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Senator Tom Creighton  
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Place of Interview: Denton, Texas  
Interviewer: Dr. Ronald E. Marcello  
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Oral History Collection

Senator Tom Creighton

Interviewer: Dr. Ronald E. Marcello

Place of Interview: Denton, Texas

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Dr. Marcello: This is Ron Marcello interviewing Senator Tom Creighton for the North Texas State University Oral History Collection. The interview is taking place on July 15, 1975, in Denton, Texas. I'm interviewing Senator Creighton in order to get his reminiscences and experiences and impressions while he was a member of the Sixty-fourth Texas Legislature.

Senator Creighton, since this is the first time that you participated in this project, why don't you start by giving me just a very brief biographical sketch of yourself. In other words, tell me when you were born, where you were born, your education--things of this nature. Just be very brief and general.

Sen. Creighton: I was born in Palo Pinto County, in Mineral Wells, on February 26, 1927. I went to the public schools in Mineral Wells and then caught the tail-end of World War II. I wasn't quite old enough. I was seventeen when I graduated, so I went off to A&M for one semester and then enlisted in the United States Naval Reserve,

and I was called to active duty in January or February of '45. I served in the Navy about fifteen months, as I recall, and I was discharged. I came back in the summer of '47, I guess it would be, and then entered the University of Texas. I took a short course, which was known as the Veteran's Short Course, got into law school in the sixty-hour plan, graduated in 1950.

I went home and practiced law with my father and my brother until 1962. Then I ran for and was elected county attorney of Palo Pinto County. I served in that capacity until 1960 and decided that I wanted to try or run for the Senate, and I ran and was elected by 484 votes. I remember that very distinctly. I have been in the Senate ever since.

Marcello: How would you place yourself on the political spectrum, that is, in terms of liberal, conservative, moderate?

Creighton: Well, the newspapers refer to me as a conservative. I'm a fiscal conservative. I like to think of myself as a humanitarian or a progressive in other ways. But I really . . . I gave high priority to spending. I am a believer that too much government is bad for the people, and I believe in the principle that government does not give you that which it does not first take from you. I think that's what the majority of the people that I represent believe, and I try to reflect the thinking of my seventeen-county district.

Marcello: What sort of a . . . I was going to ask you what sort of a district you represent in terms of attitudes, in terms of the interests of the people, and things of this nature.

Creighton: Well, let's look at the economy interests first. I represent people that produce beef cattle. I believe I have more dairies in my district than anybody in Texas. I have got over 50 per cent of the peanut allotment in Texas in my area. I have quite a bit of blackland cotton. On the industrial side, we have small businessmen in the smaller communities, of course. And the light industrial interests. Of course, there are the usual oil and gas interests, which we have a lot of in this area of Texas.

Marcello: You mentioned that you have been in the Legislature since when?

Creighton: 1960.

Marcello: This meant that you served under several lieutenant governors, among whom would be Ben Barnes . . .

Creighton: Ben Ramsey.

Marcello: Ben Ramsey first and then Preston Smith and then . . .

Creighton: Ben Barnes.

Marcello: Ben Barnes and then . . .

Creighton: Bill Hobby.

Marcello: Bill Hobby. How would you compare or contrast the lieutenant governors that presided over the Senate

during this period? Let's take the more recent ones.  
Compare and contrast Ben Barnes with Bill Hobby.

Creighton: Well, Bill Hobby is rich, he's arrogant, he's smart. Up until two years ago, I would say he was very inexperienced and very naive about government. He's come a long way. He's learned a lot. He has learned to a great extent how to use his power and how to get along with the members of the Senate. I think at this last session he demonstrated above average leadership ability as far as being able to produce legislation on our side. You know, the lieutenant governor . . . I like to reckon his power with that of a faucet as far as legislation is concerned. He can either turn the faucet on and let legislation flow or turn it off and stop it. Hobby has learned his lessons well, and I think that he made a good presiding officer, though I do not agree with a lot of the legislation that he pushed and let pass.

Marcello: How about Barnes? What were your impressions of Ben Barnes during the time that he served as lieutenant governor?

Creighton: Well, Barnes, of course, is one of the most likable guys that you'll ever find. He was smart, tireless, had a tremendous amount of energy, and really had a way entirely different from Hobby on how to get along with the members of the Senate. Ben's attitude was, "Let's

let everybody have a little something. If I gave everybody what they really want, then when I need them on certain legislation, I'll have them." And that was his approach to it, and you could not get mad at that guy. He is the kind of fellow that he would run over you with a tank, and you could get up and brush yourself off and still have a warm, affectionate feeling for him.

Marcello: You mentioned that you also served under Preston Smith. Now what sort of a lieutenant governor was Preston Smith, and what are your impressions of him?

Creighton: Well, Preston was an amazing fellow. He had a good sense of humor. He was a very hard worker, an early riser. He wasn't in my opinion as smart as either Barnes or Hobby. He often would run head on at something when there was a lot easier way around. But he learned to use his power much later than the other two. And Preston just kind of had the attitude, "Well, let the Senate run itself. I want to be a lieutenant governor. I want to preside." And so a lot of the leadership and a lot of the legislation was accomplished with floor leadership as opposed to the leadership of the chair. Of course, they had to have that, but they . . . I would say the tactics they employed were that of a concensus of the strength of the leadership on the

floor. He, of course, was conservative and that leadership was controlled through his committee appointments to a large degree.

Marcello: Awhile ago when we were talking about Lieutenant Governor Hobby, you said that he was rather naive during his first term as presiding officer of the Senate. Could you expand upon that? What do you mean and in what way was he naive?

Creighton: I wouldn't want to be specific. Governor Hobby had the idea, you know, right was right and wrong was wrong, and there was no such thing as something in between, that is, the politics of accomplishing. Legislation to a large degree is, as President Johnson would say all the time, a matter of compromise. There are no absolutes in the legislative process, and it's give and take, and if you get enough you vote for it, and if you don't you vote "no."

Marcello: Did you see his naivete in action, let's say, during that period when all that reform legislation was being kicked around by the Senate?

Creighton: Oh, yes. You can't legislate honesty. I told Hobby that a lot of times. I thought the reform packages were ridiculous, and they have proven to be so. This open records thing has become such a burden on government and the process that it's just gone beyond the pale as far as



I am concerned. Trying to legislate . . . you just cannot legislate honesty, and these attempts in my opinion were demagoguery at its worst. I didn't vote for a lot of it, and, you know, everybody said, "You'll never come back if you are not for reform." Well, I'm back and I plan to come back again. I believe in kind of saying how you feel about things, and it's my opinion a lot of times that the people are way ahead of us down there. There is so much concern over trying to perpetuate yourself in office that sometimes you lose sight of the public interest.

Marcello: Now . . .

Creighton: Let me make it clear that I'm not above demagoguery (laughter). In all honesty I've employed it at times to make myself look good and to appeal to the voter for what I wish or for what I believe to be what the voters want and what the people want.

Marcello: With two years' experience did you see a noticeable improvement in Hobby's committee appointments, let's say, or was there a substantial change between the first two years Hobby was in office and this new year term?

Creighton: Hobby stayed with the same committees, at least the chairmen. He did not change them. He implemented a breakfast that was, I thought, one of the most worthwhile weekly experiences that we had. The seven

committee chairmen would come together, and he would sit at the head of the table, and we would chat over coffee informally about the affairs of the day. And you had every part of the political spectrum represented among those committee chairmen, and it made for an exchange between us--an opportunity for exchange--where the heat of the debate was not upon us and where we could "first-name" people over issues which we violently disagreed on. I thought that it was a very healthy thing, and as a result of it, I think there was some moderation or temperance on the part of the liberal view and on myself. I'm not saying that I represent the conservative view, but I'm certainly one of them. We would talk about the issues and what the leadership wanted, and he would ask for open and free expression and exchange. And there was a lot of disagreement. We were split many, many times.

To show how he learned in the last session . . . there was one bill . . . I'm chairman of the Economic Development Committee, and we as a committee consider insurance legislation. He called me up to the podium early in the session. He had a bill that would authorize the Insurance Commission to permit group automobile insurance, which everybody concedes will

have the effect of skimming the cream of the crop, so to speak, taking out the best risks and then leaving all who are not able to get into a group to fend for themselves. This is going to result in the great majority of the people of Texas paying higher insurance rates. Now I have been opposed to that legislation historically. I killed the bill two years ago in my committee.

He called me to the front of the podium. Now you must understand that all insurance legislation is supposed to come to my committee. Well, he handed me the bill, and he said, "How do you feel about that bill?" I picked it up and I read the caption, and I said, "I'm against it." I said, "Furthermore, if you send it to my committee, I'll kill it." He said, "Thank you."

So I went back to my seat, and about five days later that bill had been referred and heard on very short notice and was on the same calendar. And the darn thing like to have passed, and we really had to muster our troops together and change some peoples' thinking, and that would kill it. But Hobby learned his lesson, and he knew how and he knew my feelings about it, and he was committed obviously to passing the legislation. It was a labor-sponsored, labor-oriented, piece of legislation. So I would say that demonstrates that he learned something.

Marcello: You mentioned that you were chairman of the Economic Development Committee. Let's talk a little bit about your activities with that particular committee. Let's start by talking a little bit about some of the people that were on that committee. Would you care to comment on the abilities of some of the people on that committee?

Creighton: Right. I'll do that but I think it's how I got the chairmanship that is the most interesting thing to me.

Marcello: Let's start with that first then.

Creighton: It was a compliment to me, I thought. We were coming out of the Sharpstown scandals, if you recall, when Hobby took over. He called me up one day. I was up to that time chairman of the Water and Conservation Committee. Water and conservation were of great interest to West Texans and the district that I represented. He asked me into a room. Just the two of us were sitting there, and I hardly knew this guy at this point. He said, "Senator Creighton, I'm taking away the chairmanship of your committee and giving it to a West Texan, and I'm appointing you chairman of the Economic Development, which will consider insurance, trucks, banks, savings and loans, and other matters that relate to the economic development of our state."

In other words, every special interest bill that hits the Senate comes to that committee, and I was absolutely floored. I was disappointed and I was about half-mad because the years I spent had been in this other area. What expertise I had developed was in that field. So I looked at him, and I said, "Governor, I don't know a thing about insurance. Why in the world do you want anybody with as little knowledge as I have running that?" In his answer to me he says, "Maybe that's good." He says, "I don't want any more Sharpstown legislation passed." And he said, "From what I know about you, you have the beady eyes and the guts to kill it." Of course, that flattered me.

"Doc" Blanchard was then the chairman of the Insurance Committee, and he was bitterly disappointed. I went immediately to his office, and I said, "I didn't have a thing to do with this. I don't want it, and I just want you to know what had happened." I told "Doc" the story.

I told Hobby that I would accept the committee chairmanship but that I wanted to pick my committee. So I picked what I considered to be some of the oldest and toughest people down there. I have Senator Moore from Bryan, the "Bull of the Brazos," and whom you ought to interview sometime. The "Bull" is a moderate

conservative. By today's standards he is a real conservative. Senator Harris from Dallas was another of my choices. I specifically asked for Grant Jones from Abilene. He is the most knowledgeable man on insurance legislation in the whole Legislature, and he has worked in that, has been in the business, and he knows it. He is also conservative and independent. I asked also for Senator Payton McKnight from Tyler, another tough, outspoken conservative. I said, "You can put a couple of liberals on there." He put on Roy Harrington from Port Arthur, who is a veteran member of the Legislature, and also Bob Gammage, who is a very bright liberal from Houston, lawyer, smart, hard-working guy. So we've got a . . . our committee was pretty well stacked. As chairman of that committee and with the consent of those people that I put on there, I have been given pretty good control over what flows through that committee and what does not. The liberals accept the fact, so as a result it took a pretty doggone good bill to come out of that committee, depending on your philosophical viewpoint as to what is good and what is not good.

Marcello: You mentioned awhile ago that virtually all the special interest legislation for the State of Texas comes through this committee. What sort of problems does this pose for you as chairman and for the committee as a whole? What sort of pressures does this place upon you?

Creighton: Well, you get the banks and savings and loan people fighting, and you get the banks and the mortgage bankers fighting. They represent special interests that are very active politically in campaigns. You can't win. You are going to make one side mad, and so I really think the approach is to try to do the thing that represents the public interest. A lot of times neither view represents the public interest, and we just kill those bills. There again, it is a matter of opinion. You get a lot of philosophical issues that come into play in this type of legislation.

Let me give you one example of that, and that's the consumer finance bill, where you are raising interest rates to over 40 and 50 per cent, to supply money to people who have no other place to go. And the alternatives are that you either authorize these higher rates or, two, you dry up their source, and boy, that's a knotty one and you can really demagogue either side of that one. But that's an example of the type of bills. The trucks and railroads get into it all the time.

Marcello: I would assume the trucking industry, in particular, is very well organized and a very powerful lobby in Austin.

Creighton: They are organized and very powerful, but so are railroads. For instance, we had this coal slurry bill

which would grant the power of eminent domain to Houston Power and Light, I believe it was, that wanted to build a coal pipeline from the Midwest into Houston. The testimony indicated that this procedure would work, and it would work at a very nominal rate, probably cheaper than if you hauled the coal down by train. Well, of course, hauling the coal by train represented a great new source of revenue for the railroads, which are just about everywhere. So you have the judgement of do we further put the railroads down or do we not let the technology come in where you can supply the basic fuel source at a cheaper cost or what do you do? Well, the railroads won that one, and they won that one with my help.

Marcello: Why did you decide to favor the railroads in this particular case?

Creighton: Well, I think my chief concern was that I had a heck of a big railroad depot in my district (chuckle), particularly in Cleburne, and the unions down there . . . I don't often vote with the unions, but there are a lot of people employed down there, and this was a matter of great interest to them. So I listened to them and believed with them.

Marcello: During the Sixty-fourth Legislative Session, what in your opinion was the most important piece of legislation that came before the Economic Development Committee?



Creighton: The most important?

Marcello: Yes, in your opinion.

Creighton: Oh, lord, I don't know. We had so many bills. A lot of them are very important. I would hate to just single out one without . . . I would have to go back and refresh my memory because there was so many.

Marcello: How about the subject of malpractice insurance for doctors? Did that come before your committee?

Creighton: That came before the committee, and those were the only two insurance bills that I co-authored. Senator Schwartz, who is extremely liberal, from Galveston, and I joined together in an effort to try to get some malpractice legislation. That was certainly important legislation.

Marcello: That was apparently an highly emotional issue, too, was it not?

Creighton: Highly emotional and it brought together the forces of medicine and opposition to the trial attorneys. We brought three bills out, and two of them passed. Medicine won in two, and the trial attorneys won by a margin of two votes in the House on the other, the Farabee bill. But that was a bloody fight in the House.

Marcello: You mentioned awhile ago that the Economic Development Committee deals with virtually all of the special

interest legislation that comes before the Senate.

Let's talk a little bit about the role that lobbies and lobbyists have in state government.

Creighton: I think they are a very essential part of the process simply because nobody knows, really, unless you are an expert in a given field, what a single piece of legislation is going to do to somebody else. The interests that are affected by the legislation certainly should have a voice and have the opportunity to come before a Senate committee and say, "Look, this bill means well, but look what you are going to do to us, our industry, if you pass it." So the lobbyists merely represent these various interests that are affected by legislation. I think they are a very integral and a very valuable part of our process.

The average guy has the idea that a lobbyist has a black hat and black suit and black cigar and hundred dollar bills sticking out of every pocket. That is not the truth, and that image is very false. Most people who represent the special interests are intelligent, honorable, and honest people who merely want from me an opportunity to be heard. And if they can't convince me, well, a lot of times they don't like it, but at least they've had their day before the committee.

Marcello: Like you mentioned, I think they do have to be honest people because if they misinform you one time or lie to you once, their role virtually comes to an end, I would assume.

Creighton: That's very true. Probably more than any other place in life, a man's word and his representation of the truth is important down there because legislators just deal in broad policy. Now a lot of them like to tell you that they are experts in drafting, but that is not my experience. I am not an expert about anything. I know a little about a whole lot of things. And after years down there, you kind of get a feel of what a bill will do and how it will affect something and how the public will react to certain types of legislation. I know that is very general, but it is the same type of thing that you get in teaching and in your life's work. When driving a car, you know, you become so familiar with your car you know when it is not right and when it is right. It's just something that comes with having been there and having experienced it.

Marcello: Let's go on and talk about some of the principal issues that came before the Sixty-fourth Legislature. Let's talk first of all about the constitutional revision.

Creighton: Before we get to constitutional revision . . . I think one of the finest reforms . . . Senator Schwartz and I

are responsible for it. Schwartz and I have been friends for twenty-five years, in the Jaycees and at Texas A&M and in law school, and through the years we have been toe-to-toe and head-to-head in the Senate on issues because we do represent different areas of Texas and different philosophies. But one of the real evils, and one of the things that brought on the Sharpstown-type legislation, is the local calendar, the local and uncontested calendar. And how that thing used to work was that a bill . . . any man could submit a bill to the local and uncontested calendar.

How this calendar is run usually is at 8:00 in the morning . . . the Senate recesses the day before, and they come back in the next morning. There will not be a quorum there. There probably will be the presiding officer only and maybe one or two senators who have an interest to come to the floor and watch the local calendar run. The calendar has been approved by what we call the Local Calendar Committee. There are varying rules from time-to-time where if a bill does appear to be local or not contested, it can go on this calendar. The rule used to be that any three members of the Senate could knock a bill off. All they had to do was take their objections in writing, and the presiding officer was instructed to kick them off. The

net result was . . . what I guess I'm getting around to saying is that a lot of bad legislation . . . or legislation was missed because it was in fact not local or, two, it was in fact contested. Somebody let it out of the damn committee that had an interest in it without a hearing.

So Schwartz and I amended Rule 109 to require a majority affirmative votes of any committee was necessary before any bill could be reported favorably. That means that on my committee of seven I had to have four members of my committee present and voting to report that bill before it would come out. We went farther and required, before a bill . . . this was not in the rule, but this is a . . . the committee chairman agreed that before a bill could be referred, the committee chairman had to certify in writing that that bill was local or it was uncontested and "I do hereby certify it for the local calendar," he having conducted the hearing.

Well, that did more to stop the abuse of the local calendar than anything else we had ever done. We also had a provision that one member of the Senate could knock any bill off that calendar. So we had in this session, rather than the pressure building up . . . everybody trying to get to their bills, you know, and all this stuff building up and nobody knowing what is going on down there and what's in any bill. They are

so worried about getting their own on and afraid that "Golly, if I knock this one off, they'll knock mine off, and I've got to have this for Palo Pinto County," for instance. Then the system breaks down. You so carefully and meticulously through the year give all these hearings, and you get to the last two or three weeks, and then you pass all this crap. And this time the session just ran out.

Marcello: Well, this is basically how the Sharpstown business got started, did it not?

Creighton: That's exactly how it did. Yes, exactly. Late in the session--as I remember it, I don't believe it was a local calendar bill--it came late in the session when there was not a full and complete public hearing on it. And that thing hadn't had time enough to kind of air out, so to speak.

Marcello: And as you mentioned, a lot of bad legislation gets through that way.

Creighton: That rule change in Rule 109 is one of the most significant things we have done. And we also put some limitations on minority reports to where you just couldn't have frivolous minority reports. You know, you kill one and then you see that thing come alive again. You kill one and then you've got to get on something else. You really don't have time to keep

a tab, a damper, on what you consider to be bad legislation all during the session. I think that is the most significant reform that has come out of the Legislature during the entire session because that has really put the damper on frivolous . . . I don't want to use the word "frivolous" because it's not a good word. It's just that now somebody has to think a bill through.

Marcello: And like you mentioned, it probably does bring about a smoother flow of legislative business, and you don't have that huge rush at the very end.

Creighton: That's right. That's correct.

Marcello: Let's go on and talk about constitutional revision. As I recall, Lieutenant Governor Hobby at first, at least, was interested in having another convention made up of citizen-delegates. Now that didn't get very far, did it?

Creighton: No.

Marcello: How did you feel about a new convention and then also having a convention made up of citizen-delegates?

Creighton: Well, as a delegate to the Constitutional Convention, after the first month down there, I decided that the Legislature was not the proper forum to attempt to rewrite a new constitution.

Marcello: Why was that?

Creighton: Well, because of all the politics involved. You cannot divorce it, and we proved that. By the same token, you

take a citizens commission. I'm not sure they are the right ones to write one because they're so naive about all of the ramifications of government that they won't really know what they are doing. They'll do something they do not intend to do or do not foresee. I guess what I'm saying is that I don't know who is the right group or forum to prepare one.

But they talk about a pure document . . . the document reported by the Constitutional Convention was not a pure document in the sense that President Daniel talked about all the time. It was so injected and fused with political considerations, and it carried forth the very evils into the new document that they talked about writing out of the old document. There again, it was a matter of compromise in an effort to get votes.

Marcello: Can you be more specific? What were some of the evils that you saw in that document that came out?

Creighton: Well, the section dealing with higher education. I was for keeping the Permanent Fund for the University of Texas and Texas A&M University. I have not refreshed my memory on that, but there were many, many instances-- and that's one. I can recall the compromise was that we'd create a fund for the other state-supported schools in the state rather than the original intent and purpose



which was to take all of this money and use it for all the schools. Of course, that didn't happen because of the politics involved.

There were many things about the constitution that I did not like. I did not vote to report a document during the convention. I did not vote to report a document this last session, and I am actively speaking against adoption of the constitution today as far as my district is concerned.

I would like to generalize on that a little bit, rather than be specific. My staff . . . we're prepared . . . I'm getting me together a pretty good speech to talk on this and specifics and comparisons. As a matter of fact, I was reading George Bradon's A Guide to the New Constitution when I flew up here this morning--I just got it in the mail this morning--to get his view about the thing.

Back in 1876, as I read, when we came out of the Carpetbag days, the people of Texas--the people that wrote that 1876 constitution--were very suspicious of government because of all the abuses that had been brought down upon them by so-called Carpetbaggers. So when they wrote the document--the present constitution--there were great limitations of powers, limitations of what government could do.

The approach in this constitution is just the opposite. The approach is to take all these limitations off and let government flow. Well, that translates to me as new areas that government will go into, more government, more taxes, and a further erosion of our whole system.

We are going to leave to the courts . . . well, I'll give you an example--the education article. We spent weeks down there over the language concerning equal educational opportunity. The present constitution doesn't say that. The Rodriguez case talked about equal educational opportunity. So the liberal view, the minority, was strong for that language to get it in our constitution, whether it be more money spent in the poor districts of this state. What's going to happen . . . nobody can tell us what that phrase means. Those states that had adopted that language in their recent revisions were all in the courthouses still trying to decide what equal educational opportunity means. And it's my feeling that the Legislature is going to turn it over to the federal courts, for that matter the state courts, to try to interpret and tell us what the Legislature meant from the standpoint of education or educational opportunity. And I don't think that is the right approach. I've had my fill with the federal

courts, and I think that the people that I represent have shared the same feeling about it.

They took the limitation off of what you spent on welfare--the constitutional lid off that. They have language in there that in my opinion will in a roundabout way destroy the Highway Fund. We've got the finest highway system in the United States. We've got one of the best state highway patrols in the United States. We've got not the best, but good hospitals. We've got a great mental health-mental retardation program going on in the state. Our services are not all that bad, and yet we are thirty-fourth in the United States in the amount of state and local taxes that we pay.

So I say, "What's wrong with success?" I'm not for change alone. I think that knowing what the document means is more important than pure prose. Because our constitution has had almost one hundred years of judicial interpretation. Those seven states that have adopted a new constitution . . . the guys that I have talked to in the legislative process wished they hadn't have done it because they are very muchly involved in court decisions of just what the provisions mean. Those generally are my thoughts about the new constitution.

Marcello: How was it that the new constitution was able to pass through the Legislature so quickly this time, whereas, it couldn't get through the Constitutional Convention?

Creighton: Leadership.

Marcello: Can you expand upon that?

Creighton: You bet! Of course, you know, Billy Clayton is the speaker that used to be the big West Texas conservative. But now he is speaker, and he's been moved considerably to the left in my opinion. I don't blame him because I guess that is part of the problems of power. You've got to give every dog his day if you are going to have the gavel. But the way I read it, he and Governor Hobby got together and decided that there was going to be a constitution because we had wasted all that money in the convention--which I don't agree with. I don't think it was a waste.

Hobby set up on our side a special Constitutional Committee, and the committee was loaded with people that were for the new constitution. The committee got together and considered it and let some of the so-called experts polish it up a little bit. They brought it out and with a parliamentary procedure cut off debate because the rumor was that Senator Moore and myself and a few of the other opponents were going to take after it and air it out a little bit, and which we

intended to do. But it was rigged and loaded, and he had the votes. He never approached me about it at all, and he didn't have to because he knew what I'd say and what my opinion was about it. But they very effectively utilized the power that goes with leadership and got it out.

Marcello: They also toughened up the amending process quite a bit, did they not, in discussions on the constitution?

Creighton: What do you mean?

Marcello: They made it tough to add amendments to the constitution during debates on the floor.

Creighton: Well, not on the Senate's side. They didn't change our rules. Our rules are . . . wait a minute. There was . . . well, I know what you are talking about. They used the old gimmick that Style and Drafting had the power to rewrite. In other words, if you did put one . . . just like the Continental Convention was operated. It had to go to Style and Drafting, and Style and Drafting would say, "Well, you didn't mean that. You meant this." And they would try to rewrite it to preserve the--what do you call it--the continuity of the document.

Marcello: Did you receive very much flak from your constituents in your home district as a result of not coming up with a constitution during the convention?

Creighton: No. The only critical letters that I ever received . . . I received four of five from the League of Women Voters' representatives in Denton. I've been all over this district, and I've been speaking three or four times a week, and I get the same questions we've had here today, and I give my reasons. On four occasions I've had standing ovations. I'll tell you what. People know that more government means more taxes, and we've got so much government today that . . . well, I had a little fellow that runs a laundry, steam laundry, in Mineral Wells--a Washateria--come into my office yesterday. And a boiler inspector had been out. He doesn't even have a boiler, but the inspector gave him a ticket for ten dollars for inspecting it, and there's not a boiler in the place. And the man was upset. It would have been a lot cheaper for him to go and pay his \$10 business, but I am going to do something about it. I'm not going to let him pay his \$10 (chuckle). I think it's wrong!

Marcello: Public school financing is probably the most important issue to come before that Legislature during the Sixty-fourth Session. Let's go back and review some of the background. Of course, it all stems from the Rodriguez decision, is that not correct?

Creighton: Yes, the present thrust does, right.

Marcello: Let's talk a little bit about that Rodriguez decision just in terms of what it means and will mean so far as Texas education is concerned.

Creighton: Well, the Rodriguez decision was not upheld. The Rodriguez decision said that the rich districts tax high and spend low, and the poor districts tax low and spend high. And that is the evil that they were trying to do away with, and they were trying to equalize educational opportunity all over the state. As I understand it, that's a very oversimplification of the thrust of the decision. But as we pointed out earlier, the Supreme Court did not go along with that. They reversed it, and that gave the Legislature a little breathing time. The legislation that we passed was an attempt to speak to that. We kind of threw our hat at it on the way by. And there again, I did not vote for the educational bill--that is the second time since I have been in the Senate that I have not voted for the educational bill--simply because it adversely affected so many communities in my district, including specifically the Denton Independent School District. All the independent school districts in Denton County are severely penalized by that bill.

Marcello: In what way?

Creighton: Well, their local fund assignment is raised, and they don't have the corresponding increase in state funds.

It's going to mean more taxes to every school district in Denton County. The Granbury School District's local fund assignment was raised 600 per cent. I had several little districts where the local fund assignment was raised 1,000 per cent, if you can imagine. Senator Hance and I were able to put an amendment on the bill on the floor. We lost it at first, but we brought the bill back and agreed to take our amendment where we put the 100 per cent - 200 per cent whole harmless provision in there, which means in fiscal 1976 the local fund assignment cannot exceed 100 per cent and in '77, 200 per cent. This gives the local districts an opportunity to get their tax rolls up, so they can meet the increased amount of their local fund assignment. I think as a result of this legislation there is going to be mass consolidation of schools. This may be good or this may be bad, depending on your viewpoint. A lot of people that I represent know that when their school goes their community goes. I'm a guy that doesn't necessarily believe that a school district has got to be big to be good. I'm not saying that all small districts are good. They're not. We know that. But I think that historically the smaller districts have been favored in a state approach. Because I represent so many of them, I would favor a continuation of that concept. Unfortunately, that is not what this bill is going to do. And



the people today affected by it do not know the implications of that legislation! But when they get their tax bill or when that local district gets together to try to fund the local fund assignment--either opts for that or consolidation--that's when folks are going to get plenty upset.

Marcello: I gather there were all sorts of public school financing bills that came before the Senate during this session. For example, Governor Briscoe had his bill with the weighted pupil approach; TSTA had a bill; Hobby had a bill.

Creighton: The Texas Education Agency had a bill.

Marcello: There were any number of bills. Let's talk about the Briscoe bill first of all, with his weighted pupil approach. How do you feel about that weighted pupil approach that Briscoe proposed?

Creighton: Let me say this to you. I'm not an expert in this field. There are many people who have worked with school legislation all of their life--that is their business--that don't understand all of this. And I'm not here posing as an expert or as a . . . all I can do is talk in generalities. When I went to the Legislature this year, I hired to handle our correspondence and do my research and to advise me, from the standpoint of my district, a young man who is an

English teacher in our schools there in Mineral Wells, who wanted to do some graduate work. I hired him and gave him an opportunity to do graduate work in exchange for him to advise me and help me on this school finance problem. He spent almost full-time on it. He talked to hundreds of teachers. We were flooded with requests for information, and that was handled almost exclusively by him through my office. I know one thing about the weighted pupil approach: it was totally unacceptable to my district because it did in fact penalize these small schools rather drastically, as I understand. Now exactly how he did that, I cannot speak to.

Marcello: I'm not sure exactly how many people did understand that weighted pupil approach with all the implications.

Creighton: Very few people did.

Marcello: This is the impression I got from everything that I've read.

Creighton: Well, very few members did.

Marcello: Now TSTA, of course, was also sponsoring a public school finance bill, and naturally, I suppose, their major emphasis was upon the increased teacher salaries, which kind of got away from the thrust of the Rodriguez decision.

Creighton: That's right. Well, now the bill that we passed, I think, did a lot. I was interested in the bill that did this. I wanted to give the teachers a raise, a

reasonable raise. I would have gone for \$7,400. I would have gone for \$800 or maybe \$1,000. As it was, we went to what? Was it \$1,400 or \$6,600 to \$8,000, as I remember? But I wanted more state input to the local problems of the district--inflation and the fuel crisis.

Marcello: Maintenance and operation were important.

Creighton: Very important. So the bill that we passed spoke to those two items, and it also had some equalization money in it, which was the Rodriguez thing. Now only \$100,000,000 went into equalization, as I remember, equalization grant. Only 38.1 per cent of the \$553,000,000 package went to teachers salaries. So you've got a good majority, a good two-thirds or a little less than two-thirds, going to support the local districts and for equalization. So this wasn't just a pure teachers pay bill. It did a lot more than that.

Marcello: The final bill, like you say, was not a purely teacher pay bill, but that original TSTA bill was very high, was it not, as far as teacher salaries were concerned?

Creighton: Oh, yes. I don't recall the percentage, but it provided for a \$10,000 minimum salary.

Marcello: TSTA did quite a bit of lobbying on their particular bill, too, did they not?

Creighton: Oh, yes. They've got all kinds. They had a gal down there this time--I guess she was about twenty-six or twenty-eight--that was full-time. She was very effective, too, I might add (chuckle). I can't remember her name, but I sure remember her face.

Marcello: They held a couple of rallies and packed the gallery and things of this nature on occasion during the session, did they not?

Creighton: In my opinion a lot of people are just petrified with the TSTA lobby. They don't bother me that much. They are just another special interest group you have to tolerate and put up with.

Marcello: Now through all of this public school financing business, I think you also have to keep in mind that there was just a certain amount of money to spend. It was quite clear--and I think that Briscoe made this quite clear--that there was not going to be any new taxes; and consequently, there were certain limits as to how much could be spent for public school financing.

Creighton: That's correct. And we squeezed every dollar as I predicted. We had a \$1,500,000,000 surplus, and we spent every dime of it.

Marcello: This brings up another interesting point, I think. You went into that session with this projected surplus in the state treasury. What happened? First of all, how

did that affect the activities and the business of the Legislature? Here you had a \$1,500,000,000 surplus.

Creighton: Right.

Marcello: What would you have liked to have seen done with that surplus?

Creighton: Well, first I thought state employees, number one . . . government is primarily a service industry. We deal in people, and then, of course, people have to have salaries. We've gone through a period of time where we've had inflation reach 12 or 13 per cent in some months as I recall, a very unusual situation. So the first attention in my opinion should have been given to the matter of salaries of public employees, all public employees. And the Legislative Budget Board, of which I'm a member, five months before the session started recommended substantial pay increases for public employees with the low pay grades over the biennium receiving something like a 24 per cent increase and the upper pay grades getting something like 18 per cent. This was the recommendation of our staff and was a real cost-of-living adjustment. They needed that money to have the same buying power that they had enjoyed. But that didn't really deplete surplus. I advocated and made several speeches before we went down there about repealing one cent of the state sales tax or just forgiving it until there was need for it.

I've been down there long enough to know that the Legislature will spend every dime that's available. They can't control themselves; it's a part of the process. The idea of leaving the session with some money in the till is ridiculous. The government is not in the banking business. They shouldn't tax if they don't intend to spend it, and, of course, the temptation is very great.

Of course, my proposal didn't get anywhere, as you can imagine. But I think that we had really a super appropriations bill that . . . in many places it was fat. We took care of higher education, I think, very nicely. We increased spending on medical education by \$174,000,000, supporting our medical schools and getting their productivity up to their capacity.

Marcello: The Legislative Budget Board is a rather powerful and important agency, and I don't think you see nearly enough written about it as to what it does.

Creighton: I'd rather have my position on the Budget Board than any committee that they have because that's what government is all about--taxing and spending. And as one fellow said, "Everything else is 'Mickey Mouse.'"

Marcello: I assume that being a member of that Legislative Budget Board, you had to work very closely with the comptroller, Mr. Bullock.

Creighton: No, not necessarily. Bullock just sends us numbers, but we don't consult him about how and where we spend and that type of thing. We work very closely with the leadership, Lieutenant Governor Hobby, whom I might point out, to me . . . he really impressed me with his knowledge of the budget. He hadn't been down there . . . I've been on the Budget Board for ten years, and I've got kind of a running knowledge of what and where, and I know where everything is buried and what agencies say they are going to do and how they performed. I've had an opportunity to see them. But Governor Hobby has been with us for four years, and he and his staff have done a great job of preparing him to preside over the Budget Board. Because he knows his lessons, and he comes to the meetings well prepared, and he's got the all-important history of the particular agency--what they've said they'd do and what they've done. I think that would be an indication of how he's grown in his office and has prepared himself to lead.

Marcello: Now a third important issue that came up during that legislative session was the whole business concerning the creation of a public utilities commission. First of all, in your opinion how much of a need was there or is there for a regulatory commission of this type in the State of Texas?

Creighton: Well, as I've said earlier, I'm opposed to the creation of more government unless there is a real need. I have always voted against public utilities regulation or, that is, a commission in years past. Recent developments, though, within the past two years have indicated to me a need to regulate these utilities in nonregulated areas. Some of the independent telephone companies have really abused their authority. So I say. I don't know that, but they seem to have from newspaper articles and so forth. So when I approached this last session, that was kind of my feeling, although I had an open mind on the matter. I then agreed with others to take a look on the situation. And then the Brazos Co-op passed on all these raises to the various member co-ops, and then they started hitting the voters' pocketbooks. And then the roof came in on the capitol down there. And I think the great motivation there was that this utilities commission will mean lower utility rates, which is just folly. It is going to mean higher rates, if anything, and give a forum for these utilities to go to for the relief I'm sure that they need because of the increase in fuel costs.

I voted for the bill. The bill that we passed, I think, was as good a bill as we could pass with times such as they are. It retained local control that the



cities now have over electricity and gas. Of course, under the bill telephones are totally . . . one of the reasons that I think that's important is that the community where I live and communities that I visit, for instance, are served by Texas Power and Light Company, which is one of the best citizens that we've got in the community. There's a lot of input in the community in civic endeavors and in their industrial program and in all of the local chamber programs. They are really good citizens, and they contribute. That's not necessarily been true with the telephone company. I think that the Texas Power and Light, a company that I know best, realizes the importance of their contribution of maintaining good relations with the city council.

Another thing that I think is healthy is the fact that these utilities have powers fragmented among the cities. I tell you what my honest belief is--that within four years or six years a utilities commission will be just like the Railroad Commission. It puts an umbrella over the very industry it is supposed to regulate. I don't see a utilities commission being any different from that. Jim Langdon made the statement that "I think we are down here to protect the oil and gas industry." I believe he made a statement like that, and he caught hell for it.

Marcello: Did you want to see a public utilities commission where all the public utilities were regulated or included? In other words, some people said, "Well, let's just have a public utilities commission where only the telephones are regulated and allow local government to continue to regulate whatever might be left."

Creighton: Well, the bill does that. I would have preferred a bill that would have put telephones maybe under the Railroad Commission. Of course, they didn't want it, and maybe that wouldn't have been a proper place for them. I think that the bill we got was a reasonable compromise.

Marcello: Senator Clower was one of the prime movers for this public utilities legislation, was he not?

Creighton: Well, Clower got all the publicity. Moore has been the utility man for years. He has had that bill for years. He kind of played up and down with it. But Clower came along when all these utility bills hit the taxpayers' post office box. And we call old Ron down there "Statewide," you know, because he aspires to statewide office. He was affectionately known as "Old Statewide" Clower (chuckle).

Marcello: I didn't know that.

Creighton: Oh, he wants to get himself a big issue, you know, and make a lot of newsprint. Boy, he got one and

it's got a lot of print! Charlie Wilson used to do the same thing. He used to whip the utilities and used them as a whipping boy to get all the publicity he could. He got to Congress. I guess Clower will be governor.

Marcello: What did you think about the idea of an appointed commission as opposed to an elected commission? Now I think in the final bill the members will be appointed to that public utilities commission by the governor.

Creighton: I prefer that.

Marcello: Why is that, just for the record?

Creighton: Well, because it follows the framework of our existing government. Our state is run by boards and commissions that are appointed and confirmed by the Senate. I think it is a good system.

Marcello: Is there a danger . . .

Creighton: That's another reason I'm opposed to this constitution. We've got continuity of government as a result of this. These people are appointed generally for six-year terms. A governor can go out, but still you don't have the spoils system in our state. If this new constitution passes, well, that can substantially change because, as you know, the governor can remove . . . I believe that it is up to a third of the board, and he appoints all of the chairmen. We are going to get a form of the

Louisiana spoils system in Texas, which I do not think is in the public interest.

Marcello: Okay, let's talk a little bit about Governor Briscoe. He was into his second term of governor. How would you assess the administrations of Governor Dolph Briscoe?

Creighton: Well, I think he has been a good governor. He's a smart man; he's a businessman; he's intelligent; and I think the only fault the press finds with him is that he's just low key. He's a low profile guy, but he is no dummy. Now the press has given him the image that he is a do-nothing, dummy-type individual. I find that he is very warm, he's very smart, and he knows exactly what he is doing. And I think that his political judgement has been good. He's quite popular. If you don't believe that he is, just go out on the streets and talk to people about him. He's been the luckiest governor we've ever had on this tax thing, you know. He's advocated no new taxes, and he's caught a time of inflation, and this energy thing is just generating more money than we know what to do with. So he's been lucky in that regard. But his luck is going to run out next session, I'm afraid.

Marcello: All indications seem to point in this particular direction, but I guess he has been able to put it off as long as possible.

Creighton: Right.

Marcello: Did you see any marked changes in Briscoe in this Sixty-fourth Session as opposed to the Sixty-third Session? Now you said that you could really see what experience had done for Bill Hobby. Now could you see any changes one way or the other in Governor Briscoe's performance?

Creighton: Briscoe got rid of all of his idiots. And he had a bunch of high-powered people that didn't know a damn thing about government trying to deal with the Legislature.

Marcello: You are referring to his legislative assistants and liaison men.

Creighton: Yes, his top staff people. He has some people with a lot of new faces, but he also gets advice from some old pros on what and how to do. Connally made the same mistakes. Connally was totally ineffective in his first session. You know, he is rich and arrogant and is used to having his way, and he moved in, and he couldn't move thunder. He fired George Christian right off the bat when he came down there, and he finally saw that George Christian was a pretty smart guy, and he let George do some staffing and advising for him. And Connally became an effective governor.

Marcello: One of the common complaints leveled at Preston Smith by legislators was that they never knew where Preston

stood on a particular issue. I gather this really wasn't the case with Briscoe. It seems to me that most people knew where he stood on a particular issue.

Creighton: You could rely on him. Governor Briscoe never denied me an audience. I had access to his office, if he was in town, in five minutes if it was important. I never abused that privilege. But I think that he made a great governor.

Marcello: One last question. How would you rate this particular Legislature in terms of accomplishments and failures as compared or contrasted to the previous sessions in which you served? Was it a good session? Were you satisfied with what was done?

Creighton: Yes, I think it was a good session. I think . . . though I did not vote for the education bill, as I indicated earlier, because of the way it would affect my district. I think that it has to come, and I think that the long-range effect of that bill will be good. It's a beginning. I think the reform I talked about in the Senate rules will make historically a great difference in the type of product we produce down there. We spent too much money, and we are going to have to pay the fiddler for it next session with more taxes.

Marcello: Senator Creighton, I want to thank you for giving me the time to talk with you about the Sixty-fourth Session of the Legislature, and your comments, along with those of your colleagues, I think, are going to be of value to future scholars when they write about the history of Texas government during this particular period.