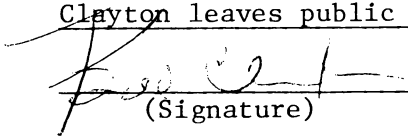


NORTH TEXAS STATE UNIVERSITY
ORAL HISTORY COLLECTION
NUMBER
284

Interview with
Speaker Bill Clayton
July 16, 1975

Place of Interview: Austin, Texas
Interviewer: Dr. Ronald E. Marcello
Terms of Use: Closed until after Mr.
Clayton leaves public office
Approved: 
(Signature)
Date: 7-16-75

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Oral History Collection

Speaker Bill Clayton

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Austin, Texas

Date: July 16, 1975

Dr. Marcello: This is Ron Marcello interviewing Speaker Billy Clayton for the North Texas State University Oral History Collection. The interview is taking place on July 16, 1975, in Austin, Texas. I'm interviewing Speaker Clayton in order to get reminiscences, experiences, and impressions while he was the Speaker of the Texas House of Representatives during the Sixty-fourth Legislative Session.

Now Mr. Clayton, since this is the first time you have participated in our project, why don't we begin by having you give me a brief biographical sketch of yourself. In other words tell me when you were born, where you were born, your education-- things of that nature. Just be very brief and general.

Speaker Clayton: All right, I will be delighted to do that. I'll just pull out this biographical sketch here. I just happen to have one (chuckle). I was born in Olney, Texas, on September 11, 1928. We moved to Springlake, Texas, where I now reside, in 1931.

I was reared there in Springlake, and I attended the school system in Springlake. I then went on for one year of prep school at Allen Academy and then to Texas A & M, where I received my bachelor of science in agricultural economics.

I was elected to the House of Representatives in 1962, and I have served continuously since that time, being elected Speaker of the House on January 14, 1975.

Marcello: What made you decide to enter politics?

Clayton: Well, it's a rather interesting story. Prior to my actual involvement on the front side of politics, I had always been fairly well involved on the backside in local, state, and precinct politics as well as county and state conventions. I guess one of the bigger involvements prior to my running for public office was participation in the 1960 national Democratic convention as a delegate there for Lyndon Johnson.

I suppose after dealing on the backside of the political spectrum for several years it just intrigued me that I might like being an elected official. I went down to the news office to file a statement to run for county judge of Lamb County. While I was at the news office, they brought me in a telegram from Jess Osborne, who was at that time the representative,

state legislator, from that particular area, stating that he was not going to run for re-election. Jess Osborne was a good friend of mine. I thought he was a very fine man and was doing a very good job for us in Austin.

I immediately picked up a phone and called Austin, and at that time they were in the third or fourth session dealing with the sales tax. I asked Jess if it was true that he was not going to run, and he said it was true, and he asked where I found out about it. I told him where I was at and what I was doing. And I told him, "Jess, you can't do that to us. You've got to run. We need you in Austin." He said, "No, I promised my wife that after the last race we had that we wouldn't make another one." And Jess was old enough to be in retirement at that time. He was a very fine gentleman and really very active for his age.

But he insisted that I not file for county judge and gave me the list of some people who lived in what at that time was a five-county district. And he gave me a list of some key people in each of the counties and asked me to visit with them about the possibility of me running for the State Legislature, which I did. After visiting with these people, I decided that, by golly, "I'll just throw my hat in the ring and run for the Legislature."

And at that point in time we had . . . since Jess announced that he was not going to run for re-election, we had two other Democratic opponents and one Republican opponent. I was in the smallest community in the legislative district, I guess. The other three opponents were from the three larger towns in the district. At that time, I was told it would be impossible for me to win because of that situation. But it so happened there were two conservative Democrats and one liberal Democrat in the primary and then the Republican candidate. And I was a conservative, and the other conservative candidate was from Bailey County. Lamb county, being my home county, stayed behind me, and we worked hard all during the primary.

And we came up to a run-off situation with the liberal Democrat in Castro County, who was the editor of the newspaper, B. M. Nelson. We lacked about just a little less than 500 votes of winning without a run-off. And it looked like at that point in time that B. M. Nelson was going to throw in the towel and not challenge me to a run-off in the primary. However, his supporters encouraged him to go ahead and run, that they would rake up the money for him, because a lot of times there is a low turnout, voter turnout, in

a run-off and a possibility that they could turn the thing around. So for another month we hit the road and campaigned very hard and won an overwhelming victory in the Democratic primary.

The Republican opponent was a very formidable young man, one that was very knowledgeable, personable, and had a great deal of following in the area. So right after the Democratic primary, we never slacked up. We had to continue to run clean on up until November. It was kind of ironic, I guess, in a sense of the word that my Republican opponent was an Aggie. I was an Aggie, also, and a lot of the voters said, "What the heck! We haven't got a choice, just an Aggie." (chuckle) But he and I stumped together all over the district. In fact, he even participated some in the primary elections. Even though he didn't have a primary opponent, he showed up at some of our panels and things during the primary race.

But we had a victory in November. His home county carried for him by a very small majority. I carried the other counties. But our area was a rather divided area. There was a pretty sizeable Republican influence at that time in the five-county area. Now it's a seven-county area.

Marcello: I was going to ask you, what sort of a constituency you are representing there in terms of economics, in terms

of their thinking, in terms of their philosophy, and this sort of thing.

Clayton: It is a pretty unified district. It's a seven-county district now. It's basically agriculture, and agriculture-related industry. It is a very aggressive area. It is probably one of the most . . . in fact, I think in my first few years in the Legislature, Castro County, which was in my district, was reported by the Federal Census Bureau as having the highest per capita income for a person of any county in the United States. And so it is a rather prosperous area. Highly technical, mechanized farming operations exist on a large scale size. It is not an old man's country. It is strictly a young, energetic-type people that get things done.

Marcello: What sort of a legislator does that district expect to represent it?

Clayton: Well, fortunately, I feel pretty good in that I believe that I have represented the majority of my constituents throughout my tenure in the Legislature because of the fact that since that first election, in seven terms I have only had one other Democratic opponent in the primary and really didn't even make a race against him. So I feel that the people have indicated by this that I have been able to represent them. It is a philosophically conservative area, and I am a conservative myself.

Marcello: When you use the term that you are a conservative Democrat, just exactly how do you conceive of being a conservative Democrat?

Clayton: Well, I see . . . of course, terminology naturally is used by some to make what they want of it. I see the label as not being as pragmatic as some in describing conservative, liberal, as you spread it across the total spectrum of issues.

Marcello: This is why I thought I would ask you the question.

Clayton: Yes. I think of myself as a philosophical conservative, and this goes basically to the fiscal matters. I think that we have too much bureaucracy in government, too much duplication, inefficiency, and red tape. I am slow on the up-take of some of the social programs where I feel that . . . or question the need for them and maybe look at the long run as to what effect those social programs might have on a total concern for an area or a state or a people.

However, I don't think that a philosophical conservative, as I call myself, is one who is for no change or anything of this nature because that's not the sentiment of my area, and it's not my sentiment. I have a farming and ranching and banking interest and several other business interests. I am a competitor. I think I am innovative. We make changes in our

business and stay on top of it, and we do what's necessary to make a buck. I think you have got to be on top of things . . . and government is the same way. In other words, you can be progressive and be conservative, and this is the way I feel that I am. Now the difference in being progressive and conservative and being progressive without being conservative . . . a progressive without the conservative leaning sometimes, I feel, maybe just wants change for change's sake. Now I'm not just for change for change's sake unless we see that it needs to be a change to bring about good and to do something better or in a more efficient manner. And so this, I guess you would say, is my philosophy.

Marcello: When did you first think about throwing your hat into the ring to become Speaker of the House?

Clayton: I think that would be foolish to indicate to anyone that any member of the Legislature who ever serves, from the very first day that he is sworn in till he completes his tenure, at some point in time, and usually pretty early in his career, does not have the desire to be up wielding the gavel. And I think that was true in my case. I felt that if I stayed here long enough, someday the opportunity and the timing would be right. And I finally decided that

you have to make the timing on your own, and so consequently I threw in my hat, I guess, about two years ago. I made up my mind that I was going to run when the odds looked maybe like an impossibility. But I didn't think so. I guess I am an eternal optimist along with being conservative (chuckle).

Marcello: Well, describe the process by which you eventually were elected as Speaker of the House by your colleagues. Again, go into whatever detail here that you wish.

Clayton: Well, I think throughout my tenure in the six terms prior to this term that I had served that I could go to any colleague of mine in the House and work on a measure, an issue, a program, or a campaign. And after having worked with a colleague on one of these items, they realized that I didn't mind working around the clock--I was a hard worker; I was a diligent worker--and that they could have complete confidence in me. I think one of the main criteria is trustworthiness, and I think that was one of the things I had in my favor with the members of the Legislature.

And consequently, when I threw my hat in the ring, I gathered up fifteen to twenty people to start with that were in my area of the state. My strategy was that I should have a nucleus from my own region, or it would look bad. If you do not have the support

at home, you are not going to have the support anywhere else. So with that in mind, we started with a small nucleus, and we expanded that nucleus to those of similar philosophies.

Marcello: When you say "we" are you referring to fellow legislators?

Clayton: Yes. And once we extended this to members of similar philosophy around the state, we had a sizeable nucleus of thirty or thirty-five people.

Marcello: Who were some of those original supporters?

Clayton: Oh, I could go back and get my list. It would be difficult . . . the ones in the area right around us, of course, were E. L. Short, Elmer Tarbox, Pete Laney, both the boys from Amarillo, Bryan Poff, who didn't run again but ran for district judge, and his replacement came with us, Phil Cates, Ben Bynum, Joe Hanna--people like this around in the immediate area. There was also Renal Rosson, who didn't run again. And then we expanded that list into other areas of the state like Roy Blake, Tom Uher, Tom Massey, and Joe Hawn, who died in Dallas, and Chris Semos from Dallas who is a longtime friend. You know, I could just go on and on, but this is the way the nucleus spread.

But once we hit this point, then we had about four or five candidates in the race. This divided the interest, of course, you know, quite considerably.

Marcello: Are we getting up into the Constitutional Convention by this time, or was this still prior to the Constitutional Convention?

Clayton: This was still prior to the Constitutional Convention. I would say that by the time for the Constitutional Convention came around, it had narrowed down probably to three main contenders with two lesser ones and the rest of them trailing way behind. The three main contenders at that time were, of course, myself and Carl Parker and Fred Head. And just behind them were Dave Finney, and, oh, it seems like there might have been one other who was getting somewhere close to Dave Finney in support who had the Tarrant County delegation pretty well tied in.

Marcello: Now both Head and Parker, in particular, campaigned very, very strenuously during the Constitutional Convention. And from what I gather in talking to other legislators, this turned off a great many people.

Clayton: This is true.

Marcello: And at the same time, most of them mentioned that in your particular case this wasn't true. In other words, you didn't campaign the way Head and Parker did.

Clayton: I didn't campaign during the convention. I made a statement, a public statement, to the fact that I felt

that we had a very serious job to do, and if we got a speaker's race involved in it, it would certainly affect the outcome of the convention. I didn't think that that would be a responsible attitude to take, and so consequently I was not going to get involved in day-to-day campaigning for speakership there in the convention.

But, however, as you indicated, Representative Head and Representative Parker butted heads and went after it pretty fiercely there during the convention in various ways, and a lot of it was carried forward in the press. And a lot of that we've seen carried forward to votes on issues on the floor, where either Fred or Carl would take a position, and their people would kind of follow along.

And I think that it was a detriment to a smooth running convention. I wouldn't pin all of that on the failure of the convention. I would think that it certainly had a part in the failure of the convention. I think that there was probably several factors. Some of the side issues like right-to-work . . . some of the members of the convention that were disgruntled with the convention president, Price Daniel, Jr. And we would take those three or four factors and put them together. And then when you had to consider probably

forty negative votes against any constitutional revision to start with, it all just added up enough votes to keep from passing out a document.

Marcello: Can you mention some of the specific things or activities in which Head and Parker engaged that particularly turned off the other members of the Constitutional Convention?

Clayton: I think they got into a nasty-type campaign where they were accusing each other of things and putting out on the members' desks brochures and pictures indicating things that were probably not true and starting rumors. You know, they got involved in the idea of bribing a candidate that was running for the Legislature up in Smith County or Gregg County, a guy by the name of Pat Noon, I believe. There were just a lot of things that happened that really you would not consider an ethical-type campaign, anyway.

Marcello: In other words, it got pretty personal.

Clayton: It got pretty personal and pretty dirty. I think that turned a lot of people off.

Marcello: Eventually, you picked up a great deal of Head's support, did you not? How did this come about?

Clayton: Well, I think this came about for two reasons. One I mentioned earlier. If Head couldn't win, which became evident toward the end of the convention, his supporters had to turn to either Carl or myself.

Marcello: And I gather things had become so personal between those two that . . .

Clayton: It had. It had become so personal between those two that there was a very logical, I guess you would say, mistrust of the Head supporters toward Carl Parker. And they knew that philosophically most of his supporters and I were not attuned, but yet when they came to me, I would level with them. I wouldn't tell them one thing and then do something else. They realized this and I think that sincerity and that type of truthfulness is what they really wanted, and they also wanted to know that they could be heard. I assured them that under my leadership it was going to be my policy that everyone would be heard. And this is what did it.

Marcello: Okay, so you were selected Speaker of the House of Representatives. You had served in the House under several speakers. Ben Barnes comes to mind, Preston Smith. Was Byron Tunnell there?

Clayton: Byron Tunnell was the Speaker of the House when I first came.

Marcello: Okay, so you had observed those three speakers plus Price Daniel, Jr., and Rayford Price. What sort of a speaker did you plan to be? Surely at one time or another you must have thought about the way those particular individuals conducted things.

Clayton: Certainly, certainly, you look at what others have done and try to improve upon them. I have always had the attitude with the general voter, for instance, in a constitutional election, that a majority will render the right verdict if they are informed. Likewise, the same is true in a legislative body. If they have the proper information and are independent enough to do their own thinking, then a majority will render the proper verdict. And this is basically the philosophy and the idea that I have used in trying to guide and direct the House in the past session of the Legislature.

Marcello: Of the various speakers that you had served under, which one did you particularly favor the most?

Clayton: Well, I liked various ones for different reasons. Byron Tunnell was a man of few words but got action quick. He was a man who believed that if you had seventy-six votes, to heck with everything else. Use them. That principle in some respects I liked because you didn't "jack around" and listen to a bunch of demagoguery. You got about your business. But at the same time, I think you can overdo that thing. Sometimes you have to let the people blow off a little steam and express themselves, although it may be demagoguery. It makes them feel better, and then they react and work better within the system.

Then Barnes was a very aggressive young man who had ambition and was a very good close friend of mine, and I was considered one of his key lieutenants. Myself, Randy Pendleton and Ralph Wayne were called the "West Texas Mafia" or "Brownwood Mafia" because we worked with Barnes very closely on the inner activities of the Legislature. I admired Barnes for some of the things that he tried to do. I think possibly one thing that he did--and I could be wrong--but I believe that in some instances he maybe forgot some of the people who helped put him there. In trying to appease everybody, he brought in maybe more and had done more for some of the folks than others wanted him to. But all in all I think he was a good leader. I think he started a lot of programs that I don't know whether I would have started or not. At the same time some of them looked pretty good, but in retrospect some of them may not have been. Again, I think he was a good speaker. I enjoyed serving under him and working with him because, again, he wanted to do something. He didn't want to sit still.

Gus Mutscher was a very different speaker in his first term to what Barnes was. He was more of a humanitarian. I guess you could use that expression. He was a warmer, more considerate person of each

individual maybe. Now I don't know if that'd be proper to say that or not, but I think that would be a way to describe it. However, I didn't support Gus. I was a lieutenant for Gene Fondren, who was running against Gus Mutscher at that time. Had Gene Fondren not received an offer from the railroads to go to Washington for a good lobbying job, I think we would have won because Gene was a very popular, very fine, articulate lawyer who, I think, would have made a good speaker. However, I was not disappointed with Gus. Having been a lieutenant for Fondren, and when Fondren pulled out, I made assurances that I was going to be working in the system, and Gus appointed me a chairman. I was appreciative for it, and I worked for him. I worked hard. Gus was a moral man, though indications from the press would lead you to believe otherwise. I think he was very dedicated and sincere. The things that he did in relation to Sharpstown and these I don't think in his own mind were wrong, though they were a bad error of judgement-- a very, very bad error of judgement.

Marcello: Unwise.

Clayton: Unwise. But in his own mind, in his own conscience, I really believe that he didn't think that he was doing anything wrong, and I personally know of various instances

of people that have done much more that weren't chastised like he was. But the time was right, and the general public had to have someone to nail to the tree, and it happened to be his lot. I think Gus made a good speaker. I think he should have resigned at a time earlier than he did. I think he would have left a much better taste with his colleagues in the House.

Rayford Price turned out to be, I think, a very good speaker. I didn't vote for Rayford. I voted for DeWitt Hale. Again, this is contrary to my philosophy. But the reason that I voted for DeWitt Hale was that we were wanting . . . at that time our strategy was to put a man in office for an interim period who would not be a permanent speaker come the next January. I would have voted for Rayford for the next January. But everybody was torn up over the Mutscher thing, and it was really not a period to settle in and do anything. Consequently, Rayford got beat by Fred Head. But Rayford made an excellent speaker. He was a good man. I wished he could have won that race and served a full term as speaker. I think he would have shown us some real leadership.

And then Price Daniel, Jr., was the last speaker I served under, and he was also president of the

convention. He was a man that, in my judgement, had a lot of ability but relied too much on maybe some people that were not of the majority thinking. He maybe lacked a little bit of maturity. But, yet, at the same time, I think he brought about some changes that were very good for Texas. He brought about some reforms in the conduct of public officials, for instance, that was way overdue. I think that some of those things we took to the point of overreaction, and hopefully we've corrected some of those situations this time because of some of the laws we passed that session were contradictory and unenforceable. But we did at least stress and get the point across as to what needed to be done. Hopefully, now we have ironed out those wrinkles and we've got it going. But I think you can credit Price Daniel, Jr., for this. I think Price, in trying to do some of these things that he believed in, created his own enemies because of his persistence in trying to do them through the media. Had he worked with the members of the House on a man-to-man basis instead of going to the media every day and putting the members on a "hot seat," so to speak, I think he would have gained a great deal more admiration and respect of the members, even though I opposed Price, Jr. Well, I did not necessarily oppose him. I didn't support him. He was very fair to me.

There is some things that he told me that I would have to say just didn't work out that way. One, he certainly didn't favor my candidacy as a speaker. I think since I have become speaker and since the session is over, I think that he'll be one of the first to say that he had totally misjudged me in the way he felt that I would run the Legislature. But at the beginning of the session, we were talking about committee assignments. I didn't expect anything because I hadn't supported him. Yet, he called me in the office and told me, "You know, I can appoint so-and-so chairman of this because he's running for speaker, and I've got to try to treat all of you speaker candidates fair and even." I said, "Price, you don't owe me anything. But I appreciate that attitude, and I think it'll gain a heck of a lot for you." But when the assignments were made, I was the only one of seven candidates that didn't receive a chairmanship. But this was his mistake, you see, because then I had time to really plot, plan, and develop the strategy for my campaign. It was in the early stages that I had made up and developed the strategy of not campaigning during the convention.

So all in all, like I indicated to you earlier, though I'm a conservative, I'm also an optimist and I'm an eternal optimist. I felt from the very

beginning when I put my hat in the race that I'd come through, and it worked.

Marcello: Okay, so you were selected as Speaker of the House of Representatives by your colleagues. Obviously, one of your first jobs as speaker was the selection of the various chairmen for the committees of the House. Again, what criteria did you use? How did you go about making your choices? Now again, I don't expect you to give me a blow-by-blow account of every chairman, but let's say some of the more important ones.

Clayton: Before we get into that though, let me indicate to you one of the concerns that a lot of people had about the Head people coming over to my candidacy. I'm talking about people like Craig Washington, Mickey Leland, Dave Allred, Ben Reyes, and a lot of these type people that would would never support me otherwise. For history's sake I want to give you one instance that I think is pretty indicative of . . . or maybe a couple of instances that would indicate how a lot of this support came about. We had called Craig Washington, Benny Reyes, and Mickey Leland from Houston and asked them to come up and meet with us. Of course, I'll have to hand credit to Representative Head because he did initiate and help some of the initial contacts in getting these people together for me. We asked them to come up to . . . I

have a house here in town. We asked them to come up. We told them where they could pick up their tickets. We'd like to see them. Time was of the essence. Mickey Leland and Craig Washington and Benny Reyes came to my house, and we visited about the speaker's race. I guess we visited for an hour in my living room, they drilling me very carefully with a lot of questions about my reactions to various things. I was very candid with them and in many instances disagreed with them philosophically.

Marcello: Keeping in mind, their districts, I'm sure, were just the complete opposite of what yours was.

Clayton: Absolutely, no question about it. And they realized this. But at the same time they also realized that I wasn't trying to snow them, that I wasn't going to tell them something that wasn't true. I indicated to them that I wanted their help and that they would have an opportunity to be heard.

Marcello: What sort of things were they concerned about?

Clayton: They were concerned about, of course, the minorities and how they would be treated, if they'd have an opportunity to get a run with their bills. At this time, I'd already developed some rules and policies that I wanted to suggest. One was the calendar situation whereby each member had a preference number where

he got that bill out of committee. There was no way you could keep it off the calendar. It'd come up for consideration. This'd give everybody the same break. At this time we had already formulated our proposition on all House members participating in the appropriations process. They liked things like this because they could see that everybody was going to have a part in making policy. It was quite a session.

After we had talked for about an hour, the three of them went over in a corner of the room, and one of them said to the other one, "Well, what do you think?" One of them said, "Well, why not?" The other one says, "Hell, let's do it." And they all came back and shook my hand and said, "We're going to help make you speaker." I made no indication to them of what type of role they'd play, no promise to them of anything other than that they were going to be heard just like any other member. They were going to have the same footing.

I'll never forget it as long as I live, and I'd give a million dollars to have had a movie camera there that day because over my bookcase in my living room I had a Confederate flag. Mickey Leland walks over and picks up the flag, walks back to the middle of the room holding that flag. He says, "Oh, Mr. Craig! Mr. Craig! We've done it again!" (laughter) He said, "You know,

Mr. Craig, I'd rather be a house nigger than a field nigger!" I'd give a million dollars to have had that on video! But it's just instances like that that I gained their trust and their support.

Chris Miller is a good example. I was one of nine people that voted against the ratification of the federal constitutional amendment for equal rights for women when it was presented to the Texas Legislature. I'd always opposed the state amendment. That's talking about a pretty small minority itself. Chris Miller, of course, that's been one of her pet peeves. She is one of the liberation movement and a great women's libber.

She came to me when we had our blitz on in the Driskill Hotel, which is quite a unique thing. Well, in fact, I'd called her and asked her to come down and visit with me and picked up her plane ticket so she could come on down. We sat and talked about issues, and particularly equal rights. I looked to Chris from across the table, and I said, "Chris, I'm not going to try to screw you around on that issue. You're going to have full opportunity to be heard and do what you can do." The rescinding thing had then become an issue. People had already begun to write for a rescinding. I said, "I don't know whether it's

legal or not, but it's going to be an issue. I'm not going to involve myself in the issue. It's going to take its own course. But I'll assure you one thing. You better have the votes because if it comes to a tie I'm going to vote just like I always have." And she shook my hand, and she says, "You know, you can't beat honesty. I'm going to go with you." (chuckle)

And it's just over and over again like that. These people come together. I know a lot of people question the validity of such a coalition. How long could it stay together? Could we operate effectively as a team? Now I think that's been proven. There were no deals; there were no promises made to anyone; and such a coalition can work.

When we sat down and began to think about our committees--and this gets back to the question that you asked--we tried to take into consideration all the balances possible. Anyone can criticize even Jesus Christ himself if he picked on the committees because everyone has in their own mind what would make a balance. We tried to geographically balance our committees. We tried to balance them urban-rural. We tried to balance them to where minorities would have a fair shake in all of the committees. We tried to balance them to where the women would have a fair

shake in all of the committees. We tried to balance them philosophically. We used every criteria that we knew of. Then we came back and tried to add in some additional criteria of experience and who has done what in what fields, who had an interest here. Then we were influenced by the requests that we'd received by the individual members. Normally, committee assignments, when made, are made by the speaker when he takes usually his inner group, and they go off and talk about it for a few days and, you know, work out the arrangements.

Marcello: Who were some of the people in this inner group?

Clayton: In this inner group was Jack Gullahorn, my executive assistant, and I. The reason for this was the fact--the simple fact--that I had been in some of these inner groups that had helped select committees, and there's no way under the sun that you can get a group together like that and begin to talk about it until rumors leak out. "Say, did you know Joe's going to be chairman of so-and-so? There's a possibility that Henry over here might chair the Appropriations Committee." It was these type of things.

Well, I knew I had a very hard job in committee selections to try to work the balances I thought would make a workable situation. I couldn't just sit down

and get eight or ten people because I knew we could never get that many to agree on it in the first place. In the second place I don't think I could have gotten that many people that would have felt the way I did about wanting to try to balance the situation.

So Jack and I sat down, and we went over all of these aspects. We built some boards and names, and we started pasting and moving and pasting and moving. We wound up working day and night for several days in my home here in Austin. I had the front bedroom just . . . we moved the furniture out and put the boards around, and we kept it locked up. Jack and I were out there most of the day and nearly all night every night.

When we finally had zeroed in on some of the people, then we began to tell one or two of them, "Would you consider serving there if we considered putting you there?" This was probably one of the first times that the press couldn't figure out what was going on. When we announced our committees, I think they realized that "Man, we had it all wrong." For instance, they had Fred Head as going to be chairman of the Appropriations Committee.

Marcello: And you selected Bill Presnal instead.

Clayton: Right.

Marcello: Why Bill Presnal?

Clayton: Well, we looked at that situation very close, and we tried to find some people who had been on Appropriations and had some experience, some that we could depend on totally who had even been with us through thick and thin. You know, you have to have a certain loyalty in some positions. This is a key position. Bill is a guy that worked with the membership and, I think, had a rapport and could work with any and all of them. I think you have to have somebody who can do that. You can't have somebody that's dictatorial. You can't have somebody that's too far one side or the other side. You've got to have somebody that's got patience and will sit there and listen to your complaint, try to work with you, and try to help you, and if he can't, tell you why. You know, it just came down to him. There's one other man that we considered very, I guess . . . oh, I guess, the next consideration to Bill Presnal for that position would have probably been Walt Parker. Fred Head really never entered the picture.

Marcello: How about Neil Caldwell since he had been the previous Appropriations chairman?

Clayton: Neil Caldwell, we couldn't . . . I don't think we could have put Neil Caldwell as chairman of the Appropriations Committee without mutiny. You had to consider this, too.

Neil turned out to be a great help to me during the session and a real asset on the Appropriations Committee. I went to him and asked him for help several times, and he always helped. But he supported Carl right down to the last and was one of Carl's lieutenants. That doesn't bother me as bad as it bothered a lot of my supporters. Had we done that and taken that position away from one of my supporters, I think it would have been mutiny.

Marcello: Like you mentioned awhile ago, you have to appoint people that you can work with. Now it sounds great to say that "I'm going to be fair and appoint some of my enemies and so on to committees and this sort of thing," but it doesn't help the legislative process at all.

Clayton: No, that's true. Now you can . . . of course, we did appoint some of our enemies.

Marcello: Non-supporters is probably a better term than enemies.

Clayton: Yes, I think that's better terminology because I don't know what you call an outright enemy in line with Webster's definition that I would call in the Legislature.

Marcello: In other words, there were people that didn't support you, but you could still work with them.

Clayton: Right, right. And a lot of those people had reasons. For instance, there's Pike Powers, and there was Chester Slay, and there was Wayne Peveto and those

boys that lived right there as neighbors to Carl Parker. I wouldn't expect them to get out on a limb when that area had a candidate running, you know, even though they wanted to support me. I knew their feelings. There's a lot of people like that, you know, who had their reasons for doing what they did. You know, first, a man's got to get elected.

Marcello: Let me mention some of your other appointees and comment on them: Tom Massey to the Education Committee.

Clayton: That's a perfect example of a last day decision.

Marcello: This was going to be a very important committee as . . . well, it always is, of course, but more so during this session.

Clayton: I had probably . . . the Education Committee . . . we had a void as far as chairmanship was concerned. That was one that was really giving me some concern until one day while we were making these appointments and things.

Tom and I were talking. We were down here in the office. He said, "You know, I never have turned in my request, but I'd kind of like to be on the Education, too." I had pretty well picked Tom Massey to be the chairman of the Natural Resources Committee because he and I worked closely on the Water Committee the last session. I said, "Tom, are you sincere about that?"

Why do you want to be on the Education Committee?"

He says, "Well, I can just see that as one of our big problems this session, and something's got to be done, and I'm really kind of interested in it."

I said, "Well, how interested?" He said, "Well, no, I don't mind spending some time on it if that's what you mean. I don't want on a committee just to say I'm on a committee." I said, "Well, I just wondered how sincere you are because do you really think that you could do me a job on that committee? Do you think you have a grasp of the issue of what has to be done--the Rodriguez case and these type of things?"

He said, "Well, I think I do. I've been doing a little study on it lately and talking to some people in my area that are quite concerned about it." And he said, "I do. I kind of have a real interest in it."

I said, "Well, Tom, do you know what you've done?" I said, "You just made yourself one heck of a job because I've been hunting for someone to chair my Education Committee." That came as a complete surprise to him. It came as a surprise to me. But it happened just like that (snaps fingers), and it was a real stroke of genius.

Marcello: Another one of your appointees was Mr. Uher to the State Affairs Committee.

Clayton: I really didn't know where I was going to put Tom. Tom had a lot of ability. Tom is a very energetic guy. I had several people who were wanting the State Affairs Committee by request.

Marcello: As it turned out, this was going to be another important committee.

Clayton: Right.

Marcello: Especially because of the utilities regulations.

Clayton: This is correct. And, again, my position was made known on the utilities regulations. I indicated a strong opposition to it because I didn't think it . . . the big hue and cry was from the consumer who wanted a reduced rate for his utilities and is not going to get it through a commission. But I indicated that I was not going to thwart the efforts of those who were interested in utilities regulation, that it would be fully aired and heard.

At the time we really didn't realize that the utility regulation commission could have gone to two or three different committees, and some of them did. Telephones, for instance, comes under the jurisdiction of the Transportation Committee. We sent some telephone regulatory bills to the Transportation Committee. Gas

and oil could have gone to the Energy Committee, and we sent one or two to it.

The general concept of the total commission would naturally fall to State Affairs. So we had them in all three committees. Well, yes, the State Affairs Committee is the one committee considered the "speaker's committee."

Marcello: That was going to be my next question. How does this terminology come about, or how did it come about?

Clayton: I don't know how it came about, but apparently from time immemorial this has been the case. It's the one committee that the speaker is a . . . it's a catch-all committee. When you have some questionable areas as to where to send a bill, State Affairs catches it. Usually, it's people on the State Affairs Committee that the speaker puts whom he can depend, or at least a majority.

Marcello: And Uher was one of your original friends.

Clayton: Right.

Marcello: A couple of your other appointments were Craig Washington to Jurisprudence and Eddie Bernice Johnson to the Labor Committee. Would you comment on those two appointments?

Clayton: Well, in my mind I felt that I wanted to appoint a black. I thought there were several capable blacks in the House. Craig, I think, proved outstanding during the convention.

Marcello: I've heard everybody that I've interviewed so far put in a good word for Mr. Washington.

Clayton: I think that his performance in the House was somewhat less than that in the convention, but I think it was because of some pressing business that kept him occupied quite a bit during the session. And because of that I think, you know, it led me to believe that he would make a good chairman, and I have no criticism.

Eddie Bernice is a very brilliant lady. I wanted a woman chairman. I could have had Kay Bailey, Sarah Weddington, or Eddie Bernice. Sarah Weddington, probably, no doubt, would have been my choice as a woman committee head had she been on my team or had she been my supporter. She stayed with Carl right down to the last. I admire her for her stand because I don't think she really . . . she would have liked to have been on our team, but when she got committed to Carl, when she gave her word, she stayed with it. I admire people like that. I think Sarah had a tremendous ability. I like her; I appreciate her. I predict she'll probably be playing a bigger role.

So this leaves me with Kay Bailey or Eddie Bernice then. Well, I feel that I've got . . . in the Republican ranks I can't go too heavy on committee chairmen because I pretty well in my own mind at that point in time had pegged Ray Hutchinson for that Constitutional Revision Committee because I think he was as desirous to

have a constitution as anyone in the House, and I wanted a constitution out of this Legislature. I felt like the bi-partisan committee would be a big help to it if we got it out, and, in turn, be a big help then in selling it. So with him there and then one of my first supporters in that early nucleus we talked about, who was Tom Craddick out in that area, just a great guy with a lot of ability, I wanted Tom to be one of my Republican chairmen. Well, that's two Republican chairmen. I just didn't feel I could go with three, so that strikes Kay Bailey.

So who do I have left as a woman? Chris Miller or Eddie Bernice. Well, at this particular point in time, I had considered Chris a little for a chairmanship of the Labor Committee. The Labor Committee is the only committee now that I could see where I could really use one of these people where they could do some good. But then as we looked at it, the more we evaluated and everything, it just finally came down to Eddie Bernice. I think she did a good job.

Marcello: Okay, so this more or less, I think, brings us up to the Sixty-fourth Legislative Session itself at this point. One of the first things that cropped up when the legislature came into session, and even before it came into session, was this announced surplus in the state treasury.

Now how did that affect House business both from your standpoint and from the standpoint of the membership?

Clayton: Well . . .

Marcello: What was it, about \$1.5 billion?

Clayton: Their first estimates were one and a half billion dollars. One of my speeches prior to the legislative session was pointing out some of the major issues that we would consider, and one of the bigger problems areas that I had predicted would be the simple fact that we had a surplus. Because of that surplus, everybody would have a hand out, and it would be difficult to appropriate the money without expending it all simply because of the fact that they knew we had it, whether it was needed or not. That proved the case. We wound up spending nearly all of it.

Although all of the agencies did request a great deal more, this was the first time that we went to zero-based budgeting. Zero-based budgeting was a verification of or justifying of programs on a priority basis. I think it has merit, but at the time I think that we over-estimated our budgets for our agencies because many of the agencies would come by and tell us, "Now if you'll just let us have what the Legislative Budget Board suggests, we can live comfortably with it." This is usually not the case.

However, the House voted out a bill that was about a hundred million dollars less than the Legislative Budget Board. The Senate voted out a bill that was very close to the Legislative Budget Board, and I think when we've completed the appropriations process, we were just slightly under the Budget Board's suggested budget levels. But I hope we can look at it in a little different aspect this next time and take a closer look at some of the programming. Knowing that we're not going to have the surplus that we did last time, maybe we will tighten our belts a little.

It's a possibility that we can provide another two years, starting in '77, without a tax bill for Texans. It would be a miracle in a sense, and I think we'd have to look at some realistic changes if we were to decide to try to appropriate for that biennium today. We'd certainly have to raise some taxes, and I think somewhere in the neighborhood of maybe three to four hundred million dollars. But if we have bottomed--the economy has--and we show a good increase in the business community and if the business climate continues to produce more goods and services, then the sales tax will bring in additional monies for the biennium beginning September 1, 1977. Likewise, with the energy crunch, if exploration can overtake depletion, it will be an additional source of money to the treasury.

Marcello: Deregulation of the domestic price would probably help.

Clayton: It would have a big effect. The ruling of the attorney general on the collection of the franchise tax in gas and oil pipelines in intrastate commerce will have an effect. The collections by the comptroller, due to the new employees that we have him to do this with, will have an effect, plus monies that were vetoed by the governor, plus, I think, some additional monies that we could have certified--I believe Mr. Bullock was very conservative in his certification--plus probably 100 million dollars that we'll probably recoup in health and welfare, mental health-retardation, and Youth Council through federal funding in Titles 19 and 20. The way we funded those, we're going to recoup about 100 million dollars. So it's all in the realm of possibility that if all of these factors worked we could again have another session of the Legislature without a major tax bill. That would be good. I'd rather have a surplus than a deficit, but a surplus sometimes can cause you to overspend.

Marcello: Now probably, as we pointed out earlier, one of the . . . well, probably the most important issue facing that Sixty-fourth Legislature was the whole business concerning public school financing. It all stems back to the Rodriguez decision.

Clayton: This is true. I think most everybody agreed that this was probably one of the major problems with the session.

Marcello: Now in response to public school financing, there were all sorts of bills presented. Representative Kubiak had a bill; TSTA had a bill; Governor Briscoe had his own bill. What particular type of school financing bill did you want to see come out of that House of Representatives?

Clayton: Well, we wanted the committee, which they did, to take a look at all of the bills--take the better parts of all of them and put them together into a committee bill and come out. The committee came out with the McAlister Bill. It was not a bill that I felt like the House could live with. So we immediately began to work to put together a piece of legislation, and the House passed a bill, a bill that I think was a good piece of legislation--better than the bill that we finally passed. We sweated blood and everything else because the governor was pushing hard for his program, TSTA was pushing hard for their program, and we had to go out between the two strong forces and pull seventy-six votes, but we did.

Marcello: Now the TSTA bill was very strong on an increase in teacher salaries, which is probably to be expected. A lot of people said that, of course, TSTA and others who favored that tremendous increase in teacher salaries had

lost sight of the Rodriguez decision. More emphasis seemed to be placed on teacher salaries than on implementing that Rodriguez decision.

Clayton: I think that a great number of people realized this to be true. I think that we really needed to address ourselves more to equalization. Nobody would deny the fact that the teachers needed an increase in salary. I think that was an acceptable fact, also. But I don't think, and the legislature didn't, I don't believe, over-apportioning teacher salaries to equalization. We had to strike a balance somewhere. I think that's what we finally did. Had we have gone to ten or twelve thousand dollars as a beginning salary for teachers, then I think we would have gone way overboard in an imbalanced situation and would have paid less attention to equalization.

Marcello: I thought it was interesting in one of those early votes how that education bill got up to about 1.7 billion dollars or something like that. I think everybody knew that was never going to pass, but everybody had a vote for those increased teacher salaries, and then they continued to tack other things to where it became impossible to pass that bill.

Clayton: That is a great fallacy in the political system. It was the simple fact that many people had committed

themselves for a vote to the teachers for a high salary. I do not believe in answering questionnaires prior to the legislative session or prior to an election. I'll state the issue with a person if I can sit down across the table with him and talk to him. I don't beat around the bush. I let them know where I stand. But I do not commit myself because of the simple fact that I don't think that you can properly legislate under a committed atmosphere. I think you have to have independence to look at the whole spectrum of issues around any given major point.

Marcello: And TSTA is a fairly powerful lobby, too, are they not?

Clayton: Well, some have fear of them who have never run against them. They've been after me three or four times and haven't succeeded yet.

Marcello: How did you go about getting the necessary votes to finally get a school finance bill passed, and you, what, were three over the limit or something like that? I thought you had a majority of three.

Clayton: Well, it took a little doing. We had to call some of our folks back and find out what their concerns were on a school finance bill and try to work around putting in all of these things and still doing the job properly. Once we came up with it, then it just simply became the idea of calling people back and saying, "Look, we've got to get a finance bill out. We've got to get a school

finance bill out of the House. Either you're going to be with us or you're not," you know. "We've got to get something to conference committee for the Senate so they can start to work on it."

Marcello: I gather there wasn't too much favorable reaction to Governor Briscoe's weighted pupil approach.

Clayton: There wasn't until late in the session. Late in the session they put on a hard move just before we passed our House bill. I think probably he came within four or five votes having enough votes. And had not we have pushed our approach, it's very likely that the House might have passed the weighted pupil bill. We visited with Briscoe and worked with him on this situation and gave him every opportunity. After the first vote, and when his amendment lacked some twelve or fifteen votes or maybe a few more than that, we felt like the time was for us to take action and move because then we were left with nothing but the 1.7 billion dollar school bill, and that was totally unrealistic. So that's when we sat down and wrote a program and passed it.

Marcello: And all of this time, I think, you had to keep in mind, did you not, that Governor Briscoe said there would be no new taxes this session. If that 1.7 billion dollar bill had passed, there would have been taxes.

Clayton: This is correct. So, I mean, we had those parameters to work under.

Marcello: Plus there was pressure because you were getting down near the very end of the session when the final votes were being taken.

Okay, now another major issue in that Legislature was the formation of a public utilities commission. Now earlier in the interview you had mentioned your particular stand on the creation of that public utilities commission. Did you feel that there was a need for some sort of utilities regulation in the state?

Clayton: No, I did not, and I still don't.

Marcello: Can you live, however, with the bill that eventually did come out of the state legislature?

Clayton: Oh, yes, I can. I'm not one that . . . once the majority speaks, I'll abide by it.

Marcello: Now the House bill, of course, was much stronger, I guess, than what the Senate's bill was.

Clayton: The House bill was punitive and would have done nothing but make the cost of energy increase terrifically. You can't penalize public service utility companies or private stock utility companies for making a profit and being able to finance additional plants and keep the supply met. You just can't meet supply if you can't go to the money market and borrow money to keep expanding

your plant. The House bill, I think, was punitive enough in nature that it would restrict very severely the borrowing of money by private utility companies to build and expand.

Marcello: How did your stand on public utilities regulation affect your appointment of the House conferees to iron out the differences between the two bills?

Clayton: I looked at the situation, I think, from the majority viewpoint of the House. We could have appointed a majority of the conference committee from the House side that would have stayed pat with the House Bill 819 as it left the House. Had this happened, we would not have bought that version. I realize that the majority of the House members wanted a utilities bill, and therefore, there were going to have to be some compromises to get it. So I picked the conferees on that basis.

Marcello: Okay, now a third issue, and one that you also had talked about a little earlier, was constitution revision. You mentioned that you were determined that the House at least was going to come up with some sort of a constitution during this session. How much flak did you personally receive as a result of the Constitutional Convention not coming up with a constitution, I mean, in terms of flak you may have received from your home district?

Clayton: I think the people were disappointed. Personally, I caught no flak. I voted for the document. They couldn't lay the blame to me. But I think they were disappointed they didn't have a document to vote on. Whether they would have voted in the affirmative or not, I'm not sure. But I think it's just the idea that having spent four million dollars in six months' time. They wanted a product.

Marcello: Now apparently, at the beginning of the session at least, Lieutenant Governor Hobby wanted another convention, perhaps a citizen-delegate-type convention, and you apparently believed the Legislature itself could come up with a document. How did you bring him around to your way of thinking?

Clayton: It takes time (chuckle). It takes time. I think after the committees began to work, I think he realized we could. I think he was a little skeptical at first hoping that we could pass out of the Legislature a document, but once we showed that we could, then he became totally for it.

Marcello: How was it that the Legislature did come up with a constitution so quickly--at least I think so quickly--when it couldn't bring one out of the Constitutional Convention?

Clayton: Well, I think it was a number of things. The work had already been done. I mean, the basic work had

already been done--the research. I think it was due to leadership. I'm not being critical in that respect, but I'm simply saying that the lieutenant governor demanded the respect of the senators to a point that he could get a vote out of there. Generally speaking, it was a lot of the conservatives who were kind of "hold-offish" on constitutional revision, and consequently with a conservative leader I think it helped to bring some of them around in looking favorably toward constitutional passage.

Marcello: And I think you all made it pretty tough to tack on amendments to that constitution, too.

Clayton: We did.

Marcello: One last question and I think we can probably end this interview, Mr. Clayton. Describe what sort of a working relationship you as speaker had with Governor Briscoe. We haven't talked very much at all about Briscoe.

Clayton: I think that this is the first time in modern history that the governor, the lieutenant governor, and the speaker had a harmonious working relationship through the entire session. It was most beneficial to the citizens of the state. You can't accomplish anything fighting each other through the media. If you've got problems, you can sit down around a table and solve

those problems. Many, many times the governor and the lieutenant governor and I sat in his office or the lieutenant governor's office of my office and discussed some of the problems of the session and came to agreement as to how they should be solved. I think it was very beneficial. I like that type of a relationship. I think it will continue. There's no reason for it not to.

Marcello: How would you assess the two administrations of Governor Briscoe at this point in time?

Clayton: I think he's a governor that kind of grows on you. I think that the people were not really knowing how to accept the governor at first. He was rather inaccessible, but yet he's a very personable and very real man and one who, when he makes his mind up on an issue, is very determined. But he's very congenial to work with, not always so headstrong that only his idea has to prevail but very willing to listen to other ideas and to compromise to try to achieve an ultimate goal. So I would say he's doing a good job.

Marcello: Speaker Clayton, I want to thank you for taking the time to talk with me today. It certainly was a pleasure for me, and I think you've said some really important things that are going to be valuable someday when historians and scholars have access to this material

and can put it to use and perhaps write about the history of Texas and Texas government in general. Again, I want to thank you for giving me your time.

Clayton: I've enjoyed it very much. I likewise would like to put a qualification on the release of this information, and not being such a stickler to try to defer it till a number of years but simply to a period of time when I am no longer serving as speaker. After I complete my tenure as speaker, you're free to release this information.

Marcello: Okay, we have the proper documents and so on that you'll receive at the completion of the transcribing and so on. I hope you will continue to talk with us after each session of the Legislature.

Clayton: I'd be delighted to.

Marcello: Thank you.