came back with a second proposal, which among other things would have raised the state sales tax to 4 per cent, and it would have raised the tuition at state-supported colleges, and I think there was an increase on the taxes concerning the sale of automobiles and maybe one or two other things. For the most part, what was your reaction to his alternate tax proposal?

Bynum: I was basically in favor of it. I thought it was a good plan. From the standpoint of my district and what have you, I was committed to try to do what I could to avoid either an income tax or a corporate profits tax. Again, we got some difference between my personal feelings and my district's feelings. But I was opposed to either of those taxes. So from that standpoint I was pleased with the governor's proposal.

Marcello: This was going to be one of my next questions. I was going to ask you exactly how you did stand on the issue of the corporate income tax or the corporate profits tax, whichever you wish to call it. And I think for the most part that you've more or less answered my question.

Bynum; I will take it just a step further here. It's hard to be a realist and not say that somewhere in the future in Texas that we're . . . you know, we have now put the sales where it's 5 per cent after the cities add their penny. And I think that's a real psychological barrier. And if Texas is going to continue to grow and have more and better programs and be a progressive state and take our place as the fourth largest state in the nation, then I think we're probably going to have increased state expenditures. And if we do, we're going to have to go to some of these other tax bases. And let me say that if we had a bill that proposed a corporate income tax and completely did away with the franchise tax, I would be very tempted to vote for it.

Marcello: This seems to be the impression of a lot of legislators that I've talked to. Apparently the franchise tax hasn't worked out the way it was intended or . . .

Bynum: Of course, the history of the franchise tax, it was first instituted many, many years ago as simply the amount of money it took to file your papers to incorporate with the secretary of state. It was a few dollars. But it's been expanded. And what irks me about the franchise tax is that it, of course, covers long term debt. You have to pay so much per thousand dollars of assets, and assets are defined as long-term debt. Well, this is particularly hard on the new or small businessman. You may have someone who's not even making money and is heavily in debt, and he has to pay very high franchise taxes, and they can actually break him. And one thing about a corporate profits tax is at least it's not going to break anybody.

Marcello: In other words, you will pay according to your income.

Bynum: Well, if you make some money you're going to pay a part of it.

Marcello: Your profits. Right.

Bynum: If somebody loses money . . .

Marcello: Right.

Bynum: . . . they are not going to at least pay any. Under the franchise tax often the guy that gets it put to

him the very worst is the new businessman who's just borrowed a lot of money to go into business.

Marcello: In other words, this is based upon an evaluation of one's assets for the most part. Is that correct?

Bynum: And the important thing is it considers long-term debt and assets, so if someone has borrowed a bunch of money to buy a new building to go into business, this is part of his assets, and he must pay the tax on it even though he may not be making any money at all. And this is my objection to the franchise tax. Many of these people who are very philosophical say, "We ought to tax these big businesses,"--your liberals if you want to go back to your term. Many of these people, I think, don't realize it's a bad tax. It's a tax that you can't predict. It may bring in a great deal of revenue a very good year, and the next year if there's a bad recession in the economy your tax may just be shot all to hell. So I think it's really a bad tax. I think inevitably--disagreeable though it may be and I'll probably vote against it the day it comes--but some time way down the line we're going to have to go to a personal income tax which is really the only broad tax beside the sales tax.

Marcello: It does seem obvious, does it not, that perhaps the corporate income tax will come before the personal income tax rather than vice versa?

Bynum: I think there's no question about that. And let me say this. I think that the corporate profits tax will bring the income tax into being much quicker. And the reason is that all of your great business lobbyists and these people that have been so hard against all income taxes, when the corporate profits tax comes, then they're going to be very quick to want to say, "Alright, let's have an income tax on everybody." In fact, I believe that in the session after we enact the corporate profits tax we'll see the income tax come the next session.

Marcello: Did you receive very much mail from your home district with regard to the corporate income tax?

Bynum: Very little.

Marcello: Did you receive very much pressure, let's say, from lobbyists? Pressure perhaps isn't a good word to use, but did lobbyists make it known to you what their position was and so on? Did they come to you . . .

Bynum: No. . .

Marcello: . . . and plead their case.

Bynum: No, not very much because, if you'll recall, we enacted the House tax bill very early.

Marcello: Right, very early.

Bynum: I think it was the earliest House tax bill that was ever passed.

Marcello: Right.

Bynum: Perhaps some lobbyists assumed that I would vote for that bill, which I did vote for that bill. And I voted against the corporate profits provision in it. Primarily because I was . . . you know, why vote for it then? Let it go to the Senate and let them do it. The prognostications, if you'll remember, before this Legislature was that we would end up in a very, very bitter feud between the House and the Senate with the Senate wanting the corporate profits tax and the House opposing it. So at that early stage I saw no reason to cut off my nose to spite my face and vote for a profits tax there. So I did not. Of course, as you're well . . . there was tremendous amounts of pressure exerted on the senators. And the so-called business lobby did what everyone thought was the impossible, and that was the Senate defeated the corporate profits tax. There was then a good deal of . . . not pressure,

but a number of my friends in the lobby and what have you asked me if I would support the move to concur in the Senate tax plan, therefore not opening the can of worms up again. You see, what everyone was afraid of was that if the House did not concur in the Senate tax plan, the whole thing would have to be re-hashed again and that very narrow sixteen to fifteen vote in the Senate might again be reversed. So I was ready to stop that fight myself. I didn't want to see it go on so I agreed that, "Yes, I would support it." Of course, at that time, if you'll remember, the senators that were for the profits tax thought they were pretty cagey in including in there a very large beer tax, thinking the speaker could never have lived with that and that they would get another run at it. And the speaker subsequently outsmarted them on that ploy. But I was at least asked--I wouldn't call it pressured--but asked to concur in the Senate tax bill, which I was very glad to do for many reasons beyond corporate profits tax. I just didn't want to get in that fight. And to me, the bill was satisfactory. I wasn't happy with it. I didn't like the gasoline tax. That's a bad tax for my district and my area because it's so

big and we use a lot of gasoline here. I would just as soon not have it. But the money had to be raised somewhere. In any tax or appropriations bill you've got to take the good with the bad.

Marcello: There's going to be some items that you don't like.

Bynum: You can't sit around and say, "I'm not going to vote for the bill unless I write it and it's just the way I want it." So I did agree to concur in the Senate tax plan.

Marcello: Let's talk a little bit about the state sales tax. Now it's up to 4 per cent. How much higher do you think it can go? What do you think is the absolute maximum that we can expect to get out of the state sales tax?

Bynum: It's just hard for me to prognosticate. I don't know. I have observed, There are other states which have as much as 6 per cent. I think we're probably at the top. I really do because most cities have their one penny, which puts it at 5 per cent. And I think that's a real psychological barrier. Now perhaps we could justify taking the state's end of it up to 5, and therefore the tremendous majority of Texans would be paying 6. But I think that's about it. I think probably that the next session we're

probably going to have to search for another source. We're going to be real reluctant to raise that state portion to 5, thus making it 6, because I think 5 is a very psychological barrier. You can say it's 4, but the truth is virtually every Texan's paying 5 per cent sales tax. So I think we're probably at the top of it. I think that maybe we could justify one more penny, but I certainly don't see the state ever going above that 5 per cent. Ever's a big word. I just think we'll find other tax revenue before we'll raise the state's portion above 5 per cent.

Marcello: What are some of the alternatives that you see to raising additional money that the state might possibly need. In other words, what areas are not taxed now that you think should be taxed, or where do you think increases in the present taxes should be made?

Bynum: Well, let me say first that I would like to see us revise our entire budgetary operation. Maybe I'm dreaming, but I think that we ought to make some efforts to cut some expenditures. The way we do our appropriations bill I think is at the present time a little lackadaisical. What we sort of do is

say, "Okay, last biennium we gave this agency so many millions of dollars, and they are requesting an additional five million for these programs."

Well, what we do is evaluate their additional request. We sort of start with the assumption that this base was all okay. I think we ought to go to a zero budget plan. In other words, I think we ought to start every single agency--Legislature first--with zero dollars and say, "How much can you justify?" rather than say, "How much can you justify over what you're already getting?" Because that's just a built in total increase. And, you know, somewhere in our government operation we have got to sort of take a business-like attitude and say, "Is there any time we're ever going to say that this is the maximum amount of money that we can spend?" Now let me say that I am not taking the old rock-rib conservative attitude of, you know, we're spending too much, we've got to cut back. I'm not saying that because I believe that Texas has one of the lowest tax bases of any state. I don't know the new figures, but prior to this session of the Legislature the average Texas person paid \$212 per capita, where in New York it's about \$510, and in California it's \$498. So by comparison.

we've got a very low . . . although believe me . . . don't misunderstand me. Our people are upset with the taxes they're paying. But the truth is, compared to other major states--particularly other industrial states and heavily populated states--our tax base is not high. And I think if we're going to grow and progress we've got to be willing to spend some money to do it. I'm not a person that says you don't have to spend money. You do have to spend money. But I do think some of these agencies waste a lot of money. We could probably go in and do some cutting there. But to answer your question, I think probably we've already talked about it. I think the two logical places are the corporate income tax and the personal income tax. And as I've already said, I think realistically the corporate profits tax is not a practical tax. It's a great carrying point. A lot of people say we ought to tax these big mean corporations, but from a practical standpoint of how good of a tax it is, it's just not a good tax. The other big tax is a personal income tax. And I think inevitably we're probably going to end up there. Texas has been lucky over the past fifty or so years that we've had tremendous natural resources

which we have been able to tax. We were one of the last states to have a sales tax, and I'm sure we'll be one of the last states to have a personal income tax. And this is due, I think, probably to our resources.

Marcello: I suppose revenue from oil, for example, is diminishing, I'm sure, and will diminish.

Bynum: Right. And that industry has, in all honesty--and, you know, lot's of people jump on the oil industry and big business and all that--but the truth is that that industry really has stood about all the state tax that it can stand. They carried our burden a long time, and I'm sure they can continue to carry some of it. But the depletion allowance has now been cut by the government in Washington. And it seems like one thing after another is causing that industry problems. And after all, we don't want to put so many burdens on it that that industry cannot expand and find more oil and find better ways of taking the already discovered fields and getting more oil, more recovery out of them. So I think realistically that inevitably we're going to have a personal income tax. It may be as far away as ten years. Now let me say that, just depending on

the leadership and the way things go. But inevitably that is your other major broad background. It somewhat upsets me for years in Texas . . . and this is one thing. It was Preston's program, too. You know, we've always kind of played the game in Texas about, "Well, we need three hundred million dollars this biennium. Let's look at all the various businesses, industries, and people and see who gets the black ball this time." You know, who are we going to axe this time? And, you know, is it going to be the chemical people or is it going to be the oil people. You know, who's going to get it this time? Well, that's really not a very good system of taxation when you get right down to it. It's not a broad system. But it's the game that we've tended to play in Texas for a long time and it probably won't stop. But I think that as we need large increases-- and we're going to need some more big increases because we had to face that 600-700 million dollar tax bill this time and appropriations increase this time--it's going to continue to be that way. The built-in teacher pay in House Bill 240 which was passed not this session but the past one . . .

Marcello: Last one.

Bynum: . . . is pretty tremendous. It's going to be a pretty heavy burden to carry. As you probably are aware, there was several moves by some of the rural senators and representatives to get the states to take over 100 per cent of the minimum foundation program. And this is because they're looking down the road and realizing the burden that House Bill 240 is going to place on some of these poor rural independent school districts. So there's a natural increase there. Higher education certainly is not going to cost any less. There's no way you can count on that. Welfare . . . well, you know, hoping is hoping the federal government will take it over, but it's not too likely. And there's tremendous built-in increases there. So we're going to have additional increases, and I think that ultimately we're going to end up with that personal income tax.

Marcello: How about the so-called "sin taxes?" Do you think that they have perhaps been taxed to the limit? Of course, I'm referring to the taxes on tobacco and alcoholic beverages and what have you.

Bynum: Yes, to answer your question, I do. It's my understanding that Texas' cigarette tax is now the highest in the nation or else tied for highest. I don't

think there's anybody who has any higher cigarette tax than we do, and much to my surprise, I've heard several conversations of people talking about, "Be sure to buy a bunch of cigarettes when you're in Colorado." Or, "Be sure and buy a bunch of cigarettes over in New Mexico or Arizona." So I guess the general common public has realized that this is the case. I don't know how our alcohol taxes compare with other states and how much room is there. But everybody talks about these taxes, but the truth is they don't raise that much money. We talked about liquor by the drink and how it was such a great revenue issue. Well, when it came down to it, it raised about twenty-six million dollars. Well, twenty-six million dollars is nice money, but when we were talking about the kind of problems we were talking about, twenty-six million dollars was a drop in the bucket. So not in the long run. And like I say, those areas--the sin areas--have pretty well been taxed as much as they can probably take. And I do think that there is some question of competitiveness. We can't just tax our "sin" a whole lot over what other states are doing. One of the great arguments for some of our "sins" is that

it brings in convention trade. Well, if ours is overly priced it's going to defeat some of our own purposes. So I think the answer to that question is yes: first, because I think they are taxed very heavily now; and second, because they just really don't raise that much money.

Marcello: Wasn't it kind of unusual that the revenue bill was passed before the appropriations bill? Hasn't it usually been the history of the Legislature that the appropriations bill was passed first and then the revenue bill was passed?

Bynum: Yes.

Marcello: Hasn't this been a standard procedure? What happened this time that the procedure kind of got reversed? Was this deliberate?

Bynum: Yes, I think it was deliberate. I think that it was a number of things combining. I think that the leadership of the House saw a good chance to throw . . . I think Mutscher saw a good chance to put a hot potato in Barnes' lap and take it out of the House by getting that bill out of there--hurrying up and getting it out. And I think that was a big part of it. I think in addition there was a lot of pressure from your business interests for the

House to pass their bill with no income tax so that we didn't pass an appropriations bill and then come down to the end of it and the only way that you could find the necessary money to pay for the appropriations bill was with that corporate profits tax. So I think those were two pressures that caused it. Personally, I think we ought to always do it that way. I think you've got your business in reverse when you say, "Well, here's how much we're going to spend. Now where can we raise it?" I think it would be much more efficient It's much more logical to say, "Well, we know we're going to need approximately so much money. And then let's pass the necessary taxes and then keep our budget within at least that realm." I was glad we did it that way. I think it was a practical way.

Marcello: I think we can swing now from revenue into appropriations. So what were some of the things that the House considered in coming up with an appropriations bill? Let's take the state of the economy for example. How much consideration did the House give to that?

Bynum: Precious little. And I think we've got to talk honestly about the way the appropriations bill is passed in the House. And this is one of the great

bones of contention in the Texas House of Representatives and no secret. But everyone considers that the appropriations bill is written by Chairman Heatly. And to some degree there's a lot of truth in that. And the truth is we talk a lot about, "Well, we've got to get rid of that terrible Heatly." And Heatly is an irascible soul. To this day, I doubt that Heatly could tell you the names of more than six or seven freshman members if they walked into his office.

Marcello: I was going to ask you if you had any personal contact with him during the past session..

Bynum: Yes, I did. Heatly considers himself a Panhandle legislator, although people in the Panhandle don't consider his neck of the woods part of the Panhandle; he considers himself part of the Panhandle. And so he kind of adopted . . . I don't know if you've done much research into what happened in the last campaign in the Panhandle, but you know we sent down three freshman representatives--two from here in Amarillo and then Phil Cates from over there in Pama. So we had three of us, and Heatly kind of adopted the three of us. And he took much more interest in us than he did most of the newer members.

And so I had a good deal of contact with Bill. And I like Bill. I get along with him very well. I suppose if you're Bill's friend it's great; if you're his enemy it's too bad. And maybe I'm his friend. Now I see his faults as clearly as anybody in the world. He is the absolute characterization of the old-style, mean, hard, tough politician--wheeling-dealing, back room type of politico. He doesn't bother with people much with their names or their personalities and this kind of thing. This is one of the things that upsets people. The true Bill Heatly, as I know him, is a guy that if he's your friend, you know, there's probably not anything he wouldn't do for you. And that's the way he is. Well, I like him. I understand the problems that he has with the great majority of the members of the House. He is sneaky. He is underhanded. He is a mean old man. Some of these things I don't mind. For one thing, Heatly is one of the few real centers of power that we have in the House that can fight a Senate or a governor. Here you've got this big old House, and it's hard to maneuver the House. Even the tightest leadership has a hard time. The Senate with its

thirty-one members can move very quickly and can out-manuever the House very easily. And, of course, the governor always has much more fluidity probably than either one of us. And, you know, Heatly and his Appropriations Committee and his power are one of the few places where the House is the real dominant force that for once by God can tell the Senate and the governor how we're going to do it. And from that standpoint I don't mind it, you know. And I am not one of these people that thinks that power is by definition a bad thing because I think that our political institutions were structured knowing that man acquires power and that our whole American system is structured in ways to keep the power from ever getting so centralized that it overcomes our liberties. But there's going to be concentrations of power. And I'm not one of these people that thinks it per se is bad. I don't think that strong leadership from the chair is bad. You've got 150 primadonnas sitting in that House, and we just can't let everybody just go their own individual direction all the time. You've got to have leadership and momentum and direction, or the House would never get anything done. And I

view Heatly kind of this way. I think Heatly is one of the few members of the House that has the ability to stand up and tell the governor to go to hell, to tell the lieutenant governor to go to hell. So from that standpoint, I as a House member appreciate Heatly. And I as a House member personally get along with him alright.

Marcello: You think perhaps the two go hand in hand. You appreciate him because you do get along with him.

Bynum: No, I don't. No, I don't. No, I don't. And let me say that before I ever knew Heatly I felt the same way about his power, that I have never been one to attack Heatly. And maybe it was because I didn't dislike him as an institution that I was willing to view him also as a person when I got to know him. There's no question that the great majority of the House members are afraid of him. I was never afraid of him, and maybe that's why he and I get along. But, you know, the great majority of the House members would never think of going to Heatly and telling him what they thought about something. I gave him a piece of my mind on several occasions and worked with him on a couple of projects. So he and I just kind of

understand each other maybe. But I had the same attitude about Heatly and the Appropriations Committee as an institution even before I'd ever really met Bill Heatly. So I don't think it necessarily goes that one follows the other. And by the same token, I'm saying that I do not see anything per se the matter with a strong person in the chair or a strong person as Chairman of the Rules or State Affairs. I am not one of those members that per se says, "Well, everyone ought to have this great broad say." Right now we're hell bent for rules reform. You know, everybody's for rules reform. And I am, too. I think there's a lot of things we can change. I'm not saying that I'm for status quo. There's lots of ideas I have for changing the rules of the House. But this idea that everybody ought to have a free run with their bills, that bills shouldn't die in committee, well, that's ridiculous, you know. The whole reason we have a committee system is to let a lot of bad bills die without a . . .

Marcello: Right.

Bynum: And a classic example of this--and, you know, it's great it works out this way--is the bill we had to give state aid to parochial schools. I'm not

talking about church colleges. I'm talking about the parochial schools and that bill died in committee. And thank goodness I didn't have to vote for it. I would have voted against it, you know, with my very conservative protestant district. I would have voted against it. But none the less there would have been a number of people here in my district that I would have made unhappy in casting my vote, and a lot of my good supporters by the way. And, you know, I'm glad I didn't have to vote on it. And why I'm especially glad is within a month after the Legislature adjourned the Supreme Court of the United States declared that bill absolutely unconstitutional. So if I had slit my wrists or the rest of the Legislature and passed that bill, it would have been declared unconstitutional within a month after we passed it. So, you know, I'm glad it died in committee. Thank goodness I didn't have to vote on it. So, you know, this idea that every bill that gets introduced ought to have its day in court, well, to begin with, we can't give 2,800 bills their days in court in five months. But from this standpoint, you've got to have some organization. You've got to have leadership. You've

got to have strong people to make a 150 member political body operate. And I think some people right now are really not realistic when they talk about some of these rules changes they want. They're not being very practical about it. The system has probably stepped on their toes, and so they're mad at it. But the truth is that you've got to have some system. You just can't operate by anarchy. And even the Senate has rules. And with thirty-one of them they can operate a lot more loosely, and they don't have to have so many regulations. But with 150 House members we've just got to have an organizational set up.

Marcello: The personality of Bill Heatly obviously had something to do with the final form or the final shape of the appropriations bill.

Bynum: I think the personality of Bill Heatly has 95 per cent to do with the final form of the appropriations bill--he and the speaker. Now let me say that the speaker no doubt has a good deal influence over Heatly and they're very close. And I think if the speaker says, "Bill, I sure do want this in the appropriations bill," that it would be there, or "We can't afford so in so," or something like this.

But generally I think, yes, that Heatly formed that appropriations bill probably from beginning to end. Well, as you well know, in previous sessions of the Legislature one of the major issues of contention has always been that the appropriations bill is laid on your desk ten hours before you consider it on the last day and that you really don't have much choice to do anything about it.

Marcello: And it's a big bill, isn't it?

Bynum: Oh, yes. It's three or four inches thick. So this time they went out of their way to present it at least a week or so--I can't remember history--but I know it was not given to us just the last day before the session. It was given to us in ample time, and it was put on our desks on a Thursday, and we didn't vote on it until the next Tuesday. So there was really--at least considering past history--a long period of time to consider the bill. And my chronology of events may be wrong, but I'm almost sure that we had the appropriations bill over a weekend. And I think it was a long weekend. So if you'll recall the history, there were over eighty amendments presented to the appropriations bill. And I think that every single

one of those amendments was defeated with the possible exception of one or two, and the only one I can remember that passed was Finck's amendment to say that state airplanes had to keep a log of who they took. Finck wanted to add a rider in there that said that state planes had to keep an accurate log and record of every trip they took, which Heatly did not have in there. And that amendment was added, but I really think that was probably the only one. There may have been another little one or two, but there was no major amendments. The so-called "Dirty Thirty" had a zero batting average of putting any amendments onto the appropriations bill. But that session, it's my recollection, started one day about two o'clock and we didn't finish up until well after midnight. And we considered just one amendment after another. And they were just voted down one right after another. But the point is that there was plenty of time for the members that weren't happy with the appropriations bill to get together and propose amendments and read it. And although I don't know this for a fact, I am told that a group did get together and divide the bill

into sections and very carefully take it apart as best they could. And then they had well over eighty amendments to propose to the thing, and we voted on it that very long day. But the point is that on a bill like that you just pretty well have got to commit yourself to it one way or the other and stick with it or fight it. To open up that kind of a can of worms in the House is just pretty hard. You just almost can't do it. So, anyway, to answer your question I don't think the economy or anything else had any real effect on the appropriations bill.

Marcello: It's essentially what the speaker and the chairman of the Appropriations Committee wanted.

Bynum: Right, right. And I think in the House there was a real effort to probably pretty much cut the thing to a minimum. Barnes is not renowned for his conservative fiscal policies, and as you know the Senate had about a hundred million dollar bigger bill than the House.

Marcello: And the compromise bill was somewhat bigger, also, was it not, than what the House had stipulated?

Bynum: Right. There, of course, Heatly's detractors claim that Heatly intended it that way all the time and knew full well that some of those things would be in there. Whether that's true or not I don't

know. I do think that the speaker and Heatly were making a real effort to keep the bill small enough that they could write a tax bill without that corporate income tax. I do believe that. Finances and appropriations are not my favorite areas of interest or anything that I got particularly involved in.

Marcello: In the meantime after the House and Senate had gone through all this procedure to finally hammer out a revenue bill, it got to the governor's desk and lo and behold he, of course, threatened to veto it unless the 2 cents per gallon increase in the tax on gasoline was removed. Was this again another case of the governor playing politics in your mind? In other words, was he trying to put himself off as a man of the people again, looking ahead to the next election?

Bynum: I believe that he was. As I said earlier, I was personally not happy about the gasoline tax, and I was really glad to see him do it. I was madder than hops as a House member that the governor threatened us and succeeded in his threat to force us to go back and take it out.

Marcello : Well, now apparently, here again, this was a sudden move on the part of the governor. He let the House and Senate hammer out this tax bill, never at any time indicating that he was displeased with the gasoline tax. Is this correct?

Bynum: Yes, that is correct. Of course, he went back, you know, and claimed, "Well, I introduced a bill for \$500,000,000 of additional taxes, and you didn't take my recommendation on financing." He said, "I believe \$500,000,000's all we need, and here you've come up with a \$900,000,000 tax bill, and it's not what I wanted. I told you all along that all I want is \$500,000,000." But I believe you're exactly correct. The governor during the passage of those bills never sent word through his emissaries, like he easily could have done, that he was not going to stand for the gasoline tax. It was clearly a very sudden move. It was the same way, when he vetoed the Texas Civil Trial Act of 1971, when he vetoed comparative negligence. This was a very sudden move. He had never sent word to anybody that he was opposed to that, and in fact, if you'll talk to the trial lawyers, they'll tell you that he's the greatest liar in the world, that they had made

some very sizeable contributions to his campaign on the promise that he would not veto that bill and that he just flat . . . well, they will claim that insurance companies paid him even more than they did to get him to veto it. But it was again a very sudden sort of thing. He did that to us often. I mean, virtually everything he does is that way. Look at his position that he took two years ago. He vetoed the appropriations bill because it was a one-year bill, insisting that the Constitution said that we had to have a two-year appropriations bill. Now he comes back this year-- after standing in front of the Legislature . . . let me say this. In the early days of the Legislature he made so many tax messages and sent us so many that I can't remember the chronology of which one, but I think it was in his original tax address he said that he insisted on a two-year bill. And then we all leave Austin and within a few weeks he gets on television and tells us that he's vetoing the second half of the appropriations bill, which, to me, is somewhat inconsistent with his earlier position. But, as I said, lots of times the last thing in the world I'd ever try to do is predict

what Preston Smith's going to do. But this is Preston. This is the way he operates. The one thing predictable about Preston is that he's going to surprise you, and he's going to do the unpredictable. Sometimes they work. I think Preston was pretty good. I think that the gasoline thing appealed to the people. I think they loved it. I think when he came back and made his speech of vetoing the second half of the bill--where he started out by saying, "My name is Preston Smith. That's all I want to be called."--I think he probably was perking right along. I think he got carried away with himself when he decided that he was going to tell the president of the United States that he didn't like the way the wage-price freeze protects us. That didn't sell. But this is just Preston's way, you know. And he does it for very strange and funny reasons. I'm fairly good friends with several people on his staff, and he does this to his own staff. They'll discuss appointments. And they'll go to bed one night thinking they decided exactly what three people are going to be appointed to a given board, and the next morning he'll get up and appoint two of

them and appoint somebody that they never discussed, you know, just out of the blue. I think he did this with Lady Bird and the Board of Regents. I think his staff was absolutely amazed. I understand everybody went to bed that night thinking Allan Shivers was going to be appointed to the Board of Regents of the University of Texas. The next morning he got up and appointed Lady Bird. You know, to me, Preston would be politically much closer to Allan Shivers than he would to the Johnsons. Why does he do what he does? I can't answer you that. That's just Preston.

Marcello: One of the incidents which broke at the very beginning of the session was the so-called stock fraud scandal. What was your initial reaction to it when you heard about it? Now you were in a pretty good position, incidently, as a freshman representative because you could always say, "I wasn't there when it took place."

Bynum: Right.

Marcello: And I'm sure you made political capital out of that point.

Bynum: Oh, yes, that's correct.

Marcello: Or least reminded your constituents of it.

Bynum: And I'm sure probably that we will again later if it ever becomes issues in campaigns. That is an interesting fact, and I think that probably the freshman members really were in very unique positions because they were not there when it happened. They had not voted for the bills in question. They really didn't have any of the stigma, but yet they were at the same time right in the middle of it, and they couldn't help but have opinions. But, of course, I think that . . . you asked my initial reaction. My initial reaction was probably . . . I remember we first heard about it at the Democratic victory dinner the night before the inauguration. The governor and the speaker were not involved in the original disclosure. The first thing we heard was that Waggoner Carr was in trouble, had been indicted or that the indictments were sought or enjoined or something like that. And, of course, that didn't bother me too much. Then when it turned out that the governor and the speaker were involved I was very concerned--not as concerned as I am probably today, but it worried me. But I think initially I didn't ever think it would be as serious as it was. I felt like that it would

probably blow over. It's really kind of hard for me to remember my first reaction.

I remember that a day or so after it all began to hit the press that Delwin Jones--representative from Lubbock, who also sort of took us freshmen from the Panhandle under his wing and sat only three desks behind me--came and said, "We expect some of the members of the opposition to make some moves against the speaker and to demand investigations." And he said, "The speaker has nothing to hide. He does not mind the investigation, but he doesn't want the House doing it." And, you know, I thought about it, and it struck me that that was pretty good advice because anything the House did would either be a witch hunt or white wash. And I still feel this way. There's no way the House can investigate itself and not be criticized. If it gets to taking people on, then it's going to make the members mad. And if it finds no one to be guilty, then it's going to be a white wash of ourselves. So this made good sense to me. So nothing ever happened along these lines though. There was no move that day or the next or the next to have any investigation. So I didn't think very much about it.

As time went along, it seemed like it just got worse and worse and worse and worse. Each day something new would come up, and it got worse and worse. And there began to be the internal pressures and the remarks on the floor and what have you for investigations and all this. I became very upset with Speaker Mutscher because he would not answer . . . that he would not get involved in defending himself.

Marcello: Now first of all, I guess this goes back to the Caldwell resolution. Is this correct? Wasn't it Representative Caldwell who proposed one of the first resolutions where the resolution invited the speaker to present his case before the House? And I think it was beaten down. Did you vote for or against that Caldwell resolution?

Bynum: I'm sure that I voted against the Caldwell resolution. I think my record will probably reflect that I pretty much stuck with the speaker from beginning to end of the various and sundry stock and ethics moves--whatever they were--simply because (a) I was committed to the speaker, and (b) I was very, very committed to the idea that we had business to do and that there were investigative bodies that were looking

into it. The FBI was looking into it. The Securities and Exchange Commission was looking into it. The Internal Revenue Service was looking into it. And I felt like if anything was wrong it would subsequently come to light. And I believe in the old American axiom of "innocent until proven guilty." And I felt that we had business to do and that if we got all involved in this stuff we could really have a real breakdown in our governmental process and our machinery. So I did go along with the leadership and with the speaker on those things.

But although I was voting with the speaker, I felt very strongly as a friend of the speaker--not as someone who was crusading or who was worried or thought there was anything wrong--I just felt very strongly that the speaker should answer his critics. I didn't see why he was taking this Heatly approach. And I knew it was Heatly who was advising him to ignore it and it'll all go away. You know, after about three weeks I realized personally that it was not going away. I really wanted him to answer, and it really did upset me that he was not answering--not from the standpoint of the dissident members of the House that were crying for answers to set the wrongs right for everybody--but from a standpoint

of pure politics I thought he was making a mistake to be quiet while he was just being shot apart. And I think that he mishandled the whole thing. And I thought earlier that he did.

And Representative Joe Wyatt from Victoria and I, who are the same age, very close personal friends--we were school mates together--spent a lot of time talking about it. And one of Joe's great concerns and cares is for the image and integrity of the House. Joe is the kind of guy that wants us to appear and be what we ought to be. And he and I were both very upset about Mutscher not answering his critics. He and I went to Gus and gave Gus our opinion on this, and he took our suggestion in very good taste but didn't do anything about it. So that was my feeling.

I'll go on and tell you one story about it and then you can ask me some more questions. At one time--and I think you probably want to go through this chronologically and start back with those early resolutions--but at one time it finally became evident that he was going to make his remarks to the House, and he did make them from a lower microphone and handed out a complete copy of his

statement before the SEC, which, by the way, is a good example of the press not giving anything any coverage. I don't think you could find 1,000 people in the State of Texas that are aware that the speaker gave his remarks to the House. One of the things that the speaker did--and to this day the speaker doesn't understand--is the speaker kept thinking that all he had to do was keep his business right with his House members, that they elected him and that they were the only ones that counted. And he did not realize--and I don't think to this day has realized--the importance of the public on the other House members and the importance of the attitude of the public. He never realized. When he made his speech that day he did not realize that he was talking to the public because he wasn't. He was talking to the House members. He thought those 149 people were the only ones he really needed to talk to and convince. And he was wrong, of course. Well, I found out he was going to make his speech and when he was going to do it, and I went to him about eleven o'clock the night before. I said, "You're about to make a bad mistake. I'm in the radio and television business. I'm a freshman and maybe I'm stepping where I shouldn't be stepping,

but let me give you this suggestion. Instead of making your speech at eleven or twelve o'clock tomorrow, have somebody make a motion that we have a special session of the House at 7:30 tomorrow night for you to address it. Inform the radio and television people and demand that they give you live coverage, and then make it in prime time. If you make your statement at eleven or twelve o'clock, it'll be carried in the afternoon papers. What's on television will be a three-minute clip of the six o'clock and ten o'clock news. And on top of that you're going to give your critics time to answer every bit of it."--which is exactly what happened. And I said, "What you should do is wait. Let the afternoon newspapers hit the street with a headline that says, 'Speaker to address special session of the House.' Then demand that the TV stations give you coverage." He said, "Well, they won't do it." And I said, "They may not. But I'll bet you that Austin and Houston and maybe Dallas will. Those are really three of the biggest things that count. If they don't it will at least put you on the defensive and you can scream and raise hell because they wouldn't cover you." Well, you know,

he didn't do it that way. He told me, "Well, we've already set it up. We've notified the press and all that kind of stuff." And I said, "Well, unnotify them," you know. But he didn't. I'm not saying that I'm any great forecaster of the future, but I will say this. Exactly what I told him was going to happen did happen. And the coverage that night ended up being better coverage for his opposition than it was for him. And, you know, I mean his opposition called him a liar and everything, and that was covered much more than his own statements.

So anyway that was my basic position and role throughout the whole thing. I think he mishandled it. To this day, I believe that in the whole matter--the whole stock issue as far as Gus is concerned--he was stupid. He was misled by Frank Sharp. But I really don't think Gus was bribed or did anything wrong. You know, the kind of money that's involved wouldn't have been necessary to pass those bills. Those are bills I'd probably vote for today if they came up. And they came up in a time of terribly tight money with the argument that by having additional insurance for state banks would bring

more money into the Texas economy to loan the small businessman. It's a very effective argument. It just didn't take the kind of involvement that was there to pass those bills.

Marcello: Is it not true that one of the biggest mistakes he did make was in waiting so long to name a committee--any committee? Didn't it almost seem as though--anyway, I got the impression--that he was virtually forced to do it against his will. You know, finally it got down to the very end. After you had the Caldwell resolution, then you had the Farenthold resolution, and five or six or seven other resolutions in there in the meantime and then the committee kind of . . . let me see, this was the Rules Committee, was it not, that would have handled this?

Bynum: Right.

Marcello: Then they seemed to have dilly-dallied around with it a little bit. And in the very end it seems as though he was almost forced into naming some sort of a committee, which he eventually did--that general investigating committee.

Bynum: Well, of course, the general investigating committee was established in '60 or '62. I can't remember which.

Marcello: That goes into effect almost after every session of the Legislature, does it not?

Bynum: Right. A new bill has to be passed creating it, but it has virtually every time.

Marcello: Right.

Bynum: So it wasn't a new one. It was kind of an old one. But, yes, I agree with your analysis. I think he waited far too long. I think you can't help but see that historically what happened is . . . you know, one of Mutscher's problems is he had the wrong advisors for this sort of thing. His advisors may be good legislative men, but they're not skilled politicians in the public sense. After all, look where they're from. Here's Mutscher from Brenham. His aide is Rush McGinty from Spur. His first major advisor is Bill Heatly from Paducah, Jim Slider from Naples, and Jim Nugent from Kerrville. Well, not a single one of those places even has a television station. They don't understand television. They don't understand media. They barely understand the daily newspaper. Most of them are used to weekly news. And I think that their initial reaction--particularly Heatly because this is the way Heatly operates--is just shut up; the whole thing will blow

over; don't answer them; just be quiet; it'll all go away finally; and then no matter how bad it gets just don't answer anybody or anything. And so they took that position for a long, long time--far too long. Then I think finally Nugent and some others began to--and maybe Delwin Jones and some of those--began to realize it was so bad that something had to be done. And then they finally came up with their own resolution. But the truth is that they should have run with those resolutions very early in the game. What really should have happened is that early in the game the speaker should have come down there, done what I said about calling a special session--he should have called it two or three days in advance to make his great statement--make a great show of coming down from the chair, coming down for them, read his statement--don't make it to the House members, make it to the people--read his statement and him call for an investigation. That should have been one of the major things the statement said: "I have done no wrong." Of course, I thought what he ought to do is to get his pregnant wife and the dogs and everybody else up there and do it all

at the same time, kind of one of these Nixon 1952 type of deals. And, you know, demand an investigation and say that he has personally instructed his committees to set up the machinery and force to completely and fully investigate this, and then get about his business. But he wouldn't do that. And I don't know why other than what I just said about I just think he had the wrong people advising him. I think those people didn't fully understand the effect and the force of mass communication and mass media. They just never realized it.

Marcello: Suppose somebody had come up to you and would inform you about this particular stock tip or whatever you wish to call it, and at the same time they would have offered to lend you a certain amount of money without you having to put up any collateral. Would you perhaps be a little suspicious?

Bynum: Yes, I would.

Marcello: In other words, again what I'm getting back to is one of the original statements that you made in that you felt that to a certain degree Mutscher exhibited some stupidity in this whole affair.

Bynum: No question. Now the only thing about your hypothetical question is that I don't think probably that's what happened to Mutscher. I think you've

got to realize that . . . now this is my hypothesis of sort of what happened in the stock scandal--for what it's worth. I think probably that Mutscher had known Sharp for some time. Mutscher has claimed that he had known Sharp for a long time. Sharp has since claimed that he and Mutscher really weren't that good of friends. But, you know, Sharp's daughter lived in Brenham and his son-in-law was a great supporter of Gus's. And I think probably that this wasn't the first time that Gus had ever . . . Sharp didn't just walk in off the street, you know, and say, "I've got a deal for you." And I think that Mutscher kind of saw Sharp as a nice ole Santa Claus, this man who had just been honored by the Vatican and was really a great wealthy, wheeler-dealer type man. And I think probably that he came in and said, you know, get some of this stock and we'll loan it, and the stock was collateral. The bit with no collateral is not quite true because when you said, "Well, I don't have enough money," then he'd say, "Well, the stock itself would be collateral. This is really good stock. This is my own company stock. Of course, my bank will take it for collateral." So you put the stock up as collateral.

So they got in to it and the one place that they obviously should have known as individuals that something was wrong was the day that they went to Houston and sold the stock \$5.00 above market value and the checks were from these Jesuit brothers. You know, you can argue with that point. And normal person would say, "Well, there's something kind of the matter here." But, you know, who knows? Obviously Sharp is one heck of a wheeler-dealer. There's no question. And then I think where Sharp got Gus--and I think this is where we can see the complete confidence that Gus had in this man--was when he comes back and he says . . . and obviously Sharp was just manipulating the stock. And what you can see happening in this situation is that Sharp will sell one bunch of stock and say, "Now in six months it's going to be worth \$5.00 more." Well, he keeps selling around in these circles, but every six months or however often it was he would have to make himself credible by this. So he would have to find somebody else. He kept playing this game. So at the point where Gus bought back in, I think Gus was the pigeon because he was trying to unload somebody's stock on to Gus. And it's my

information--this is not substantiated, but I understand from reliable sources--that Gus tried to borrow \$2,000,000--not the \$365,000. Gus called all over Texas trying to borrow \$2,000,000 at that time. I think Sharp had said, "Well, look how great you did on this deal before. And now we're going to buy a bunch of them." I think poor old Gus was the pigeon. Sharp may have believed in his own mind at that time that things would get worked out and he'd make Gus a bunch of money. Who knows? I don't think we can answer that. But I just think that Gus Mutscher had total confidence in this nice old Santa Claus and that he was a victim just as surely as the Jesuit brothers were a victim. And it's just unfortunate that this other business makes it appear that there was this whole business of bribery and all that. I just think that Gus thought there was this great ole man that was trying to do him a favor. And blindly he walked right into it.

Marcello: Well, eventually he did have to form an investigating committee, and as I recall it was chaired by Representative Menton Murray. Some of the other members on there were Representatives Slider and Nugent and Hale . . .

Bynum: And Haynes.

Marcello: . . . and Haynes. Do you think that the speaker did make the logical choices to that committee?

Bynum: I really do. There was tremendous criticism at the time about Mutscher putting his cronies on there. But the truth is only Slider was one of these guys that was the speaker's man--a crony. Menton Murray's the dean of the House, and I think everyone thinks that he is a tremendously fair man. Some people think he's not too bright, but he's considered fair and he is the oldest member. And to make him chairman, to me, is very logical. And he certainly is not a great Gus Mutscher man. He never has been. He's supported the speaker, but he's gone against him too. Nugent is the original maverick of the House. Now because Nugent was chairman of the Rules, Nugent has often been identified as a Mutscher man, but the truth is Nugent ain't even nobody's man. And anybody that knows Nugent knows that that's the case. Haynes, of course, has a tremendously liberal voting record. Now he's sort of became, it seemed like, the Establishment's liberal, the Establishment's labor man. But he certainly wasn't anybody's boy, so to speak. And DeWitt Hale, of course, is a long-time crusader.

And DeWitt Hale is strictly DeWitt Hale's man, and nobody can predict what DeWitt Hale's going to do. So I don't think that it was . . . to me, he appointed a very, very senior, very independent bunch of lawyers with much prosecution in their backgrounds for the committee. And the only one person that was really strictly a speaker's man or a ringer was Slider. And I can't fault the speaker for wanting to put one man on his thing.

Marcello: Do you think perhaps that he might have put somebody from the "Dirty Thirty" on that committee just to allay some of the criticism that was about to be heaped upon him? Now obviously that member of the "Dirty Thirty" wouldn't have been perhaps a constructive member of that investigating body.

Bynum: That's the question. I can't answer what I would have done under similar circumstances. You can make a good argument of the fact it would have made it look better had he done it, but on the same hand if they had just put one on there there may have been as much criticism as there was anyway. You know, you just gave us one. And obviously, you know, who would that one be? If it was just a fairly quiet member of the "Dirty Thirty" it might not satisfy.

If you put one of the really vocal ones on, all you'd be doing would be giving that person a new platform and forum from which to operate, which in his position obviously he wouldn't want to do. So I don't know. I guess you could make some good cases for either side, whether or not he should have . . . Haynes, of course, was sort of an effort to do that, but everyone kind of knew that Haynes was the speaker's great liberal. In some ways Carl Parker is sort of the same way.

Marcello: At the same time, of course, Haynes did have his eye on a congressional district.

Bynum: No question. Haynes was vice-chairman of the Redistricting Committee.

Marcello: That's correct. Also around this time, and I guess this is as good a place as any to bring it in, you really have the rise of the "Dirty Thirty." Now as we pointed out earlier, most of these people at one time or another had some sort of an axe to grind against Mutscher. You know, they had been taking snipes at Mutscher for some time. What are your own thoughts on the "Dirty Thirty?" Just in general terms.

Bynum: Well, of course, I guess the "Dirty Thirty" came into being fairly early. You are aware of the fact

that the actual "Dirty Thirty" were the thirty that voted against sustaining the speaker on the resolution of sustaining the chair. I don't remember what the question was where we were voting to sustain the chair, but I know it was a vote to sustain the chair, and there were thirty that voted against it. Those are your real live charter members of the "Dirty Thirty." And if you want to be honest, there's really about forty-five members. Some of them are kind of off and on.

Marcello: Well, this was a fluctuating group. There was never the same thirty every time, and it wasn't always exactly thirty.

Bynum: Right. Well, I hate to generalize about the "Dirty Thirty" beyond the point that I think in any Legislature, whether it was this one or some other, there's always going to be that group who either politically or personally are on the outs with the leadership and are therefore dissident about the whole thing and basically against it all. And I think this session was peculiar in the fact that the stock fraud gave them something to talk about, gave them an issue. It was a much stronger issue than just what a mean old guy Bill Heatly was or

was a much stronger issue than what a dictator and a tyrant the speaker was.

Marcello: On the Democratic side it is true, is it not, that most of the members of the "Dirty Thirty" were liberals?

Bynum: That's true.

Marcello: And, of course, I would assume the Republicans mostly all conservatives.

Bynum: That's true.

Marcello: And it's kind of a motley group. You know, you get those conservative Republicans and Democratic liberals.

Bynum: Well, let's realize this. I think that pretty well . . .

Marcello: Neither bunch had anything to lose.

Bynum: Right.

Marcello: They didn't have any good committee assignments. Most of them didn't have very choice committee assignments.

Bynum: I think that's exactly right. I think you've got to realize that both the ultra-liberals in Texas and the Republicans have the same current goal, and both of those is to destroy the conservative establishment control that is presently existing in the Democratic party in Texas. So this is what joins them together. This is the same thing as when

John Tower was running against Waggoner Carr that puts many labor people in a position of supporting John Tower, and normally they would never support a Republican. It's the same sort of coalition. And that coalition has been evident in other places in Texas politics for the past fifteen or so years. My only comment about the "Dirty Thirty" is that I felt like they were generally a destructive force, which, you know, I really don't care for. Of course, maybe you'll say I was one of the "ins" and therefore I wouldn't think of it that way. If I were in a position that I were on the "outs" with the speaker, I still don't feel like that I would be as destructive and disruptive a force as they often were because I didn't feel like that they were putting the best interests of the state or the people they represented first. I couldn't help but have a feeling that at least a pretty goodly number of them enjoyed the attention they got and enjoyed the spectacle they made of themselves. And they were crusading and using the background that we were in as an excuse to crusade and that all this gave them a forum. And maybe I'm not being fair to all of them. That's why I hate to say that the whole

"Dirty Thirty" is that way because there's some so-called "Dirty Thirtiers" that are good friends of mine that I greatly admire and respect for their political convictions and their attitudes. And the spokesmen for the "Dirty Thirty" were disruptive, destructive forces. I didn't appreciate that because I felt like that we'd been sent down there to do a job. It was a hard job. It was not a pleasant job to go down there and figure out where to find \$600,000,000 or \$700,000,000 new tax dollars and to deal with some of the problems we had to deal with. And I got pretty tired of some of their harassment tactics, which I felt like we could better be spending our time doing other things. In the same way I got very tired day in and day out of the ridiculous resolutions and things like that.

Talking about some of the rules I'd like to see changed, to me it's really foolish for us to go in session at eleven o'clock in the morning. It's nearly noon before we ever get to the calendar. Then we get on the calendar and it was usually two or three o'clock before we'd get to go to lunch, and by then everybody was just in a terribly foul mood. I wish that we'd put our committee workings in the morning, and go into regular session about

one-thirty or two in the afternoon and stay until five-thirty or six. This whole business of meeting at eleven is ridiculous, as do I think the whole business of having whole committees hear testimony. I think we ought to have permanent sub-committees. But that's not what we were talking about right here.

I don't begrudge the "Dirty Thirty" for what they did. And I see their point, but I did find distasteful their constant disruptions of the efforts that we had. And they seem to have so little constructive. You know, they wanted to holler about things, but they really didn't have very much . . . you know, with them everything was bad. Everything was wrong. You couldn't help but get the feeling that no matter what you did it wasn't going to satisfy them. So what difference did it make?

Marcello: Who were some of the leaders of the "Dirty Thirty?"
Who do you consider to be the leaders?

Bynum: Well, I can't help but believe that the real brains of the "Dirty Thirty" was Tom Moore, although he was not often their spokesman. I think probably that Frances Farenthold, Dave Allred and Curtis Graves occasionally, Tom Bass there toward the end more than early were their spokesmen. And I think . . .

and Lane Denton. But I really can't help but believe that probably Tom Bass and Tom Moore were the brains of the "Dirty Thirty."

Marcello: What leads you to that suspicion?

Bynum: Just my day-in, day-out observation of those people and the fact that I think that those two are by far the most intelligent of the group and the ones most able and capable of working the programs and plans that they used.

Marcello: How well were they organized? In other words, did they hold meetings and so on to plan strategy and this sort of thing? Do you know anything at all about this? Now again, I'm more or less asking you as an outsider since you weren't a part of this group.

Bynum: Well, with that in mind let me say that I have no firsthand knowledge of any "Dirty Thirty" meeting, but I certainly am convinced that they were meeting regularly. I don't think it was thirty. I think it was more like ten or fifteen of them that were probably meeting regularly. And I think probably it changed from time to time. And I think, yes. I think they very carefully worked out their plans. They knew what their strategy was. Obviously

several members of the "Dirty Thirty" became great experts on the rules during the course of that session. And such things as their amendments to the appropriations bill indicated that they were burning lots of the midnight oil, working together. It was very obvious that certain ones had taken certain sections of the bill to study and make their amendments to. So, yes, to me it's evident--although I don't have any first-hand knowledge of there having been any meetings--that they were getting together regularly, that they were mapping out their strategy, and that their efforts were definitely coordinated.

Marcello: Shortly after the stock fraud scandal broke there was the hue and the cry which went up for some sort of ethics legislation. First of all, how do you feel about ethics legislation?

Bynum: Well, I think a good ethics bill is a tremendously important thing. I took a very, very strong stand in favor of the ethics constitutional amendment tied in with the pay raise. The Ethics Commission was set up to control ethics and to recommend pay salaries, pay scales, and these things. For one thing, I think that whatever ethics legislation we

have ought to be constitutional. I think that now we've got this statutory thing, and everytime somebody gets upset there's going to be efforts to change it. There were even before this session was over. We passed the ethics bill in the special session, and if you'll recall, there was an amendment to take out school teachers and boards of regents. We had amended the bill within just a matter of weeks after we passed it. And I think each time that the committee upsets somebody there will be constant changes made in it. And, to me, it should be constitutional. I wrote articles. I wrote a very, very lengthy article which appeared in my Amarillo newspaper as to why I strongly favored amendment number one, making the basic argument that the Ethics Commission would have virtually complete financial control over every member, and that in essence the Ethics Commission could actually provide that a member could have no other employment than being a member. Therefore, the logic of having them set salary was inescapable. And plus the safeguards--I'm sure you're aware of the safeguards that we had to vote on it. You know, we couldn't come home and say, "Well, that big pay

raise we got we didn't have anything to do with," because that wasn't the way it was set up. So I felt very strongly in favor of that. And I might add that I distributed my article that I wrote to the Amarillo newspaper, to all the House members, and it was later picked up by the Texas State Teachers Association and reprinted in their bulletin and sent it to over 250,000 teachers all over the state. And that article was rather widely circulated. It was also published in part in the Texas Public Employees Magazine. So besides Jim Nugent, I would say that I was probably the strongest proponent in the House for that constitutional amendment. I also traveled. I made several speaking engagements. I appeared before the Panhandle Press Association in behalf of that amendment before that May 18th election. So I felt very strongly in favor of the constitutional ethics commission, and I have always said the only way to handle this salary business is to have an outside body. Now during my campaign I was asked that question. I said that we should work like Congress. There ought to be a committee established to recommend pay that we vote on. Now at that time I'd never thought about ethics, but to me it fit in

very logically and very perfectly. Of course, obviously the voters saw it as a great subterfuge. But to answer your question, I'm very strongly in favor of that constitutional amendment.

Marcello: Well, the constitutional amendment failed.

Bynum: Right. I voted for and supported the other ethics bill. I have some questions because I think every time we're going to tend to get in there and mess with it and diddle with it. I question how effective it will be. I personally was always against full public financial disclosure. I'll tell you why.

Marcello: This was going to be my next question. And I think this was one of the more controversial amendments which was added, wasn't it? This wasn't in Slider's original bill or Nugent's original bill, was it-- the idea of full public financial disclosure?

Bynum: Are you talking about the bill or the . . .

Marcello: I'm talking about Nugent's original proposal.

Bynum: The constitutional amendment.

Marcello: Yes.

Bynum: It was not in the constitutional amendment. The constitutional amendment provided that there would be private financial disclosures which the Ethics Commission would have available to them.

Marcello: Right.

Bynum: And that they could be made only public when there was some question, and that they were to look at the disclosures and then to look at the person's voting record or any charges that were made . . .

Marcello: Right.

Bynum: . . . and they would determine whether or not they were in conflicts of interest. Now subsequently in the bill that was eventually passed, yes, it is in there.

Marcello: Now this wasn't in Nugent's original proposal. This was added as an amendment as I recall, was it not?

Bynum: Well, now in Nugent's original constitutional amendment there were efforts to amend it and put it in there which failed. And the way that it went to the people it did not have the public financial disclosure in it. It had disclosure to the commission.

Marcello: This is correct.

Bynum: Now after the May 18th amendment failed, then there was another Nugent bill and there was the Hall bill in the Senate and all that back and forth business. You know, that is so confusing that I'd have to go back and check the journals to see. But anyway, subsequently it did end up that there is public

financial disclosure in the final bill that passed-- the statute that passed. But it's my recollection that the amendments to put the public disclosure in the constitutional amendment--the original Nugent proposal--failed. And I was absent when that vote was taken, but I would have voted against it had I been there for the very reason I was about to say and that is that particularly from the standpoint of knowing who a public official owes money to is very bad to me because if some special interest group came in . . .if I said that I owe the Bank of the Southwest \$5,000 there would be nothing to keep a special interest group from coming in and buying that note and then having a real financial hold on me. I don't see anything the matter with disclosure of my business associates and who I deal with.

Marcello: Now this would be particularly touchy for a lawyer, would it not?

Bynum: Yes, it would.

Marcello: Full financial disclosure. Because, again, that goes against the ethics of their Bar Association and so on.

Bynum: Right. To tell a lawyer that he has to disclose every client and how much he paid him would certainly

. . . many, many clients would not go to a lawyer who had to make this disclosure because they would not want it on record how much or why they paid this money to an attorney. I think both of those are good reasons why this disclosure is not good.

Marcello: Another one of the controversies also over this bill--one of the amendments which was added and I think voted out again--was one involving lawyer-legislators practicing before state agencies. Now at first that was prohibited, was it not? I think there was an amendment added which prohibited lawyer-legislators from practicing before state agencies. And then later on, I think due to the efforts of DeWitt Hale, that was then voted out again, as I recall. Did you have any particular feelings with regard to this, even though you were not a lawyer?

Bynum: Well, perhaps it's because I am not a lawyer, but I feel like that a lawyer-legislator should not practice before state agencies. And I think I voted against that Hale amendment, as I recall. Let me say that this ethics legislation whirled on so long throughout the whole session. There were so many different times and different bills and different amendments

by different people doing the same thing that my recollection is very, very hazy in that I can't recall.

Marcello: This makes me feel good because I've got the notes right here in front of me and I've read them over so many damn times, and I'm still not sure I've got it all straight either.

Bynum: Well, I can't correct you, but I will say that in principle, I do not believe that a lawyer should practice before a state agency, nor do I believe in legislative continuances in court, which is an aside and not really a part of that issue. But I don't think an attorney should be able to take advantage of his position as a member of the Legislature. Basically in my heart I believe that a legislator really ought to be a full time job, and they ought to pay us enough that we don't have to have other businesses to conflict, if you want to know what I really think. But I do think that a lawyer should not practice before state agencies and continue in the Legislature.

Marcello: I would assume that everybody with that stock-fraud bit in the background was in favor of some sort of ethics legislation. Is this not true? Everybody was trying to get on the ethics bandwagon, I'm sure.

I'm sure everybody was doing just a little bit of demagoguing on this whole issue of ethics.

Bynum: No question. And, you know, it really kind of upset me, and I felt like that there were a lot of people doing this. Of course, to Nugent's great credit, Nugent had introduced ethics legislation in virtually every Legislature he'd been a member of. I think this was his sixth ethics run. Nugent, of course, was very smart to realize that the current circumstances made it possible that this would be probably the only time in history that he would ever get to pass his ethics bill. And this is one reason Nugent was so desirous of moving very quickly and very rapidly. And I remember on the constitutional amendment--I was on the Constitutional Amendment Committee--that at one point we were delayed somewhat in that bill because of some of the controversies, and Nugent came before the committee and said, "We must pass this now. It must be on that May 18th ballot. If we don't have it now we'll never have it. It's now or never." And this was early in the session. This was back in February. So Nugent felt very strongly, and Nugent was aware of the tide probably more than anybody else. But to answer your question, yes, everybody was on the

ethics bandwagon. And if you go back through the bills that were introduced I suspect there were twenty or thirty different bills introduced with various ethics proposals. So, various members of the Legislature could run stories in their local hometown newspaper, "Representative X just introduced an ethics bill of his own," you know. And there was just a mound of those ethics bills that all went by the wayside before it was all over. So, to answer your question, yes, everybody was on the ethics bandwagon. There's no question. And everybody wanted to be on the record as getting some good, strong ethics votes.

Marcello: I'm sure that was the case. Let's move on to another topic and one which came up near the end of the session and also was quite controversial. And this was the whole problem concerning redistricting. Now we've touched on this a little bit before, but if we can believe a good many of Mr. Mutscher's critics and if we can believe a good many of the newspapers, the redistricting bill which finally emerged from that committee--the House redistricting bill--looked like an attempt by Mutscher to

get rid of all of his political enemies. Now what are your views on this?

Bynum: Well, I think you're going to have to say that there's some truth in that. I think what you've got to do is go look back and look at previous redistricting bills that have been passed in the various histories of the Legislature and see that there's nothing new about that. You can go back and look at the redistricting bill that was passed under Turman, who was supposed to be the last great liberal speaker when he paired Heatly and somebody else in that district. And the old curmudgeon talked this poor other guy out of running against him. That's to show you how smooth he is. But anyway, that's neither here or there. The point I'm trying to make is, yes, I'm sure that's true. You're going to have squeezes. And where you've got squeezes and where you've got to pair people you're obviously going to pair your enemies where you can and protect your friends where you can. Now I suppose it would be easy to say now in retrospect that the bill went too far and obviously has been declared unconstitutional. He pushed his luck and was really vindictive about the whole thing. One of the things about these redistricting bills is

that everyone is very, very shortsighted. You don't really look at the whole picture very much. You've been thinking about this since you were elected or before. You've got your map and you know how many people are in your counties and how many you need and just where you can go to find them and you look at how those people vote and everything. And everybody's interested in his own district. And everybody talks to the Redistricting Committee, and what finally happens is the Redistricting Committee tries to draw a bill that makes about eighty or eighty-five people happy and get them to sign a blood oath that they'll vote for that bill and goes about its merry way. And, you know, that was somewhat the position I was in and I'm sure a number of others were in. And you really don't quite look at the whole picture. And, you know, it's kind of the "screwees" and the "screwors" (Chuckle) and, you know, as long as you've got their votes you know you're going to pass that bill. And so I just think that basically what Mutscher did, or what Delwin did--whoever you want to say did it--what they did was try to put together a bill that satisfied eighty-five to ninety members, and get them to sign the back of that bill that they'd support it and run with it.

Marcello: There's no question in your mind that Delwin Jones, who was the Chairman of that Redistricting Committee was more or less hammering out the type of redistricting bill that Mutscher wanted.

Bynum: Oh, I'll go farther than that. I'll say that Mutscher had a very direct hand in that redistricting bill. I think we cannot forget the fact that Mutscher was chairman of the Redistricting Committee in 1965 and that Rush McGinty was the committee chairman. And that was where Rush and Gus first got together. And that Gus used that committee very effectively in his speaker's race. He'd get a member in and they'd draw the most horrible district that member could ever believe, and the member would come in and say, "Oh, my gosh! Why did you do that to me?" And Rush or Gus would say, "Well, now if you'd pledge to Gus we might be able to do you a little better." So Gus is a redistricting expert from the past. And so I don't think there's any question that he had a very, very direct hand. There are those that claim that Delwin is nothing but a front man. I'm not sure I agree with that. I think Delwin also took a very active part in it. But I think any time there was any question or any dispute that Gus made the final

decisions as to exactly what was done. I don't think there's any doubt about that.

Marcello: Also, is it not true that after the Redistricting Committee came out with its version or even before it came out with this version the "Dirty Thirty" circulated its plan as to how redistricting should take place. And in the "Dirty Thirty's" plan, is it not true that many of Mutscher's people would have been eliminated? This is the story that I've gotten.

Bynum: Oh, yes. There were three different complete plans introduced in addition to a number of separate amendments. But there were three separate plans introduced. There was the "Dirty Thirty" plan, which was a Price Daniel bill--Price Daniel, Jr. bill--there was Rayford Price's plan, which was his own plan, and then there was the Republican plan, which I believe was actually introduced by Bill White. The Republican plan had strictly single-member districts. There was no multi-member districts at all in the Republican plan. It paired about eighteen or nineteen different members. Under the Price Daniel plan I think it paired Jungmichel, Mutscher and Uher maybe all in the same district. And I think the Rayford Price plan paired

Jungmichel and Mutscher together. So, like I say, one man's tea is going to be another man's cyanide. What's vindictive to one will be a great plan to another and vice versa because the plans that were introduced by each of these three different groups had more pairings than did the plan which was passed. And they were as vindictive in their own way as the other one. Let me throw in also that we often talk about the gerrymandering and the funny-looking districts. These other three plans had as many strange configurations of districts as did the final one that was passed. So I don't think any reasonable person who was trying to be completely fair about what was going on could feel that any one plan was more vindictive or more gerrymandered than another.

Marcello: Is it not true also that around this time you find the defections starting to take place--that is, people who were withdrawing their pledge cards and so on? And, of course, they gave as their excuse essentially the fact that they were dissatisfied with the way Mutscher was redrawing the districts. But do you think it was simply that by that time that Mutscher's political stock had dropped so low due to the stock-fraud allegations and so on that the rats were simply

deserting the ship or something like that? Is that a safe assumption?

Bynum: I really think you've got it exactly reversed. I think there's been a lot of people who had stayed with the ship because they were fighting about the redistricting bill. Everyone knew from the very beginning that redistricting was the great axe that the leadership had over every member. And everyone knew that the redistricting bill would be the last major piece of legislation to come up.

Marcello: Not to mention the appropriations bill, also. Now by this time, that was . . .

Bynum: Well, the appropriations bill, the House had actually passed its appropriations bill early . . .

Marcello: Right.

Bynum: They still had the conference committee . . .

Marcello: Right.

Bynum: . . . business to come up. But really this time not only did we pass the tax bill way early, we actually passed the appropriations bill earlier than normal. Normally an appropriations bill is the axe which you can hold out over some members. But this time they had the redistricting bill. So it was the last bill to come up. It was late. It was very

close to the end. What I think happened was you had a number of members who had placated the leadership and stayed on the ship until the redistricting bill was passed. And then once it was passed, they no longer had to stay on so they defected making great statements to their hometown newspapers about how they were no longer going to be part of this scandal-ridden bunch that was running the House. Their public reasons for leaving was the scandal. And they said, "Well, I'm clean and I'm not going to stay with this bunch anymore." That's my analysis. I could be wrong, but I think that was actually the case. I think once the bill was up and passed, they no longer felt the need to stay hitched like they had before. And so they deserted using the stock scandal as the reason.

Marcello: I see. Is there anything else that you think we ought to have as part of the record with regards to redistricting? Now a good deal of this, of course, made the newspapers. There was, of course, the struggle between Representative Haynes and Senator Wilson for the congressional district in East Texas.

Bynum: Well, I think that just quickly that we ought to

talk about the Panhandle congressional redistricting because it was interesting, and it's probably of some historical importance. From the outset we knew that the 18th Congressional District, which covered virtually the whole Panhandle and was represented by Bob Price from Pampa who is a Republican, would be a hard district to maintain because it already covered the whole Panhandle. And it was 85,000 people short. And he was one of the only three Republican congressmen in the State of Texas. So there was real questions about what would happen to it. Well, needless to say, politically in the Panhandle everyone wanted to keep their own district. We didn't want to be thrown in with Lubbock, and we didn't want to be thrown in with Wichita Falls or anyone else. We wanted our own district. And one of the early redistricting hearings was held in Amarillo. And at that time, there were a number of proposals presented primarily from two sources. One came from the Chamber of Commerce. And it proposed that 85,000 people be taken in southeast of the present district to down in Motley, King, Cottle Counties, down that direction. And it created a big bulge out of that district down to the southeast.

It went right up to Lubbock, but didn't include Lubbock and went right up to Wichita Falls and went around it. The Democratic committeeman from the 31st District, Joe Batson, presented three other proposals. He presented three other proposals which were similar. Each pushed the district farther south without taking in either Lubbock or Wichita Falls. And the committee heard all his testimony. The Republicans at the meeting stood up and said that they had not prepared any maps or specific proposals but that they were happy with what the Democrats wanted because obviously they wanted to preserve Bob Price's district without pairing him with an incumbent. As things went down to the wire it got very interesting. Business leaders and what have you from Amarillo and other areas came to Austin to see the speaker and lieutenant governor to plead that our district be maintained as a separate district. At one point, the speaker and Delwin made a deal with . . . that if \$100,000 could be raised or pledged to either Bill Clayton or Dean Cobb for their campaigns for Congress, that they would save that district. Meetings were held and about \$65,000 or \$70,000 was pledged to Dean Cobb to run against Bob Price for

Congress, which pretty well satisfied the speaker and Delwin. And I think there was a period of about two weeks there when they actually were going to try to preserve that district. But it was pretty difficult because these counties to the south of this district are very sparsely populated counties, and you had to add about fifteen counties down there southeast to pick up that 85,000 people. Well, subsequently the feelings from the Senate were not that way at all. I think the lieutenant governor had made a commitment to Graham Purcell that he would try to do everything he could to protect Purcell. Well, the only way he could do that was to cut the Panhandle in half. And there was actually at one time a proposal that split Potter and Randall Counties. And Amarillo sits almost equally in these two counties and that was extremely unpopular in my district--to put Amarillo in two different congressional districts. And so we fought that down. Well finally the bill that the House passed was one which included the entire Panhandle and then Wichita Falls. And it was clearly a Panhandle district. And although it paired Purcell and Price it was clearly to the advantage of the Panhandle. In a race between a

Panhandle man and a Wichita Falls man the Panhandle man should win--outside of your party situations. Say a primary, say it was a race in a primary between someone from Wichita Falls and someone from Amarillo, the Amarillo man should win because they certainly would have the votes. Well, it went to the Conference Committee, and Barnes was very strong for splitting the Panhandle down the middle and therefore giving Purcell a much larger part of his old district and Price a much smaller part of his and running Mahon from Lubbock way up into the Panhandle. Now this gets to be interesting because Delwin Jones, of course, thinks that when Mr. Mahon, who is getting to be up there in years, retired from Congress that he will be a candidate. He certainly didn't want that Lubbock district running way up in the Panhandle where Lubbock is very unpopular. So he and Barnes had quite a setto about it and finally reached a compromise which brought the Lubbock district only up as far as Deaf Smith County and then did pair Purcell and Price. It actually ended up at about two-thirds of the people in Price's old district are in the new district, and only about one-third of Purcell's. So I say all this only for

historical purposes.

I also think it's important to say that all of the legislators worked hard to maintain--including the Democrats, all the Democratic legislators--worked hard to maintain the Panhandle as a separate congressional district. And there was never any effort on our part overtly or covertly to try to set up a district where Bob Price could easily be beaten. I felt like, and I think most of my colleagues from up here felt like, that we could beat Price in any district. But the truth is that it was just pretty hard . . . and the truth is it would have really been a real gerrymandering project to put 85,000 additional people in the Panhandle without taking in either Wichita Falls or Lubbock. You just had this great big bubble coming way out down there in the southeast. So I think probably a very fair and honest job was done in that congressional redistricting even with all this back and forth and deals going on. I think probably what was arrived at was a real effort to create a good, clean, honest district.

Marcello: We've talked a little bit about some of the personal legislation which you've sponsored and which you

were interested in. Is there any other personal legislation that you yourself sponsored that you think we ought to have as a part of the record? I'm referring to bills which you personally brought forward.

Bynum: Of course, as a freshman member I felt like you shouldn't go down there and set the world on fire. You'll probably create a bad impression and bad image, and I didn't go down there to see how many bills I could introduce. We, of course, had a real population problem here. As you know, the salaries of most county officials--the sheriff, the district attorney--these are governed by what they call bracket bills--bills which say, ". . . in counties which have population of no more and no less than . . . the county attorney can be paid so much money." Well, Potter County lost a substantial number of population between 1960 and 1970. It went from about 115,000 down to about 90,000. So our brackets were way off, and our county employees were very, very upset. So one of the major things we did was re-establish three separate bills--one for county officials and one for county employees and one for another different bracket of county employees. We had three bills that we had to pass, which we did pass. When I say "we" I'm

talking about Representative Poff and I. That was one of our major pieces. I sponsored several other pieces of legislation which were, I think, probably fairly interesting. I supported a piece of legislation which said that any time a college or university had to limit its enrollment that that limitation should be done on a strictly random selection basis rather than by social or academic credentials, that it had to be truly a random selection. That bill was not passed because, I think, the real problem is not on us. I think one day we'll see a bill like that passed.

I also sponsored legislation which made it mandatory for insurance companies to form pools for high risk areas--in wind storms, hail. We've had many insurance companies withdraw in this area because we always have bad hail storms, and they have terrible losses on these roofs around here. So this made it mandatory for them that if they're going to sell any insurance in Texas they have to sell it everywhere. They can't just pick the low risk areas. That bill passed. There were four or five different bills, and we finally passed a bill which I think actually had Senator Schwartz's name and number on

it which did the same thing. They have the same problem in . . .

Marcello: In Galveston insuring against hurricanes.

Bynum: . . . right, with hurricanes on the coast. So that legislation did pass. I also authored and sponsored bills which would have made it compulsory . . . there were two different bills, one dealing with the life insurance companies and the other one strictly with casualty companies, which said that in the event that these companies went bankrupt or out of business that the other companies had to come in and pick up the policies and pick up the risks so that people are not left with worthless insurance policies. The casualty bill passed; the life insurance bill did not. So, these, I think, were major pieces of legislation that I did sponsor--some that passed and some that didn't.

I'm working on a number of areas of bills now that will pass in the next session. I would like very much to see . . . we'll see whether or not I have the courage to do it or not, but I would like to introduce a bill which will combine Potter and Randall Counties, and that bill will be very controversial. It will blow the lid right off the

courthouse in Canyon if we introduce it, but it needs to be done. We've got tremendous duplication of effort. We've got Amarillo lying in between two counties. We've got two Sheriff Departments for Amarillo--much duplication of time and effort which I don't think is good or necessary. And we ought to consolidate those counties. And the Legislature does have the power to do that. And depending on how politically secure I feel next session, I may introduce that bill.

Marcello: While we're talking about the future--I should have brought this up earlier--what are you going to do about the speaker's race, if and when it comes about? Are you going to go in uncommitted or are you going to pledge Mutscher again?

Bynum: Well, I have never withdrawn the pledge that I said earlier that I signed for the next session way back nearly two years ago. Now I have not written any letters or withdrawn it. Of course, that's not a binding pledge. Between now and the next regular session it's very difficult to tell what would happen. I think the real question that we're confronted with is that we know there has to be a special session. There may be several depending on what happens in the Texas Supreme Court tomorrow. We may have to

have a special session to redistrict. If the Supreme Court decides that the committee can do it, then probably we won't be in special session until sometime next year. But whenever we go into special session, there's no question that Rayford Price and/or members of the "Dirty Thirty" are going to immediately move with a resolution to declare the chair vacated. And I think that's going to be one of the hardest votes that me or any other member will ever have to cast in the Legislature because it goes farther in my mind at least than just the personalities of the incumbent speaker and some of these other things. If Gus Mutscher is indicted between now and then, then it's a moot question. I think even he will be realistic enough at that time to see that other arrangements would have to be made. If he's not indicted, it's going to be a very close vote, a very controversial vote.

Marcello: Then I assume you have to hope that you've backed the right horse.

Bynum: Well, that's true. But I'm really not going to make my decisions so much on that as I am . . . I think I'll make it on the very philosophical issue of whether or not I think that a speaker should be asked

to step down when there have been no actual charges proved against him--no matter how much in disfavor they may be with the public. The question in my mind at that time is whether or not for the image of the House and to clean up our own appearance to the public we should ask him to step down and have another election, or whether or not I think it would be better to try to maintain continuity and stability at that point. And it's just hard for me to say. I'm not prepared to say. I guess you'd have to say that I'm really uncommitted at this time. I don't know. There's going to be a lot of water that goes under that bridge between now and the time that I have to make that decision. I like Mutscher. He's been good to me. He's been my friend. I think he's a fair man. I think he's a member's speaker. And I think that he tries to do the right thing. I don't believe that he was bribed and did what he did because he was bribed. I think he was stupid. I think he used bad judgment. And I think that he deserves a great deal of the criticism that he's getting. I'm not saying that he's blameless and faultless. I'm not saying that at all. I think he has done a great deal to destroy the integrity and the image of the House of Representatives and

politics in general, and maybe the best thing to do is kind of clean it up. From a practical political standpoint I am not pledged to Rayford or any other candidate. Dean Cobb has announced that he's going to run in the case that there's a vacancy. Of course, he's my immediate neighbor to the north and is very, very politically potent in my district, and politically I would have no choice but to support Dean Cobb. But even more than that, he and I are very, very good friends and I spent a good deal of time working in his campaign. He and I traveled together, and I think it would be a great thing if Dean is elected the next speaker. So in the event that the chair is vacated and in the event that Gus is not a candidate--no matter whether I vote for him or against him or if he decides not to run, whatever--in the event that the chair is vacated, I'm sure that I'll be supporting Dean Cobb. If there are several candidates and Dean is eliminated after one or two ballots and there's other candidates, again, it would just depend on who they were and what the situation is.

Marcello: Do you perhaps see Price Daniel, Jr. as a significant or as a serious candidate? His name has been mentioned on several occasions.

Bynum: I don't think that Price Daniel is a significant or a serious candidate. And let me illuminate that a little further. If we have a special session and the speaker is forced or voluntarily steps down, I don't see any way that Price could be elected by the current membership of the House. And I think Price Daniel knows this as well as anyone. Price Daniel has told people that his campaign is going to be with the new members, that he thinks there will be sixty or seventy new members--very large turnover--and he hopes to pick up a large number of supporters in this group. I'm not sure that's a very sound strategy, but anyway it's perhaps the only strategy that he can adopt. It is my observation, however, that Price Daniel, Jr. is not really running for speaker of the House, no matter what he says. When he comes into a town--and he has not been to Amarillo yet--but when he goes into other towns he doesn't go and visit with the members, he goes to the newspaper and issues statements. And what I really believe that Price Daniel, Jr. is doing is setting himself up for a state-wide race in the future. Whether it's for comptroller or land commissioner or lieutenant governor, governor, I don't know. But

I think really that Price Daniel, Jr. is attempting to get as much state-wide public exposure as he can. And he's been very successful at this. His talks of reform are the kind of things that newspapers right now are wanting to print so he's getting a lot of column inches, which I think is exactly what he's after. So it's one man's opinion that (a) he really doesn't have much chance of being elected speaker of the House. I think that the great bulk of the members of the House consider him a very, very weak member. He is very shy, very quiet, very unfriendly. He sat on the other side of the other half of the House, and there was a standing joke on our side of the House that Price Daniel never spoke to anybody on our side of the aisle. And I just don't think he's popular at all with the current membership of the House. So I don't think that right now he is a serious candidate. I think he'd be hard-pressed to get the votes of all thirty of the "Dirty Thirty." And beyond that, I don't see where he'd get many votes at all. Perhaps if there is a great turnover in the House, and perhaps if the so-called stock scandal had a profound affect on the next election--which, by the way, I don't believe

they will. I think that when you're going to have a major presidential race, a United States Senate race, major races for governors, lieutenant governor--that by the time people get down to those House seats there's going to be precious little interest in those seats and that as a general rule people are probably going to vote for the name they've seen around the most and that a lot of incumbents that most people think are going to be defeated probably won't be. I may be dead wrong. But I really don't think that we're going to see the great turnover in the House because of the stock scandal that some people foresee because I just think there's going to be so much interest in the races higher up on the ballot that we will not see the great turnover in the House. Of course, with the redistricting and other things, I think the turnover will be greater than at other times--just naturally. But I just don't think you're going to see one incumbent after another defeated like so many others seem to think.