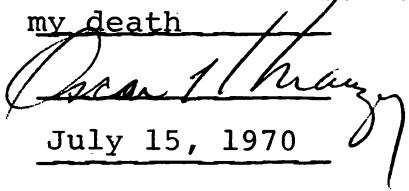


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Interview with
OSCAR MAUZY
December 1, 1969

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

Senator Oscar Mauzy

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Dallas, Texas

Date: December 1, 1969

Dr. Marcello: This is Ron Marcello interviewing Senator Oscar Mauzy for the North Texas State Oral History Collection. The interview is taking place at Senator Mauzy's office in Dallas, Texas, on December 1, 1969. I am interviewing Senator Mauzy in order to get his impressions and reminiscences of the special sessions of the 61st Legislature. Senator Mauzy, I might mention first of all that we've already talked about the affairs of the regular session of the 61st Legislature, so for the purposes of this interview I'm going to confine all my questions primarily to the special sessions of the state legislature. Just for the record, what necessitated the convening of the special session of the 61st Legislature?

Senator Mauzy: The special session was necessitated by the governor's veto of the one-year appropriation bill on July 1, which the legislature passed in the regular session which ended on January 2, 1969. Because of that veto there was no appropriation bill to finance state agencies and state institutions from September 1, '69 forward.

Dr. Marcello: Now as I recall there was \$90,000,000 added to the size of the tax bill between February and July. Is that right? I

think it increased from \$260,000,000 to \$350,000,000. What items are responsible for this increase?

Mauzy: I'm not sure about the figures you've mentioned there. As I recall--and I'm going totally on recollection now--in the governor's first State of the State address to the legislature he recommended a two-year budget in February of '69, he estimated that it would take a \$308,000,000 tax bill, I believe. And after both the House and the Senate in the regular session had passed a two-year appropriation bill, it was estimated that if the House appropriation bill was the one that had finally become law it would have taken \$330,000,000 and the Senate bill would have taken \$360,000,000. Now the difference between the Senate and the House bill was that the Senate had a two-step pay raise in for all state employees, and we also had additional faculty compensation benefit increases that the House bill did not have. The House bill and the Senate bill were both larger than the Governor's recommendations because of increased education, increased state employees, and, as I remember, the third thing that was causing it was additional money for mental health and mental retardation but I'm really not precise about any of these things.

Marcello: Whatever the increase was, several legislators, I believe, felt that this increase could only be met by an increase in the state sales tax. They said this was the only way it

could be done because it was impossible to raise the money by any other means. What is your feeling along these lines?

Mauzy: Well, I don't agree. I offered during the special session-- I'm getting a little ahead of you here--but I offered during the special session a complete substitute tax program that would have raised the entire \$358,000,000 we did wind up raising without any increase in the state sales tax. But to get back to the regular session for a minute, we wound up passing a one-year appropriation bill because we could not agree on a tax bill. If the one-year appropriation bill had been signed into law by the governor, there would have been no need for any new taxes in '69, and we would have had to have a special session in 1970 to appropriate for the fiscal year of September, '70, to August of '71 and to provide the necessary tax revenues to finance that bill.

Marcello: Was the liberal bloc in general opposed to an increase in the sales tax at the beginning of the special session?

Mauzy: Yes. The general feeling in the Senate, and again I want to refer only to the Senate . . .

Marcello: Sure.

Mauzy: . . . because I'm really not sure what all went on over in the House, but on the Senate side, I was really very pleasantly surprised when we got back down there on July 26th, I believe it was, to find that not only the ones who during the regular session had stayed with us on economic

issues, but some middle-of-the-roaders and, indeed, some conservatives wanted to meet and wanted to organize for the purpose of defeating an increase in the state sales tax. One of the first things that we did, as a matter of fact, was to hold a caucus, and I got the ubiquitous honor of getting elected chairman and floor leader to defeat any increase in the state sales tax.

Marcello: How do you explain the fact that several conservatives were interested in defeating the increased state sales tax?

Mauzy: Well, there were several reasons for it. Let me go at them one at a time. Number one: Charlie Herring--and again these terms conservative, liberal, don't really mean a lot to me--but Charlie is considered in the current scheme of things to be a conservative. Charlie Herring thought that Ben Barnes was going to run for governor against Preston Smith in 1970, and, therefore, the lieutenant governor's job would be open. He knew that if Barnes did run for governor, that Ralph Hall would also run for lieutenant governor. So Herring wanted to stake out a claim as being more liberal than Hall in order to attract the minority votes and the labor votes in Texas in order to beat Hall for lieutenant governor. And this explains Charlie Herring. Bill Patman is just the kind of fellow that votes against any tax bill. He doesn't care what it is. Hank Grover, who's a Republican, is certainly not a conservative. He's a reactionary. Grover

was against any kind of a tax bill because he thought it helped the Republican Party to saddle the Democratic Party with all the taxing that had to go on. So these were some of the reasons some of the different individuals did what they did.

Marcello: In other words it was mainly then on an individual basis. Each individual had his own reasons for supporting the bill for the most part.

Mauzy: Well, we start out in the Senate with a group that generally votes alike on economic issues. And that group is basically from Dallas County, McKool and I, Jack Strong from Longview, Charlie Wilson from Lufkin, Joe Bernal from San Antonio, Barbara Jordan from Houston, Chet Brooks from Pasadena, Babe Schwartz from Galveston, Ronald Bridges from Corpus Christi, Jim Bates from Edinburg, Joe Christie from El Paso, Don Kennard from Fort Worth. Now those eleven we generally always have. Now, in addition, we pick up from time to time on floater votes various people such as Criss Cole from Houston. Oh, excuse me, I overlooked Roy Harrington from Port Arthur. Roy, obviously, is in our group. So, we started out with those twelve, and when we added the three conservatives, Patman, Herring, and Grover, we had fifteen. All we had to do was get one more. As I remember, the first vote in the Senate on the tax bill, which was my motion to reduce the increase in the sales tax

from 3 1/2 per cent back to 3 per cent, we got either twenty-two or twenty-three votes for it.

Marcello: Now, of course, one target was an increased tax on alcoholic beverages. Could you tell us what you know about the activities of the chief lobbyist for the breweries, Homer Leonard, during the special session?

Mauzy: I can tell you what I know of what happened in the Senate. I can't really give you a total picture because I was the foremost spokesman for the group who insisted on taxing beer and whiskey and putting it under the sales tax. Homer Leonard never once talked to me during the entire session. Neither did Ted Reed, who is the lobbyist for the distilleries. Basically what had happened is that Gus Mutscher, who presently serves as Speaker of the House has got a lock on getting Homer Leonard's job as lobbyist for the brewers, Texas Brewer's Institute.

Marcello: Let me interrupt for a minute. There was a rumor, or maybe perhaps, there is a rumor that Mutscher is in line for Leonard's job. Leonard is seventy-one years old, seventy years old?

Mauzy: I don't really know how old Homer is. He's at least in his sixties, and he's had two heart attacks in the last three years, and he's in very bad health. Homer Leonard is a former Speaker of the House himself.

Marcello: Right.

Mauzy: He's a lobbyist for the Texas Brewer's Institute. He probably put more money into Mutscher's campaign to become speaker than any other lobbyist in Texas. And it's an open secret that when Homer retires Gus is going to become the lobbyist for the brewers. Now, part of the deal was that Homer would resign and recommend Gus for his job if Gus would see that there was no tax on beer, either during the regular or the special session of the 61st Legislature. Now, to me, this is all parenthetical. It doesn't have anything to do with the question you're asking. But it's the damndest, dumbest politics I ever heard of. If Mutscher had any sense he'd have gone ahead and let the tax go through on beer while he was still Speaker and before he became a lobbyist. And then when he became a lobbyist he could say, "Look here, Homer wasn't very effective. He couldn't keep a tax off of you. And now I can." But then, Mutscher is kind of like Preston Smith. He's not going to win any I.Q. awards. But anyway, the deal was made. Mutscher was to prevent any tax on beer. And then Homer made a deal with Ted Reed of the distilleries that would also include liquor, distilled products. And every tax bill that came out of the House during both the first and second called sessions had no tax on beer and whiskey even though amendments were offered on the floor and were defeated in the House each time. On the other hand, the Senate--there were nineteen of us in the

wildest coalition you've ever heard of--got together and just flat made a blood oath that we were not going to vote for any tax bill that did not include putting beer and whiskey under the sales tax. And that included people like Senator Aikin from Paris who ordinarily doesn't vote with me, Senator Hightower from Vernon who doesn't vote with me, Senator Hall from Rockwall who doesn't ordinarily vote with me. But at the same time, you see, I was losing Bernal who has two big breweries in his district and who felt he couldn't, Schwartz who's a wet, Jim Bates from Edinburg who's a wet who's normally on my side. And so it's like any other issue down there; you pick up your votes where you can. Anyway, we got nineteen votes committed who would not vote for any tax bill that did not include a tax on beer and whiskey.

Marcello: How do you explain the fact that you were never contacted or approached by Leonard or any other member of the brewing or distillery industry?

Mauzy: Well, I think that's the easiest thing in the world. It's kind of like Birch Bayh was telling me week before last when I was in Washington. The people who were for Haynesworth never once asked him to vote to confirm Judge Haynesworth because he was the leader of the group that was out to bust Judge Haynesworth. I was the leader of the group that was out to tax beer and whiskey, and so they weren't about to talk to me. It would be a waste of their time and mine.

Marcello: Is it true that Leonard helped Mutscher garner pledges for the 1969 session House leadership?

Mauzy: Oh, yes. As I said a while ago, Homer was the chief financial contributor to Gus's campaign for Speaker in the summer of '68. You've got to understand that in running for the Speaker of the House, you run during the primaries by going out and contacting all the candidates who are running to be members of the House and getting them to sign pledge cards for you. If there's three guys in the race you get all three of them to commit to you if you can. And that requires a lot of travel, a lot of money to get around and see people. I suppose that probably Gus spent \$50,000 or \$60,000 running for Speaker.

Marcello: At the beginning of the 61st session Ben Barnes had mentioned the likelihood of placing beer and liquor under the sales tax. Now, allegedly Leonard stopped Barnes at a party someplace and lambasted him for his statements. Now, supposedly, at least some of Barnes' friends speculate, this is the reason why Barnes then pushed for a tax on beer. What do you know about this incident or about Barnes' position?

Mauzy: I've heard the story. I don't know whether it's true or not. I know that I went into Barnes' office with a list of nineteen names signed saying, "We are not going to vote for any tax bill that does not include a tax on beer and

whiskey." And at that point the lieutenant governor came out in front and got to be our leader and made a big public speech saying, "The Senate isn't going to permit it," which is fine with me. I have no quarrel with him getting the credit for it. I don't know whether this other incident happened or not. I know I'm the guy that circulated the resolution and got nineteen signatures on it, because mine was the top name.

Marcello: What was Governor Smith's position with regard to the tax on beer and liquor?

Mauzy: He didn't really have any position. He said all along that he would sign any tax bill that the legislature passed. I'm convinced if we'd have put a tax on prostitution he'd have signed that too.

Marcello: (Chuckle) Now it's true, supposedly at least, that the beer lobby had asked Smith to put beer under the sales tax rather than increase the excise tax. Is this correct?

Mauzy: No, no. The beer people tried to make a deal, both in the House and the Senate. You see on either five or six different occasions the Senate voted nineteen to twelve, nineteen to twelve, nineteen to twelve, to tax beer and whiskey. And it became obvious to everybody that we had our feet in concrete on this one issue. We had nineteen votes that we were not going to lose. So the beer people tried to make a deal by saying, "All right, we'll agree. Put beer

under the sales tax, but reduce the excise tax." Now, you see they got the idea from the original House tax bill which put telephone service--telephone and telegraph service--under the sales tax and reduced the excise tax on telephone service which amounted to a \$6,000,000 a year saving to Southwest Bell Telephone Company. The House passed it that way. We killed that in the Senate. We killed the rebate. I personally voted for putting telephone and telegraph service under the sales tax, but I voted against the rebate. When the beer people saw what the telephone industry had been able to pull off in the House, they decided they were going to do the same thing. But neither one of them got away with it.

Marcello: Now, also on this same subject, the beer vote first surfaced, I believe it was, on August 13th when the Senate by a vote of seventeen to fourteen put beer and whiskey under the sales tax. Supposedly, Barnes instigated this vote or this position in order to give the Senate negotiating strength in conference committee meetings with the House. Is this conclusion correct? What do you know about it?

Mauzy: I don't want to say definitely yes or no because my recollection has become hazy. That's been about three, almost four months ago now. As I remember, the first vote in the Senate was a vote on my motion to strike the increase in the sales tax from 3 1/2 per cent back to 3. That passed. Then we had to start putting together a tax bill to make up

the money that we'd taken out. And it may well be that the first vote on putting beer and whiskey under there was seventeen to fourteen. I'm thinking it was nineteen to twelve, and I could be wrong about that. But it was my motion. I know that because I had been given the responsibility of working up all the amendments to put together in the tax package the first time around. And that was high on my list--to put beer and whiskey under it. The first order of business was to knock out the increase in the sales tax and then the next order of business was to put beer and whiskey under. The lieutenant governor did play a very important role as the session went along in generating public support for the position that we had taken in the Senate to tax beer and whiskey. It wasn't so important that we have that support in the Senate because we already had the votes, but we needed to educate the House. I know he was interested in the Senate conferees being able to go to the House conferees and to say, "Look, we voted not once but five times to tax beer and whiskey. And we've set our satchel down and we're not going to move. And you guys are going to have to come to this position."

Marcello: All right. Do you think this consistent vote on the part of the Senate in any way cemented Mutscher's determination to protect the House's stature in the battle . . . let's say in the battle over prestige. Was there any prestige involved here in this particular adamant stand by Mutscher.

Mauzy: No, I don't think it had anything to do with the relative prestige of the House and the Senate. I think the fact is that Gus had committed himself to Homer Leonard that there would not be a tax on beer. And he was trying to live up to his word. I think a man ought to live up to his commitment if he can. It's true, though, that both the lieutenant governor and the governor blasted the beer industry for causing the second special session. The House members couldn't stand the heat, and they just ran off and left Mutscher. That's what it amounts to--just like the grocery tax. Mutscher was for the grocery tax. But when the folks came out of the woodwork the House wouldn't stay with him, and even he voted against it.

Marcello: What was the reaction of the House conferees to the Senate's inclusion of beer?

Mauzy: They wouldn't even talk about it. I went to a couple of conference committee meetings. John Traeger who was one of the House conferees even said, "You know in my country beer is food. That's not a luxury, that's a necessity. That's food." Well, (chuckle) they were totally arrogant about it. They were not going to discuss it, period.

Marcello: Did they offer any alternative at all?

Mauzy: Yes. At one point they did offer to put beer under the sales tax if we would reduce the barrel tax on beer which would have saved the beer industry money.

Marcello: Now, why did the Senate reject the House compromise or whatever it was? I believe this was on August 21st, if my dates serve me correctly. Do you recall?

Mauzy: No, I don't recall. There were so many. You know the House originates the tax bill.

Marcello: Right.

Mauzy: They send it over to us. It goes to committee, comes out of the committee, and then we amend the hell out of it on the floor. In fact this year we rewrote the total tax bill on the floor of the Senate. The committee hearing was just a farce to get some vehicle out on the floor. Some people were playing politics. Frankly, what the Senate did, at the behest of the lieutenant governor, they took the House tax bill as passed over to us and substituted for it every line, jot, and title of the governor's recommendation. So it was the governor's tax bill we were voting on so we could call it "Preston's tax bill." And I was part of the strategy that developed that. As I said, "Let's saddle Preston with his own goddamn tax bill because he deserves it." Then we took potshots at it on the floor. And we amended it to death and totally rewrote it. Then it went to the House. The House refused to concur in the Senate amendments. Then we went to conference. Then the conference committee report was rejected, you see. Then we had to go back to conference. We did this three or four times.

Marcello: In the meantime attention also focused on the inclusion of food under the sales tax.

Mauzy: Yes.

Marcello: Can you relate any of the behind-the-scenes maneuvering among certain senators and Barnes which led them to promote the inclusion of food?

Mauzy: Yes, the way that happened, we had written, I think, two substitute tax bills in the Senate, sent them back to the House, the House had refused to concur. It had gone to conference. We had rejected the conference committee report two or three times. We were at this posture. We still had a conference committee that was meeting. We were getting late in the session. It was on Thursday before the session had to end on Tuesday. Tom Creighton from Mineral Wells on the first day of the first special session had told me and others that his opinion was that what we ought to do to solve this tax problem was to put groceries under the sales tax. We could lower the state sales tax from 3 to 2 1/2 per cent, put groceries under it and raise enough money, and we'd all be heroes because we lowered the sales tax. I told him he ought to go have his head examined.

But as the session wore on and as we got closer to the last day a tremendous pressure was building up on people to get the session over with. We were getting very bad press. The public thought we were a bunch of fools down there not

knowing what we were doing, and so some people got to the point where they were practically willing to vote for anything.

Now, in the Senate, the way we had rewritten the tax bill, we had passed a tax bill that did not provide for any increase in the sales tax. We had put in the two factor formula in the corporate franchise tax. We had increased the tax on natural gas from 7 to 8 per cent. We had increased the tax on cigarettes by a nickel a pack. We put beer and whiskey under the sales tax. We had put a documentary stamp tax in for real estate transactions. We had one other tax which I cannot remember now but which, anyway, balanced the budget. The House had rejected it.

Then on Thursday before the adjournment on Tuesday, Creighton came up with his grocery tax idea again. People were getting panicky. We had our package put together which was the one I just outlined to you that Charlie Wilson and I basically put together. Barnes told Wilson and I and Creighton, "Whoever of you can get sixteen votes for your package I'll give you a run with it, and we'll see what the House does with it." Well, Creighton got sixteen for his grocery tax. Now let me be totally candid with you. Barnes did some arm twisting to get a couple of those votes. We had fifteen hard votes against a grocery tax. Some of the people that they got to vote for that thing just amazed me, like Ralph Hall from Rockwall.

Marcello: How about Senator Strong also? Isn't he usually considered a liberal and a foe of an increased sales tax?

Mauzy: Yes. And Jack had voted with us every step of the way on the sales tax, but Jack had also always taken the position even when he first ran for the Senate in '62 that if you're going to have a sales tax, which he's opposed to, the only way to make it workable is to apply it across the board to everything. Now I disagree with him, but he's totally honest in that opinion. And Jack is one of the people that went with them. But Aikin, for example, voting for a sales tax on groceries just amazed me. And Hightower. He shouldn't have been voting that way either. Anyway, they got sixteen votes, and they trotted it out. Then we just had to do our thing which was to keep the Senate in session all weekend because the House had already adjourned and gone home trying to focus public attention on this one thing. Even though the bill passed the Senate, I do think we succeeded in what we got out to do, which was to focus attention and to get the public aroused so that on Monday when the House came back the House didn't have the guts to vote for that thing.

Marcello: Would it be accurate to say that you were the acknowledged leader of the food tax opponents?

Mauzy: Well, yes. As I said earlier I was elected at the first of the session (chuckle) to be the guy that organized the guerrilla forces. And my job was to organize the filibuster and to direct it and to lead it. And I did.

Marcello: How did Barnes try to counter this filibuster?

Mauzy: Well he did it two ways. He did it very adroitly. You see under the Senate rules a filibuster can last as long as anybody wants to talk unless you move the previous question. Now all it takes to move the previous question is a majority. But Jack Strong has never voted to move the previous question. He's like I am. I ordinarily never vote to move it. I won't say I never will because I did once. But ordinarily I won't. If you're going to have a rule of unlimited debate then you ought to live with it. So Jack was going to vote with us not to move the previous question. And that plus our fifteen votes against the bill gave us sixteen which meant they could never put the previous question on us. Well, under the Senate rule each member who wants to speak is entitled to speak as long as he wants to, on any motion, twice. So if each member who was against the sales tax would speak four hours--there were fifteen of us--that's sixty hours the first go round. Then you start all over again. The same guys start again. So within the second time around the fifteen of us would have had sixty more hours. That's 120 hours. That's five days. That's Friday, Saturday, Sunday, Monday, Tuesday. That thing would never have come to a vote.

So what Barnes had to do was to flake off one or two of our votes on moving the previous question. So what he did, he made a deal with Ronald Bridges from Corpus. He

threatened Bridges by telling him that if Bridges wouldn't vote to move the previous question to cut off debate that there would be no money in the appropriation bill for the University of Texas at Corpus Christi. Well, that idiot Bridges had forgotten that we hadn't passed that bill in the regular session. There was no University of Texas at Corpus Christi, and so he wasn't really being threatened with anything. You cannot put money in an appropriation bill to a non-existent institution. I just got mad as holy hell at Bridges when he told me what he had done. I really thought somebody was going to hit him in the mouth on the floor of the Senate that Saturday night when he told us. So then I got him to agree that well, all right, he wouldn't vote to move the previous question, he'd just take a walk on that vote. Well, that still left us fifteen to fifteen 'cause Red Barry was in the hospital and Jim Bates was paired with him. So it still left us fifteen to fifteen. So the motion failed. You see, it takes a majority to pass a motion, and Barnes was not going to vote on any of this.

So Barnes had to get another vote. So then they called Joe Christie in from El Paso, and at this point they called in Preston Smith. And I saw this with my own eyes. This is not hearsay. Preston met Christie in Barnes' office, and Barnes couldn't twist Christie's arm because Christie had been telling me all afternoon what Barnes had been trying to do to

him. But Preston can for some reason which I do not understand, and Joe came out of there with his head hung down, and I knew we were beat then because I knew Joe was going to take a walk too. Well, with Joe taking a walk that was fifteen to move the previous question, fourteen not to, and that meant that Kennard had the floor. As long as Kennard could talk we were there and when he fell down then we were finished. And that's exactly what happened. At one o'clock in the morning on Sunday morning it came to a vote and it passed fifteen to fourteen with Bates and Barry paired.

Marcello: What truth is there to the story that you had chartered three planes to fly senators to Laredo in order to break the quorum, I guess?

Mauzy: It's absolutely true.

Marcello: Would you care to relate any of the details?

Mauzy: Yes. In the city sales tax fight in 1967 we learned a valuable lesson. Under the Senate rules there has to be twenty-one members on the floor at all times to conduct business to have a quorum. So all you've got to do is get eleven to take a walk. Red Barry was in the hospital dying of cancer which left thirty. So all we had to do is get ten to take a walk. There were twelve who just had their feet in concrete on this thing, that would never vote for it. So I chartered three small airplanes that would carry four people each. And then my job was to get twelve people to agree to

go out there and get on those planes and be flown to Neuvo Laredo. Now the reason I wanted to get them into Mexico was because when that happens, when there's no quorum present, the Senate puts a call on the Senate which authorizes, then, a sheriff or a constable or a Ranger to go out and arrest the members and bring them in. But that writ runs only to the Rio Grande River and does not extend to the Republic of Mexico. And if I could have gotten twelve people--eleven others--to agree to go get on those airplanes and fly to Neuvo Laredo they never would have gotten a quorum.

Marcello: Who were some of the people that had agreed to take part in this?

Mauzy: Let's see. We got at one point to ten, I think, to eleven who had agreed . . . no, we never did get to eleven who had agreed to go. You see, there were people who would vote with us but who would not leave--like Bill Patman who's a little chicken shit. He's got to be present every time, you know. Grover wouldn't go. The ones who would go was myself, Schwartz, Wilson, Brooks, Bates, Bernal, Kennard, . . . Harrington . . .

Marcello: Well, I don't think it's necessary to mention all of them, but I think that gives us some idea as to who they are.

Mauzy: I'm sorry. Here again I thought I'd never forget. I remember the ones who wouldn't go because it made me so goddamn mad. If they were really for you, why wouldn't they do it? Jordan wouldn't go; and Patman wouldn't go; and

Grover wouldn't go. They wanted to be the heroes but they didn't want to do what needed to be done. And, again, this is a legitimate . . .

Marcello: Sure.

Mauzy: . . . thing to do under the rules. You know, if you want to go get lost, you go get lost.

Marcello: Well, when this failed then you had to filibuster against the tax bill. Is that correct?

Mauzy: Right.

Marcello: Against the food tax bill?

Mauzy: Right.

Marcello: How long did the filibuster last?

Mauzy: Well, it actually started Friday morning and continued until one o'clock Sunday morning. I got overruled. I wanted to keep it up. Kennard could have talked a little longer. But they all wanted to quit because they knew that we had made Sunday morning's headlines which is what we were really shooting for--to get the heat on at home for the people to put the heat on the House members. So I got overruled. I wanted to keep going to see just how long Kennard could talk, but he didn't want to do it.

Marcello: What events stand out during the filibuster? Is there anything in particular that you would like to relate?

Mauzy: Oh, a number of interesting things. Of course, Bridges finking out on us on moving the previous question is just

unbelievable to me. Here's a guy who'd served in the House for eight or ten years and had always voted against the sales tax and was hard against the tax on groceries and just as tough as he could be against it and voting against it. But he wouldn't stay hitched on a procedural motion. And he justified in his own mind that "Well, my record will be I voted against the thing. And procedural motions don't count." Well, hell, the whole game, politically, in the legislature is procedural motion. I'm disappointed in Joe Christie for letting Preston Smith twist his arm. I'm not as disappointed in him as I am in Ronald because Joe told me all along, he said, "It's my opinion that the House will kill it, and so, you know, let's go ahead and make our record and let the House kill it." I didn't agree with him. It turned out he was right and I was wrong. His judgment was better than mine. I'm still disappointed in him.

I was disappointed in some of the others in that they elect you to do a job and under the rules in addition to the person who's talking you've always got to have two people on the floor with him because it takes three to get a record vote in case they came up and tried to move the previous question. They could do it on a voice vote unless you have three people there demanding a record vote. It's no fun to sit there all night long with no sleep. But you see I never left my chair the whole time, and so I just asked one other

person to stay with me in addition to the person who was speaking. I never got to filibuster, for example. I think the role of a leader is to demonstrate that you're willing to do more than the other fellow. So I said, "I'll take the last turn or I'll take the first turn whichever ya'll want me to do. But I'll be here every minute of this filibuster." And I was. I never closed my eyes. I was disappointed in some of them for wandering off and getting lost where we wouldn't know where they were for an hour or so. I disappointed myself on one thing. Saturday night when they tried to move the previous question Wayne Connally was out messing around and . . . well, this is actually what happened. And they called the roll. And Wayne sits right behind me. I should have noticed he was not there. If I had, then I would have let that roll call continue, and we would have won. And that would have broken their backs because both J. P. Word and A. M. Aikin told me, "If we can't break this filibuster by eight o'clock tonight we're going to vote with ya'll and adjourn until Monday," which meant it would have been all over then. Connally was gone and I didn't catch it. It was just because I was so punchy, frankly; I hadn't been to bed for two days. So I'm disappointed in myself.

Marcello: For the record, and perhaps this is an obvious question, but how did Mutscher's adjournment of the House on Saturday, August 23rd, help your cause?

Mauzy: They didn't adjourn on Saturday. They adjourned on Friday.

Marcello: I see.

Mauzy: Well, if the House had been in session and that conference committee report had been laid out over there in the House on Friday, the House would have passed it because the House would have said, "Well, the Senate will kill it." See? But because the House was not in session all the attention of the public was focused on the Senate that entire weekend, all day Friday and all day Saturday and Saturday night.

Marcello: And this allowed a build-up of public anger, I assume.

Mauzy: It sure did. And, boy, when the telegrams and letters started coming in there it flooded the place. When the House got back Monday they wanted to pass that thing. And on the test vote in the House, they had to vote to pass it. But then as the day wore on and the telegrams kept coming in, they just couldn't hold their troops in line. They even put out that phony bomb threat down there, for example, which is Katzenjammer Kids stuff.

(Tape pause)

Marcello: I gather then that Mutscher, also, was in favor of passing this food tax measure, was he not?

Mauzy: Oh, yes. The governor was for it; the lieutenant governor was for it; the speaker was for it; all five House conferees were for it. They signed it. Three of the five Senate conferees were for it. They signed it. The two Senate conferees who were against it were Kennard and I've

forgotten who the other one was.

Marcello: Was Mutscher primarily for it because it would take the heat off the beer tax or was he, too, like Barnes, interested in getting any tax bill passed at this stage?

Mauzy: No, I think Mutscher's primary motivation was to keep the tax off beer and whiskey.

Marcello: What was Smith's stand on the food tax? Again, would he take anything that the legislature offered?

Mauzy: Yes, they had a joint press conference Saturday night about six o'clock, while the filibuster was going on, where the governor, the lieutenant governor, and the speaker all came out for it. The governor said if the legislature passed it, he would sign it. Now of course since then he's been trying to say he never said he was for it, but that's just another damned out and out lie.

Marcello: Then, in conclusion, I mean so far as the food bill was concerned at this time, Mutscher and Barnes decided to let the House kill the bill. Isn't that correct?

Mauzy: No, that is not correct.

Marcello: No, it isn't? (Chuckle)

Mauzy: No, that is not correct. Mutscher and Barnes both thought they could pass it in the House. They had no intention . . .

Marcello: Even after this weekend?

Mauzy: Absolutely. They had no idea what the public reaction was going to be. No, sir. Gus Mutscher told me, himself, as

late as ten o'clock Saturday night before it finally passed the Senate at one o'clock Sunday morning that he had eighty-seven votes committed for the bill in the House. He said, "By Monday morning I'll have a hundred." And I thought he did. As I said a while ago, Joe Christie told me he thought the House would kill it. I didn't agree with that. I thought the House would pass it in a New York minute. My God, they'd been passing stuff almost as bad over there all session.

Marcello: Well, evidently then, after the bill was killed, Barnes did shift somewhere along the line did he not?

Mauzy: He tried to change his position publicly (chuckle) by saying he never advocated it, which is technically true. And I understand. But the fact is Barnes and Mutscher and Smith held a joint press conference with the ten conferees, or the conferees who were for it, saying that if it was passed by the legislature the governor will sign it. The lieutenant governor came out for it; and the speaker came out for it. And it was just us dirty fifteen in the Senate who were against this at this point publicly. Now there are a lot of people in the House who were against it. Don't misunderstand me. But the House was not in session. The House was not visible. So all the attention was focused on us.

Marcello: Did Barnes' shift, or sudden shift, cause any ruffled feelings among the supporters of the food tax?

Mauzy: No, I don't think so. I think they were all doing the same thing since then. They're all scurrying around trying to say, "I never was really for it. I just did it to get the session over with." I notice "Ike" Harris is trying to shift the blame now. Ralph Hall has now said he heard the distant drums or whatever his poetic nonsense is. The fact is that there are a lot of record votes that I can show you in the Senate Journal on procedural motions which show the merits of the food tax--the merit or the demerits--and there's the final passage of the conference committee report. And, by God, I know who was for it and who was against it. So does anybody else that wants to take the time to read the record.

Marcello: How did the use of television help in defeating the food tax?

Mauzy: Well, I think it was helpful early in the session. A group of us got together and decided that eventually there was going to have to be some kind of a tax bill. My personal position was that we should hold out for a one-year bill--not agree on any tax bill. That we ought to wait until the last day, pass a one-year appropriation bill, stick it over on the governor's desk, and stick it up his elbow. Make him sign it. If he vetoed it again and called us back again, then we should immediately pass it the first day of the second session, wait ten days for him to veto it, and then override his veto and go home. That was my personal

position. People called that the kamikaze position. I don't agree. I think that's a very responsible position to take, but I was the minority. I got overruled. So early in the session it was determined that we were going to have to pass some kind of a tax bill.

And so a group of us got together from the House and the Senate and decided that we would put on a statewide television program. And this was early in August before the Senate had ever voted on any tax bill--while the House still had it. And we put on a thirty-minute statewide telecast. Bob Armstrong who is the state Representative from Austin, and who I hope will be land commissioner next year, was elected to be chairman of the group from the House, and I was elected to be the chairman of the group from the Senate. We were to work up a thirty-minute television program which we did. We invited various members from the House and the Senate to come down to the television station with us and just explain why we were against consumer taxes. Now this was before the tax on groceries ever came up. The impact of this television program . . . what we tried to do was to show that there were alternative ways to raise the money necessary . . . alternative to an all-consumer tax bill which is what the House had already passed at that point in history.

I think to some extent we were successful. I think part of the reason we were able to generate the support we

did over that last weekend in opposition to the grocery tax was because we had laid the predicate two or three weeks before with this statewide telecast saying, "If you don't look out, people of Texas, something bad is fixing to happen to you, and we're down here trying to stop it from happening. But we need your help in telling these other people not to let it happen."

Marcello: Well, by this time, then, the first special session had come to an end, and it was necessary to call a second special session.

Mauzy: That was with the defeat of the grocery tax, yes.

Marcello: Exactly. By this time did most senators then feel that some sort of business tax was the only solution?

Mauzy: Well, I'm not trying to be cute or glib, but you know everybody says I'm for some business tax. That doesn't mean anything to me. Jordan sent up an amendment in the Senate, the first time around on the tax bill, for an excess profits tax on corporations which I happen to think is a good tax. It got eight votes the first time around. The second time around it got ten, so we educated two additional people in the process. People say, you know, the way to impose a business tax is to increase the franchise tax on corporations. That's not a tax on business. That's a very bad tax. It's an unfair tax. Everybody recognizes that. Some people, on the other hand, demagogue it and say all taxes are consumer

taxes. Well, that's not true either. Not all of them are. For example, I'll defy you or anybody else to prove to me how an inheritance tax is a consumer tax. I want you to show me a dead man who's consuming anything. Anyway, there was a general feeling in the Senate that a balanced tax bill had to include some new avenues of taxation on business, yes. But I don't want to try to be glib by using these clichéd phrases that people use all the time.

Marcello: Okay. Then eventually, of course, the legislature essentially accepted Senator Ralph Hall's compromise package. What were the behind-the-scenes maneuvers which led to the acceptance of his package?

Mauzy: Well, after the first session was over everybody really learned a lesson on that grocery tax, and nobody wanted to talk about that any more.

Marcello: A totally dead issue.

Mauzy: Yes. But they weren't willing to go the excess profits tax route either. A number of us had said all along that our main purpose was to try to keep from increasing the state sales tax, but that if we could see a new avenue of taxation opened up on business that we were not dogmatically opposed to any increase in the state sales tax. Now what Hall came up with was a destinations tax on corporations which I'm not sure anybody in the legislature fully understands, myself included. But if I understand it correctly, after two years

of that tax the business community is going to be in Austin screaming and hollaring for us to pass an excess profits tax for corporations. And you can chisel that in marble and say I told you so on December 1, 1969. I think this destinations tax is a lot harder tax on interstate corporations than an excess profits tax would ever be. I think I may have lost the battle, but I think I may have won a war.

Marcello: Now I want to ask you some general questions with regard to this past legislature especially the two special sessions. What responsibility must Preston Smith bear for the impasse over the revenue bill?

Mauzy: Well, in my judgement the governor's totally responsible for the special sessions, both of them, and everything that came out of it. He vetoed the one-year bill. He caused it. I called it the first day of the session the Preston Smith Memorial Special Session. I still think that's true.

Marcello: What role did the Republican lawmakers play in the tax trouble?

Mauzy: Grover, of course, just votes "no" on everything. If you were to ask him to vote whether or not there ought to be a twentieth century, he'd vote "no." Harris got manipulated and maneuvered by Barnes. Barnes did the slickest job of maneuvering Harris I ever saw in my life.

Marcello: In what respect?

Mauzy: Put him on the conference committee. Any tax bill that was written Harris had to sign and be responsible for, and wind up voting for. And so you can't make it a Democratic-Republican issue, you see? Barnes really put the big britches on Harris. Over in the House I understand--I don't know this to be true, but I'm told--that all the Republican members voted against every tax bill, as a number of liberal Democrats did.

Marcello: Just by way of summary on this problem of the tax bill, what type of tax bill would you liked to have seen passed? Now you talked about it somewhat within the context of this interview, but in general what type of tax bill would you personally have liked to have seen passed?

Mauzy: Well, I had a one-shot tax proposal that was the best tax proposal of all. And that was a tax of ten cents a barrel on crude oil going into the refinery. You see, if you tax crude as it goes into the refinery it is not subject to the constitutional dedication that a refinery tax has. The tax on refined gasoline is under the Constitution dedicated three-fourths to the highway fund and one-fourth to the available school fund. And so you can't raise much money by putting an extra penny a gallon tax on gasoline at the pump. But, by taxing it before it gets to the refinery, as it gets to the refinery, you avoid the constitutional dedication. Now ten cents a barrel on crude oil going into

the refinery in Texas will raise \$440,000,000 in two years. And 79 per cent of all crude oil which runs through our refinery, the finished product, the refined product, whether it be gasoline or whatever, is consumed outside the state of Texas. So the people of Texas wind up paying 21 per cent of \$440,000,000 and collecting the other 79 per cent from out-of-state consumers. True, it's a consumer tax but it's only 21 per cent on Texas and 79 per cent on the other forty-nine states. And where I come from, that is awful good mathematics.

Marcello: Is there any chance that such a bill will ever get passed? Do you have much hope for it?

Mauzy: Yes, I'm an optimist. God knows I'm not the smartest fellow in the world and if I can figure this one out a lot of other people will too. And the oil industry really doesn't have the muscle in the legislature it used to have. After the next redistricting we're going to change lots of things.

Marcello: Care to talk about that?

Mauzy: Man, don't get me started. You know that's my favorite subject. With the possible exception of my children, I can talk about redistricting longer and more eloquently than any other subject in the world.

Marcello: Would you like to talk about it at all at this time?

Mauzy: Well, I can just say this. There's a lot of activity going on in the field of redistricting. And I think we may surprise some people before February 1.

(Tape pause)

Marcello: Okay. Let's get back to redistricting--your favorite subject.

Mauzy: My favorite subject. Well, as you know, since 1963 I've been a lawyer in a case entitled Kilgarlin et. al. v. Martin Dies et. al. which seeks to require that the Texas House of Representatives be reapportioned into 150 individual member districts of equal population. We've tried the case twice in a three-judge federal court in Houston and we've won it each time. We've been to the Supreme Court of the United States twice, and we've won it each time. But the court has never given us all the relief we wanted which is individual member districts. In the past they've struck down artificial limitations on the number of representatives a county could have and then they knocked down flatorial districts.

Now we're at the point of trying to have declared unconstitutional the 1967 Redistricting Act of the House. We've taken the position that the Act's unconstitutional for several reasons. But the real gut of the thing is this question of individual member districts. Now on July 28, 1969, a three-judge federal court in Indiana decided a case just exactly like ours where the composition of the Indiana House of Representatives which, incidentally, has 150 members just like ours, was declared unconstitutional because

of this at-large system. That court ordered the Indiana Legislature to redistrict itself in time for the filing deadline for the 1970 elections which happens to be February 3, 1970, and which happens to be exactly the same as ours. The case is on appeal now, direct appeal, to the Supreme Court of the United States. It was docketed in the Supreme Court on October 13, 1969, and I anticipate a judgement, a ruling, any day now from the Supreme Court of the United States affirming what the three-judge court did in Indianapolis. If I'm right about that, that'll give us the impetus to require the Houston court to give us a hearing. Once we get a hearing, hell, the whole ballgame's over. And democracy is going to rear its ugly head in the Texas Legislature.

Marcello: I think this all fits in with what you have told me in a previous interview about the fact that the struggles in the Texas Legislature have not really been liberal versus conservative but rather rural versus urban.

Mauzy: Yes. You see, if we win our lawsuit in time for next year's election, we've asked the court to let us use the '68 estimate of the population rather than the '60 census which, by the way, the Indiana court permitted them to do. Dallas County, for example, will go from fifteen House members to eighteen, and my district instead of five members in the House will get six. And I'll guarantee you, five of the six will be just like me. They'll be voting just like me, too.

Marcello: Moving on to another subject, how much credence do you give to the so-called "taxpayer's revolt?" I'm sure you thought about this during the past legislative session.

Mauzy: I give quite a bit of credit to it. There's an awful lot of demagoguery going on about the taxpayer's revolt. There is a taxpayer's revolt in the United States today. There is in Texas, and there is in Dallas County. The average taxpayer feels that he is being overtaxed and that others in our society are not paying their fair share of taxation. I happen to agree with that general premise. The ad valorem tax is not the most fair form of taxation that there is. And the wage earner because of the withholding system has no way to evade or avoid taxation, whereas people who are incorporated, business entities, do escape taxation, both at the federal and the state level. There's been an increase in city taxes and county taxes, school district taxes, hospital districts. It costs more and more money to run government every day, and I think the average citizen appreciates that fact and understands it. But what he fails to understand is why he should pay proportionately more than is reasonable for him. Now the tax reform bill that is presently pending in the Senate of the United States is really the first time we've had a major tax reform measure since the adoption of the income tax system in 1913. And there's going to have to be some kind of meaningful reform.

I happen to like the idea Senator Goldwater has come up with of increasing the personal exemption to \$1,000 a person and then closing down the tax loopholes, particularly on the way taxes are evaded through capital gains and the gentleman farmer and the oil depletion allowance and all these stock options, all these myriads of things. I think if something isn't done and I mean pretty drastic and pretty quickly, you may actually see a real revolt, and not just a political revolt.

Marcello: How close was the Senate to passing a state excess profits tax during the last session?

Mauzy: Well, we got ten votes, as I said a while ago, on an excess profits tax for corporations. No one has introduced a personal income tax. I would personally be opposed to a personal income tax at this time in Texas because there are other sources that we need to be taxed first before we ever get to that point. The amazing thing about the excess profits tax is that we got forty-eight votes for that in the House this time which was really amazing. The ten we got in the Senate didn't surprise me too much. If we'd have really put the hammer down, we could have gotten thirteen. But you never ask a guy to commit political suicide if there's no reason for it. But for forty-eight people in the House to vote for it is to me pretty indicative of what's going to be happening in the future.

Marcello: Do you foresee the day when this state income tax will be a reality?

Mauzy: Yes.

Marcello: In the near future?

Mauzy: Well, the corporate excess profits tax, I think, will pass in either 1971 or 1973. I think as a practical matter you may see a state income tax in Texas about '79 or '81. We still need to tax natural resources more than we are in Texas. And we need to tax business activity in Texas. There are constitutional ways to do this. Really one of the best things we did during the special session, was that Barnes finally got mad and got smart one day, and he created a three-man special committee that's going to hire tax lawyers and tax experts to make a complete analysis of the Texas tax structure in comparison to the other forty-nine states in the Union. And I think I know what that comparison's going to show (chuckle). And when that becomes public knowledge I think we're going to see some improvements.

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

Mauzy: Oh, yes. I don't have any doubt the average citizen has a very low regard for the legislature and I don't blame him. The legislature conducts itself in a very bad way, and I

include myself in this criticism. The thing that I was most disappointed about in the constitutional amendments election was the failure of annual sessions to pass. We have got to totally revise our Constitution and rewrite it. We've got to have annual sessions of unlimited duration. We've got to have year-round staff. We've got to have an independent research arm. We've got to modernize the whole structure of state government in Texas. Now the public reacts to the fact that we haven't done any of these things in a way that is not in the public's interest, truthfully. They say, "Well, they're a bunch of clowns down there. They don't know what the hell they're doing. They meet on Monday, Tuesday, Wednesday, and Thursday and come home Thursday, Friday, Saturday, and Sunday"--which is true--"when they're only down there for 140 days. They ought to be meeting all week long." I agree with that. But what the public doesn't understand is you ought to have annual sessions; you ought to pay a living wage. And that way the lobby can't run it. Now the public cannot have it both ways. And once the public understands this I know they'll make the right decision. I think, truthfully, a majority of the public is willing to vote a pay raise to the legislature tomorrow. But a majority didn't vote in that special election.

Marcello: That's true too. I would assume, then, that you would also agree that perhaps the constitutional amendment which calls for annual sessions of the legislature was defeated for essentially the same reasons?

Mauzy: Yes, now . . .

Marcello: Just a general disenchantment with what's happening.

Mauzy: Well, I think lack of turnout specifically on that one. The annual sessions amendment, as I remember, failed by a very narrow margin. The pay raise failed by a substantial margin. But you've got to remember less than 25 per cent of the qualified voters in Texas voted in that election too which may or may not be representative. I don't think it was but, you know, it's possible. You can argue it both ways.

Marcello: Moving on to another subject, do you think that Ben Barnes and Gus Mutscher provided the leadership which was necessary in both Houses during this session? Let's take Barnes because I'm sure you're in a much better position to assess his performance.

Mauzy: Well, let me make a few prefacing remarks. I personally don't think that the lieutenant governor ought to have anything to do with the legislative process. The lieutenant governor is a member of the executive branch of government and not the legislative branch. His duties under the Constitution are to preside over the Senate and to vote in the case of a tie and that's all. Now under its rules the

Senate has given him the power to appoint committees. I do not approve of that. I voted against that. It's nothing peculiar to Barnes. I'd vote against it if I were lieutenant governor. No lieutenant governor should have that power. The fact is the lieutenant governor of Texas is the most powerful legislative position in state government even though he's a member of the executive branch of the government, and that is totally contrary to my concept of the three branches of government being co-equal.

Now, having said that, Barnes provided what leadership he could within his own limitations, within his own commitment to various individuals and groups to try to get a balanced tax bill during the special session. I'd be less than honest and I'd be less than grateful if I didn't say that during the regular session particularly Barnes was very helpful to me. He broke a couple of ties for me on the torts claims act in my favor. He gave me run with bills that I really wasn't entitled to. He gave me good committee appointments which I didn't ask for. I've never asked any lieutenant governor for a committee and I'm never going to. Barnes has been fair to me, and I consider him my friend, and I consider myself to be his friend. But I just don't agree that any lieutenant governor should have that power, you see. And so it's difficult for me to answer your question.

Now the House is a different situation. The Speaker of the House is a member of the legislative branch. He's elected to the House just like the other 149 members. I think Mutscher ruled over there like a goddamn tyrant, which I'm opposed to.

Now what's the answer? The answer is the two-party system where you've got caucuses by parties where the parties make the decisions, where seniority has some role to play, where a man can put in for a committee he wants to serve on. Once he gets on it he stays on there. He builds up seniority. He builds up knowledge. He builds up expertise. We almost went to a limited seniority system this year in the Senate under our rules. I hope next time we will.

I've been there long enough now that I'm beginning to acquire a little seniority. I'm not for a strict seniority system, but I am for a limited seniority system. Right now I'm vice-chairman of the education committee. And if Aikin ever dies or leaves--if we have a seniority system--I would therefore become chairman, which is what I would like to do because I think I can do more for the things I believe in.

Mutscher was tyrannical over the House. But, see, I can't blame Mutscher for that. I blame the House members for letting him be that way. Once or twice Barnes ran rough-shod over the Senate. I don't blame Barnes for that. I blame the Senate. Any member worth his salt ought to be willing to stand up on his two hind legs and take on the presiding

officer when the presiding officer is wrong. I've done it, and it hasn't affected my friendship with Barnes at all. I think of the two men Barnes is the more progressive and forward-looking individual than Mutscher. I think Mutscher has tunnel vision.

Marcello: Was there a real rivalry between the two Houses as some reporters have indicated during this past session?

Mauzy: Oh, sure there was. There always has been and there always will be, I hope. I think that that's in the interest of democracy. I think it's good that there's a rivalry between the House and the Senate. But more important there's a rivalry between the legislative and the executive branches of government. That's really what's important. During the Connally years, you see, Connally dominated both the executive and the legislative branches, and that was very bad. Now I want to say something nice about Preston Smith, and in about the four hours we've talked altogether since Preston has been governor, it's probably the only nice thing I'll say. But Preston has not tried to throw his weight around in the executive branch by trying to run the legislative branch, truthfully. And I give him credit for that.

Marcello: This more or less leads into my next question, perhaps. How would you assess Smith's first year as governor?

Mauzy: Oh, he hasn't done any worse than I expected because I didn't expect anything of him. Preston Smith lives in the nineteenth

century. He is unaware of the problems of the twentieth century. He does not understand urban problems. He does not understand a state with 11,000,000 people with the diverse cultures and backgrounds and problems that we've got. He doesn't understand a budget of \$6,000,000,000 every two years. He can't even say it, much less spell it or read it. He has no conception of party leadership. Now if I want to quarrel with Preston Smith about leadership it'll be on the Democratic Party basis, not on the basis of executive leadership. The Democratic Party has just flat gone to hell in a handbasket under Preston Smith.

Marcello: Do you still stand by your statement in our last interview in which you said that the present House of Representatives was the most irresponsible one in modern times?

Mauzy: Yes. And I think the special session proved . . . boy, it really made me a prophet. You know the first tax bill they passed was 100 per cent on consumers, which was even worse than Preston had recommended. He had recommended a bill that was 92 per cent consumer oriented. They passed 100 per cent. Of course I never served in the House, and perhaps I'm unduly critical of them. But I cannot, for the life of me, understand a man--how he can look himself in the mirror in the morning when he shaves his face--sitting over there and letting other people vote him and tell him what to do, doing things that are totally against his conscience and his

commitment to his constituents, not to the lobby. When a man runs for office and says, "I am for a minimum wage law," for example, I do not understand how he can vote against a minimum wage law. I just don't understand that.

Marcello: To change the subject to something else, what is your opinion of Barnes' decision to run again for lieutenant governor?

Mauzy: I'm glad he did. I have been for him running for lieutenant governor, but I don't know what that would have accomplished. I think I've got a five year old boy who would beat Smith for governor if he could meet the constitutional qualifications. He could not have beaten Yarborough. And, of course, in a Yarborough-Barnes fight I would have been for Yarborough. And in a Smith-Barnes fight I would have been for Barnes. I'm glad Barnes is going to stay where he is. I think what this means is that we're going to have two more years of Preston Smith. But, hell, he hasn't hurt anybody yet. You know, how can you hurt somebody when you don't do anything?

Marcello: Let's get down to some more specific questions. What is your opinion of the proposed hike in the automobile insurance rates in Texas?

Mauzy: Well, as you know, I guess I've been the most outspoken critic of that in the state. It's totally unjustified. The insurance industry has been gouging the public in Texas

my entire lifetime. The governor's committee just kind of sprayed a little salve on the wound before they let them gouge us again. I created a special committee by resolution during the special session to investigate liability insurance rates, and the lieutenant governor has not yet appointed that committee. He better appoint it or I'm going to start raising hell. By tradition I'm supposed to be chairman of it, and I'm supposed to pick the other members. If he appoints the committee and gives me the committee I want, that Committee has subpoena power. A lot of people don't know that but I do because I wrote the resolution. I'm going to educate the people of Texas about how they've been getting screwed. The mere facet of investment income, for example: If we made them include investment income it would save the people of Texas this year a minimum of \$70,000,000 in premiums. I don't know all there is to know about insurance rates. I'm no actuary and I'm no insurance expert. I just know that it doesn't make any sense to me that every year stockholders in the automobile liability insurance companies get bigger and bigger dividends. Their profits continue to get higher and higher. At the same time they claim they'er losing money and have to raise rates. Now I'm smart enough to know how to add, and I can add better than that. I think the people are getting screwed. I truthfully think that we've probably missed the boat in

Texas. I think that the day of state regulation of insurance companies has probably passed us by. I think this was our last year to do it.

The Hart Committee in Washington, I think, will probably, before the legislature meets again in '71, pass a bill which will make all automobile liability insurance companies subject to federal control. I'm not sure that that's in the public interest either. I . . . I think that may be a step backwards. But the public is not going to sit still and permit themselves to be raped time after time after time by this industry, and particularly with the arrogance with which this industry does it, or something's going to give. And it looks like it's going to have to come from Washington.

I've tried and others have tried just to bring some reason into this discussion and into this regulatory scheme in Texas. We've been unsuccessful. I don't apologize for anything I've done. I do apologize for being unsuccessful. I should have been able to do better. But I learned one thing about myself. I don't mind working sixteen or eighteen hours a day, but I cannot fight an entire industry the size of the insurance industry by myself and win. I've learned that much. They've educated me.

Marcello: You haven't been able to marshal too much support around you in your struggle against the insurance industry?

Mauzy: No, there are people in the Senate who will vote with me and would if given the chance. But you see the problem is the same old political problem. Too many people get committed before they get there. Decent people in the Senate have come to me and told me, "You know, you're just right as hell about this investment income. But, hell, when I was running the insurance fellows came by and said, 'Here we want to give you some money, and all we want you to do is stay with us on this,' and I didn't know what the hell they were talking about, so I agreed that I would." Well, I'll never ask a man to break his word.

Marcello: Sure.

Mauzy: And they get them committed before they ever get to Austin.

Marcello: What was your reaction to a statement by Senator Joe Christie that the corporate lobby has made you its number one target for defeat in the 1970 election. This was a statement which he had made, I think, almost immediately after the special sessions were concluded. Perhaps you had read something about it or heard about it.

Mauzy: Yes, Joe told me about it at the time. Well, my first reaction is, in all frankness, I'm very flattered that the lobby in Austin thinks that I am that much of a threat to them. I don't think that it's justified. I think there are others in the Senate much more able than I who share my point of view. It's a flattering thing to think that out of

thirty-one people down there, you're the one that they fear the most. I'm also pragmatic and realistic enough to know that that means I'm going to have a hell of a race next year which is all right with me, too. I think I know my district. I think I can get re-elected in my district. If I can't, the world is going to keep turning. It's not going to come to an end. But the lobby, you see, suffers from myopia. They spend all their time, like some other people I know, sitting around under the capitol dome talking to each other. They forget that there's 11,000,000 people out there who've got problems. And I think I represent the majority viewpoint of a majority of the people who live in my district. Now that's what we have elections for to determine. And if I'm wrong and they're right, why they'll just beat the living hell out of me, that's all.

Marcello: Why do you think the oppositon to you from the lobby is so vehement? Was it perhaps your opposition to Dorsey Hardeman's appointment? Could this, perhaps, have been one thing?

Mauzy: No, and what I'm going to say may sound braggadocios. I think that the reason the lobby is so hard against me individually is because if I have one talent it is that I can organize my peers into groups. In the Senate I was very flattered that I was elected to be the leader of the group. Only having been there two regular and one special

session it's quite an honor when people who have been there ten and twelve and fourteen years say, "We want you to be the leader. You know the rules better than I do. You know how to maneuver better than I do. You get along with people better than I do. You work harder than I do." It's really quite flattering. And the thing that the lobby cannot take is organization, you see, because they know we're going to start electing more people who think like I think in the Senate and in the House because of redistricting. But if they're disorganized, it doesn't make a tinker's damn. One good smart parliamentarian who's got any kind of organizational ability about him can start off with four votes in the Senate and do any goddamn thing he wants to because I've done it. And I don't mean to suggest I'm the smartest parliamentarian in the world. I'm not. But the thing that I do have is a talent to organize people. And this is the thing that they're after me for. If I were not there, for example, I can assure you Bill Patman and Babe Schwartz wouldn't speak to each other. And I can tell you some other people who wouldn't speak to each other. They do it because of me. I'm the kind that'll go around kiss everyone of them's ass to get them to vote a certain way. I'm not above doing it.

Marcello: Okay, finally, then, just recently Joe Rich, the former Democratic county chairman and I suppose we could say a long time foe of yours, conducted a poll. And the conclusion

so he said, was that you could be beaten by a conservative candidate in 1970. What is your reaction to this statement or his poll?

Mauzy:

Well, I know about the poll he had made. It was made by the same people who made a poll for me before I ran for the Senate in 1966, Lewis, Boles, and Graves. They're a professional polling organization. I haven't seen it obviously. But I'm sure the poll is accurate, whatever it shows. I agree with him that there is nobody alive who cannot be beaten. That includes me. I can be beat tomorrow, so can anybody else. I don't think I'm going to be beaten next year because, first of all, I think I represent the point of view of my district, and secondly, I am not lazy. I can outwork anybody that they run against me. I know how to organize a campaign. I'm going to organize a campaign. The best thing I've got going for me is that Mr. Rich is against me. You see, people like Joe Rich don't understand the world in which we live. Joe Rich and Bill Clark who's another former Democratic county chairman both live in the Eighth Senatorial District which is represented by Senator "Ike" Harris. It's the only district in North Texas that elects a Republican State Senator. Now I want to tell you something about Oak Cliff and about the Twenty-third District. We're pretty provincial over there. And we don't think we need any advice from people in North Dallas about

how to run our business. The second thing is, we don't believe that people who can't do any better than elect a Republican have got any business telling us which Democrat to elect. And so Mr. Rich and Mr. Clark are going to be the issue in my race next year, I'll tell you, along with the lobby thing you talked about a minute ago because they're both registered lobbyists. They have already won my election for me as I see it.

Marcello: Who does Rich represent?

Mauzy: He lobbied for some outfit. I don't know. It's all a matter of record in the secretary of state's office. But you see, they have just played into my hands. And, again, they don't need any advice from me about how to be dumb because they were just born that way. But they are going to be the issue. And if the candidate they run against me is named Joe Slunk or John Wright or whatever his name is, the issue is going to be Mauzy versus the lobbyists, Rich and Clark. And I think I know what the people in that district are going to do. They're going to vote against the lobbyists. They may not like me particularly, but they hate the lobbyists.