

No. 25-0674

In the Supreme Court of Texas

IN RE GREG ABBOTT,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS,
Relator.

On Petition for Writ of Quo Warranto

RELATOR'S BRIEF ON THE MERITS IN CASE NO. 25-0674

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STATEMENT REGARDING ORAL ARGUMENT

This Court would be justified in awarding the relief prayed for on the papers. However, if the Court deems it useful, counsel for Governor Abbott would be pleased to provide oral argument at the Court's earliest convenience. Every day that passes, Gene Wu purports to exercise authority that he no longer possesses.

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STATEMENT OF THE CASE

This is an original proceeding for a writ of quo warranto ousting Gene Wu from membership in the Texas House of Representatives. There are no prior proceedings in lower courts.

STATEMENT OF JURISDICTION

This Court has original jurisdiction to issue “all writs of quo warranto” against “any officer of state government except the governor, the court of criminal appeals, or a judge of the court of criminal appeals.” TEX. GOV’T CODE § 22.002(a); *cf.* TEX. CONST. art. V, § 3(a).

ISSUE PRESENTED

Whether Respondent Gene Wu forfeited the office of state representative and created a vacancy by abdicating his legislative duties during session, accepting bribes in exchange for renouncing those duties, and absenting himself from the State indefinitely.

INTRODUCTION

To “save Democracy,” Gene Wu set a fire to representative government. For weeks, he fled the State for the purpose of “killing” an entire legislative session. Doing the bidding of those who bribed him to abdicate his duties, Wu refused to meet and act upon bills. Meanwhile, his colleagues were prevented from passing critical legislation and from invoking the tools available to them to secure his return. The taxpayer, in the end, spent more than \$1 million for absolutely no reason.

Now, after declaring victory based on scuttling the session, Wu has rushed back to his former desk in the Capitol. Too late. The time for entreaties to return to work came and went. Wu already forfeited his office. He cannot now reinstall himself in hopes of keeping what he stole, all while continuing to insist that this Court previously held that “quorum breaking is a part of a legislator’s duties.”

Legislators of the past—Democrats included—would disagree. In response to far milder antics in 1979, one Senator put it this way: “I think it was an immature, irresponsible action that they took. I’ve never had much admiration for folks who say, ‘If you’re not willing to play the ballgame by my rules, you won’t be allowed to play the ballgame.’”

Wu claims the authority to do just that—prevent the ballgame anytime he thinks he may lose. Without this Court’s intervention, he may do it again and again, grinding our government to a standstill, supposedly with the blessing of the Supreme Court of Texas. Only this Court can put a stop to the sins that are done in its name.

STATEMENT OF FACTS

A. Governor Abbott calls a Special Session and the Legislature dutifully goes to work.

The Regular Session of the 89th Texas Legislature concluded on June 2, 2025. QR.00001. Soon after, the Governor issued a Proclamation that announced a Special Session to begin on Monday, July 21, 2025, and identified eighteen items for the Legislature’s consideration. QR.00002–00005. The Special Session’s topics focused on responding to tragic flooding in the Hill Country, delivering property tax cuts, and eliminating the STAAR test. The Governor also directed the Legislature to consider a new congressional redistricting plan.

Consistent with the Constitution’s directive that the Legislature “shall meet” and “shall act upon” bills “when convened by the Governor,” TEX. CONST. art. III, § 5, the Texas House got to work. By July 28, 2025—just one week after the Governor’s Proclamation—House

members had filed more than 200 bills. Topics included: protections for women in sex-segregated spaces, H.B. 32, 89th Leg., 1st Spec. Sess. (Tex. 2025); the Attorney General’s authority to prosecute election crimes, H.B. 11, 89th Leg., 1st Spec. Sess. (Tex. 2025); and limitations on state and local taxes, H.B. 41, 89th Leg., 1st Spec. Sess. (Tex. 2025). Meanwhile, various House committees swiftly held hearings on proposed legislation.

To receive public testimony on new congressional maps, the House Select Committee on Congressional Redistricting held regional field hearings in Austin, Houston, and Arlington on July 24, July 26, and July 28, respectively. *See* QR.00009; QR.00012; QR.00015–00016. On August 1, 2025, the Redistricting Committee conducted another lengthy meeting for invited testimony. QR.00021–00022. On August 2, 2025, the Redistricting Committee voted favorably to advance redistricting legislation for consideration by the full House. QR.00025. On August 3, 2025, the House Committee on Calendars met to set a Daily House Calendar for the following day; that calendar included redistricting legislation. QR.00027.

The House Select Committee on Disaster Preparedness and Flooding was hard at work, too, investigating events leading up to the devastating flooding throughout the Texas Hill Country, the tragic loss of life, and possible legislative responses. The House Committee met jointly with the Senate Select Committee first on July 23, 2025, QR.00006, and then convened again on July 31, 2025, this time in Kerrville, Texas, to hear from flood victims directly, QR.00017. On August 4, 2025, the House Select Committee considered and advanced legislation that would help Texas respond to floods and other disasters and mass fatality events in the future. H.B. 1, 89th Leg., 1st Spec. Sess. (Tex. 2025).

B. Leading a group of Democrats, Wu flees the State indefinitely to abdicate his legislative duties and to “end” the Special Session.

While others in the House were getting to work, Gene Wu was hatching a plan to obstruct them. The people of House District 137 elected Wu to serve as their Representative *in the Texas House*. He first swore an oath to represent the district in 2013 and had been serving his seventh term. Besides his duties as Representative of House District 137, Wu was elected to serve as Chairman of the Texas House

Democratic Caucus. It increasingly appeared that he prioritized his role as caucus chair over his duties to his district. *See, e.g.*, QR.00028 (“I filed no bills and I don’t intend to,” said Wu, who typically files dozens of bills. “My only objective in this session is to make sure that Democrats are prepared for battle.”)

On July 21, 2025, the *first day* of the Special Session, Wu began discussing the possibility of House Democrats breaking quorum to “stop Republican leaders from advancing their special session agenda.” QR.00031. Not only was Wu planning to abdicate his own obligations to his district, he was also planning to prevent the rest of the Legislature from fulfilling Article III, Section 5 of the Texas Constitution by acting on the items designated by the Governor.

Weeks before pulling the trigger, Wu and other Democrats descended upon “California and Illinois to strategize with those states’ governors” about fighting Texas’s redistricting effort, QR.00041, including attending meetings to “determin[e] where the lawmakers could stay” out of state while denying the Texas House a quorum, QR.00051. Wu and company “spent hours, days, *weeks*, going over this with [them]selves, [their] lawyers, everybody.” QR.00054, at 03:29

(emphasis added). Wu specifically targeted out-of-state destinations because he knew “the governor has no power to reach into other states.” QR.00054, at 03:38. And he planned to remain there for an express purpose—to kill the Special Session and stymie a vote on new congressional maps. *See, e.g.*, QR.00055, at 13:05 (“[W]hile the Republicans are continuing to do this [redistricting] we’re saying we don’t want to do this. ... [I]f one side ... decides to launch nukes you cannot simply say we won’t respond.”); QR.00056 (“By breaking quorum, we’re putting an end to this corrupt special session.”). As Wu himself put it, “every step of the way” he and the House Democratic Caucus worked with out-of-state officials like Governor Pritzker, “[f]rom meeting with [him] a month ago” to rendezvousing with him on “the first night of our quorum break.” QR.00058.

An indefinite departure from the State was sure to be a costly proposition. To ensure legislators honor their duties during session, the House adopted rules at the beginning of the 89th Regular Session providing that members may be fined “\$500 for each calendar day of absence” from the chamber, in addition to any costs incurred to secure their attendance. QR.00059. Any fines must be paid out of the member’s

own personal funds rather than the member's operating account or from political contributions. QR.00059. Wu voted to approve those rules. H.R. JOURNAL, 89th Leg., Reg. Sess. 173 (Tex. 2025).

Who induced Wu to flee the State to deny the Texas House his vote—and who helped him stay gone?

Public reports tell a story about how Democrats, led by Wu, sought to bankroll their obstruction with “the backing of big-dollar Democratic donors” who could “cover ... expenses.” QR.00061. One organization—Powered by People—made its ask to Texas Democrats quite plain:

Former U.S. Rep. Beto O'Rourke's political action committee, Powered by People, fronted the initial costs for lodging and transportation, spokesperson Chris Evans said, but he declined to give a dollar figure. At least one group of Democrats got to Illinois via a private plane from Austin. He said the group, which has also been fundraising on the quorum break, planned to release details on how much it has taken in at the end of the week.

O'Rourke's group had pushed for the effort in recent weeks, putting money aside so there would be cash at-the-ready to support Democrats, Evans said.

“We essentially said, ‘Hey, if you do this, and we hope you do, we’ll have your back on it, including an initial amount to get you off the ground,’ he said. *“As soon as you do it, we’ll fundraise for you,* email, text, online social media, and everything that comes in goes toward that effort.”

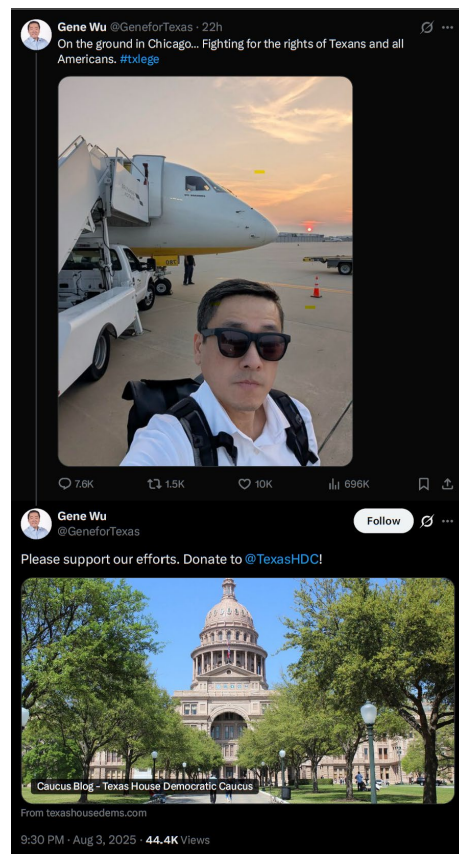
QR.00070–00071. The statement describes both the *quid* (funds and other resources for Wu and other Texas House Democrats) and the *quo* (fleeing the State and abdicating legislative duties).

Just hours after the release of the August 4, 2025, House calendar, Wu answered Powered by People’s call for a *quid pro quo*. He, along with other members of his caucus, boarded a “76-seat private jet” for “a flight that likely cost tens of thousands of dollars” to Chicago, Illinois. QR.00078. Then, at 5:42 P.M. on August 3, 2025, while flying out of Texas airspace, he declared the Special Session “is over.” QR.00083.

Upon landing in Chicago, Wu indicated his absence was indefinite. He noted that his “commitment to this is one day at a time, and we’re going to deal with this special session.” QR.00054, at 05:06. To ensure he could continue abdicating his duties by staying away, Wu continuously solicited donations—lots of them. *See, e.g.*, QR.00085, at 08:22.

In addition to the money and in-kind support Wu accepted from Powered by People, Wu openly sought and accepted other consideration to enable him to violate his oath to “faithfully execute” the duties of his

office. *See* QR.00085, at 04:02 (Wu nodding in agreement with host that “it’s expensive to do this walkout” and “Beto O’Rourke had said he was contributing some of his war chest” to the fleeing Democrats); TEX. CONST. art. XVI, § 1. “Support Texas House Democrats as we deny quorum,” he pleads in one post. QR.00412. In another, Wu posted an image of himself “on the ground in Chicago” in front of a charter plane, followed immediately by an ask for money. QR.00086.



For as long as the Legislature intended to perform its work, including by considering congressional maps, Wu intended to stay

away. Buoyed by outside funds and his manifest resolve to remain outside the State rather than fulfill his duties, Wu's flight spelled the Legislature's failure. The full Texas House would never hear a bill on floods; it would never hear a bill on the regulation of hemp-derived products; it would never hear any bill at all.

C. Wu refuses to disavow the Governor's assertions in this petition and, instead, doubles down on doing whatever "his judgment dictates."

In legal filings responding to the Governor's Emergency Petition, Wu had little to say about the facts recited above. Instead, he "generally dispute[d]" these publicly-available sources set forth in the Emergency Petition. Resp. at 5. Meanwhile, *outside* of court he has continued to openly express the selfsame intentions—indefinite absence from Texas, for the express purpose of scuttling the legislative process, with any return contingent on future events.

Just hours after the Governor filed his Emergency Petition, Wu confirmed he had no present intention to return. Asked whether he would return to Texas to rejoin the Special Session, Wu responded, "Hell no," and agreed that he would be "staying put" outside the State. QR.00084, at 05:59–06:32. Indeed, when asked point-blank whether he

was abandoning his office, Wu did not even proffer a denial, but instead played coy, “Well, it’s not my office and it’s sure as hell not Governor Abbott’s office. This office belongs to the people of the state of Texas, and I have taken an oath to defend those people and to protect them.” QR.00084, at 01:03.

A week later, Wu repeated that one “objective here was to end this corrupt Special Session.” QR.00087, at 11:36. He stated numerous other times that his intention was to stay away from Texas as long as possible to prevent the Legislature from meeting its obligations pursuant to the Governor’s call under Article III, Section 5(a). *See, e.g.*, QR.00088, at 09:13–10:03 (stating Wu and other Democrat members would “try to hold out as long as we can”); QR.00089, at 5:48 (stating quorum-breaking was just one strategy to kill legislation, but affirming his “commitment to ... take care of other things. We can fight this fight [killing sessions by remaining out of state] for as long as we can do it.”). In an August 11, 2025, interview, Wu summarized his position succinctly and clearly: He and his posse were “committed to destroying and killing and ending this corrupt Special Session.” QR.00090, at 20:48. He then verbally affirmed and nodded in approval as another

House Democrat boasted, “shoot, I’m ready to, I’m down to stay out until *next year*.” QR.00090, at 22:18 (emphasis added).

In fact, Wu revealed an *additional* prerequisite to any return—namely, a “pie in the sky” scheme that depended upon actors of a different sovereign government. QR.00091, at 02:35. First, of course, Wu and his colleagues continually vowed to “destroy” the Special Session. QR.00090, at 20:48. Second, Wu hoped to use their absenteeism to get California to “step up” and rework its congressional maps, too. QR.00092, at 01:43–02:15. Under his leadership, the House Democratic Caucus issued a press release stating that Democrats would return only after “the introduction of California’s redistricting maps that would neutralize” Texas’s proposed congressional map. QR.00390.

But Wu confessed elsewhere that he did not think even in his “wildest dreams” that California would undertake redistricting. QR.00092, at 01:41. In other words, he based his return to Texas on the acts of another State’s government—acts that he thought, “from the very beginning,” would happen only in his wildest dreams. Regardless of any attempt to recast Wu’s state of mind after the fact, he clearly stated that his return was as definitive as a dream.

While boasting of his intentions to remain out of State until date uncertain and the occurrence of uncertain events, Wu continued to highlight the expense associated with his flight from Texas and sought help to pay for his absence. QR.00093, at 21:28–21:51, 42:30–43:08. It required “[l]ots of money” to remain away from the State and to pay for charter jets and hotel rooms. QR.00093, at 21:49, 42:30–43:08. When asked how people could support Wu, his “number one thing” was response to his “fundraising ask” because his abdication “is immensely expensive.” QR.00093, at 29:33–30:12. He provided a link to a website where people could donate to the House Democratic Caucus and said “if you can donate, please help us out as much as you can because ... we really, really need it.” QR.00093, at 42:30–43:39.

Shortly after a Temporary Restraining Order issued against Powered by People for potentially “false, misleading, or deceptive acts,” QR.00094–00097, Powered by People confirmed its support of Wu and his caucus members, stating that it had “donate[d] over \$1 MILLION to the Texas Legislative Black Caucus, the Texas House Democratic Caucus, and the Mexican American Legislative Caucus during the special session.” QR.00392; QR.00397 (emphasis original). Wu, for his

part, never dissociated himself from the group. Instead, he *agreed* that O'Rourke's group was helping subsidize the violation of his legislative duties. QR.00085, at 04:02.

Unchastened, undaunted, and unsure of when it would end, Wu remained on the lam for at least two weeks.

D. After Special Session ends, Wu touts his quorum break for successfully grinding our representative government to a halt.

On August 12, 2025, the Speaker of the House announced intentions to end the Special Session early. Later that same day, Wu went on TV. Amidst rumblings of the House adjourning *sine die*, Wu indicated the House Democratic Caucus had “members who are, like ... let's keep [the quorum break] going to infinity,” and he would not commit to returning before the House actually adjourned *sine die*. QR.00398, at 01:18. On Friday, August 15, 2025, both chambers adjourned. H.R. JOURNAL, 89th Leg., 1st Spec. Sess., 75 (Tex. 2025); S. JOURNAL, 89th Leg., 1st Spec. Sess., 78 (Tex. 2025).

In response, the Governor immediately announced a Second Special Session to begin at noon on the same day. QR.00399–00402. The

House gaveled in for the Second Special Session, failed to achieve a quorum, then gaveled out until the following week. QR.00405.

When Monday came, Wu had returned to the Texas Capitol. QR.00408. In a press scrum after the House adjourned for the day, Wu touted the quorum break as “successful ... beyond [his] wildest dreams.” QR.00091, at 01:47. He reasserted that he was willing to “be out for weeks, if not months, to [break quorum],” QR.00091, at 01:54, and reiterated his goal of encouraging California to undertake redistricting, QR.00091, at 02:35. But he admitted that getting another sovereign to pass retributive redistricting legislation was a “pie in the sky” idea that “would take months—if it would ever happen” at all. QR.00091, at 02:35–02:42.

Perhaps his resolve to stay away was strengthened by his erroneous belief that “the [Texas] Supreme Court itself” has said that “quorum breaking is a part of a legislator’s duties.” QR.00398, at 04:32. Or perhaps he expected that this Court would eventually “dump” this case, which he believes would have been dismissed “on the first day” if someone other than the Governor “personally appointed these Justices to the [Texas] Supreme Court,” which he accused of being an exemplar

of the “the swamp.” QR.00398, at 05:16–05:34. Either way, to his credit, Wu stuck to his guns: He routinely, emphatically, and unashamedly declared his forfeiture of legislative duties in a pay-to-play arrangement for as long as dollars flowed in.

SUMMARY OF ARGUMENT

Gene Wu abandoned his office by fleeing the State during a Special Session that he was committed to “ending.” Rather than acting on bills as required by our Constitution, Wu insisted on carrying out his duties “as his judgment dictates.” Apparently, that meant preferring to negotiate a nationwide political arms race with other sovereign governments on behalf of groups paying him to deny the Texas House a quorum.

I. This Court has jurisdiction over this petition. **A.** Quo warranto is the time-honored remedy to remove public officers, including legislators like Wu, who willfully abandon or abuse the powers entrusted to them on behalf of the public. Under Texas law, this swift remedy remains available to protect the public from absent or abusive state officers. As a constitutional officer directly vested with the

sovereign power of state government—*i.e.*, the legislative power—Wu is a natural object for quo warranto proceedings.

B. The Governor is also a natural relator. Even private relators have long initiated quo warranto proceedings against public officers, and neither the Government Code nor the Constitution's quo warranto provision deviates from that baseline. A fortiori, the State's Chief Executive Officer is an obvious relator to ensure faithful execution of the laws, including the Legislature's constitutional duties.

C. This Court is an appropriate one—indeed the *only* one authorized to confirm that Wu forfeited his office. Wu's demand for a jury trial changes nothing. He chose not to meaningfully dispute a single fact, and a century of U.S. Supreme Court decisions have approved state high courts ordering ouster on the pleadings and without a jury. That is why appeals from state quo warranto proceedings present no federal question for Supreme Court review.

II. The Court should order ouster. **A.** The Constitution—not individual flights of fancy—defines a legislator's duties. During session, those duties consist of meeting and acting on bills. Far from inviting obstruction, the Quorum Clause obligates legislators to participate.

That is what this Court said in *In re Abbott*, and it is what the U.S. Supreme Court said a century earlier in *United States v. Ballin*. The supposed “right to break quorum” is a figment of Wu’s imagination.

B. History confirms what the Constitution’s text suggests. After an episode in 1870, both sides of the debate chided quorum breaking as illegitimate—and the “absent” Senators never left the Capitol. In 1979, a group of Senators were labeled “asinine” and “immature”—though they never left the State. Only in the *twenty-first century* did legislators begin fleeing Texas indefinitely, packaging cowardice as calculus. A tactic that materialized 20 years ago is not some venerable tradition.

C. Wu’s premeditated, indefinite, and deliberate flight from his duties during a session forfeited his office three times over. By actively renouncing his duties for the purpose of “ending” a Special Session, Wu abandoned his office. Moreover, Wu traded those duties away in exchange for things of value. And he absented himself with no present intention to return. Wherever the line is drawn, Wu crossed it.

III. This petition is consistent with the separation of powers. It does not challenge Wu’s eligibility in the first instance, nor does it seek his return. It seeks only judicial recognition of a fact—that Wu forfeited

his seat. Further, the quo warranto remedy named in the Constitution is not impliedly displaced by the Legislature’s expulsion power. Instead, Wu’s view threatens the separation of powers by authorizing individuals to countermand a Governor’s call, paralyzing the Legislature, and leaving the judiciary no role at all.¹

ARGUMENT

I. The Governor May Pursue a Writ of Quo Warranto to Remove Representative Wu in this Original Action.

Quo warranto developed because of a need for speed in scenarios like this one: “it was found very difficult and oftentimes impracticable” under existing law “to bring to a trial and determination the right of such persons to the said offices” before the public suffered “divers acts prejudicial to the good order.” 4 WILLIAM HAWKINS, PLEAS OF THE CROWN

¹ Although this Court has consolidated *In re Abbott* (No. 25-0674) and *In re Texas* (No. 25-0687) for purposes of briefing, “consolidation d[oes] not result in the merger of constituent cases” and “the parties to one case d[o] not become parties to the other by virtue of consolidation.” *Hall v. Hall*, 584 U.S. 59, 70, 72 (2018). Because the only pleading the Attorney General filed in No. 25-0674 argues that Chapter 66, TEX. CIV. PRAC. & REM. CODE, deprives this Court of jurisdiction to entertain that Petition, the Attorney General is aligned with Respondent Wu on that issue. See Letter from Texas Attorney General as *Amicus Curiae*, No. 25-0674 (Tex. Aug. 5, 2025); *Perkins v. Freeman*, 518 S.W.2d 532, 534 (Tex. 1974) (consulting pleadings to align parties). Moreover, the Attorney General as Relator in No. 25-0687 prays for a “conditional” writ requiring thirteen members to “return” to the House Chamber—functionally a class-wide writ of mandamus. Compare 33 WRIGHT & MILLER, FED. PRAC. & PROC. § 8305 (2d ed. 2025), with *id.* § 8306. The Governor files this brief as Relator in No. 25-0674 pressing an independent basis for jurisdiction, seeking a different form of relief that is in no way mooted by some Democrats’ recent return.

95 (7th ed. 1795). Quo warranto offered an expedited process that was deliberately “not like that in other civil proceedings”; instead, “[i]n quo warranto proceedings we find the rule reversed” and “the entire onus is on the defendant.” *People v. Lindsey*, 253 P. 465, 473 (Colo. 1927) (quoting *People v. Baldrige*, 108 N.E. 49, 51–52 (Ill. 1915) and *State ex rel. Anderson v. Port of Tillamook*, 124 P. 637, 639 (Or. 1912)).

This swift and centuries-old remedy may be used against state officers in the Legislature, just like it may be used against officeholders in other branches of state government. Centuries of practice confirm that the Governor may serve as the relator seeking to oust a public officer. And this Court—like so many other state high courts across the country—is the proper locus for quo warranto proceedings.

A. A legislator like Wu is a proper object of quo warranto proceedings.

Quo warranto lies against a member of the House of Representatives like Wu. Start with the Constitution’s text. In 1891, the People of Texas provided that: “The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.” S.J. Res. 16, 22d Leg., Reg. Sess. (Tex. 1891),

codified at TEX. CONST. art. V, § 3(a). The very next year, the Legislature acted to fill up this jurisdictional vessel, giving this Court the power to issue “all writs of quo warranto” against “*all officers of state government* except the governor, the court of criminal appeals, or a judge of the court of criminal appeals.” H.B. 12, 22d Leg., 1st Spec. Sess. (Tex. 1892), *codified at* TEX. GOV’T CODE § 22.002(a) (emphasis added).

More than a century ago, when describing the proper object for quo warranto proceedings, this Court held the phrase “officers of state government” must be given its plain meaning. *Pickle v. McCall*, 86 Tex. 212, 219 (1893). Some public officials may pose hard classification questions. Wu is not one of them. The Texas Constitution divides all power of state government between “three distinct departments.” TEX. CONST. art. II, § 1. It then vests the “Legislative power” in “a Senate and a House of Representatives.” *Id.* art. III, §§ 1–2. Representative Wu was unquestionably an “officer of state government.” He was “invested with some portion of the sovereign functions of the government”—*i.e.*, the Legislative power—“to be exercised by him for the benefit of the public.” *Kimbrough v. Barnett*, 93 Tex. 301, 310 (1900). That is why the Constitution elsewhere classes legislators among “other elected and

appointed *state officers*,” TEX. CONST. art. XVI, § 1(c) (emphasis added), confirming that legislators are “officers of state government.”

The legislative power, to be sure, is diffuse. It is spread across 181 individuals—31 Senators and 150 Representatives. *Id.* art. III, § 2. The executive power, by contrast, is vested in an Executive Department consisting of just 6 officers. *Id.* art. IV, § 1. But that changes nothing. The power Representative Wu wielded, he wielded on behalf of the entire State. Although he was elected to represent a particular district, he was empowered to “exercise general governmental functions,” *Betts v. Johnson*, 73 S.W. 4, 5 (1903), namely, acting on legislation that affects all Texans “throughout the entire state,” *Pickle*, 86 Tex. at 219.

That power, moreover, is lodged directly with Representatives like Wu and his colleagues. Wu was not a delegee standing downstream of some other officer whose government power Wu wielded as an agent. That is the problem with the cases he previously cited to this Court. *In re Nolo Press/Folk Law, Inc.*, 991 S.W.2d 768, 776 (Tex. 1999), concerned members of the Unauthorized Practice of Law Committee, who derived their authority as agents of the Judicial Department. Similarly, in *Betts*, 73 S.W. at 4, members of the Board of Eclectic

Medical Examiners derived their authority by delegation as agents within the Executive Department. In both cases, the Court declined to issue mandamus because the respondents, as members of subsidiary boards and committees, were “mere[ly] *agents* charged with the performance of special functions.” *Id.* at 5 (emphasis added).

Wu was not a “board member” exercising delegated sovereign power. Rather, he was—like Justices of this Court and the Governor—a constitutional officer directly vested with the sovereign power of state government. *Compare* TEX. CONST. art. V, § 1, *and id.* art. IV, § 1, *with id.* art. III, § 1. Any other view would lead to the curious scenario where all legislative power is vested in the Legislature, but there are no “officers of state government” in that body to wield it. That cannot be right.

Applying quo warranto against legislators also comports with historical practice. English treatises approved the writ’s use to test “members of parliament.” 4 HAWKINS, *supra*, at 99. Early American cases likewise regarded “a public position to which a portion of the sovereignty of the country either legislative, executive, or judicial, attaches” as “properly” subject to quo warranto. *Commonwealth v.*

Frank, 4 Pa.C.C. 618, 621 (1888). More recent cases have used quo warranto to oust state and local lawmakers for the sort of conduct Wu committed here. *See, e.g., State ex rel. Siegelman v. Reed*, 536 So.2d 949 (Ala. 1988) (per curiam) (quo warranto to oust a State Representative from the Alabama House of Representatives); *Commonwealth v. Peoples*, 28 A.2d 792, 795 (Pa. 1942) (ouster of local legislative officials).

B. The Governor is a proper relator seeking to oust a public officeholder.

The Governor may properly pursue this proceeding. This Court has previously consulted “quo warranto’s common-law pedigree.” *Paxton v. Annunciation House, Inc.*, No. 24-0573, 2025 WL 1536224, at *7 (Tex. 2025). And the common law is clear: “Any person or persons” could prosecute a writ of quo warranto to challenge a public officeholder. 4 HAWKINS, *supra*, at 96. That practice forms part of “the principles of law” that are “agreeable” to these historic writs. TEX. GOV’T CODE § 22.002(a); *see Quo Warranto Against Private Corporations*, 41 HARV. L. REV. 244 n.2 (1927) (“Either by the common law or by express adoption [the Statute of Ann] has become the law of most of our states.”).

At least since the reign of the Tudors in England, then, “most of the informations [in the nature of *quo warranto*] were brought on the relation of private suitors.” JOHN BAKER, AN INTRODUCTION TO ENGLISH LEGAL HISTORY 156 (5th ed. 2019); *see, e.g., Rex v. Brown*, 4 T.R. 276, 100 Eng. Rep. 1017 (K.B. 1791) (private relator seeking to oust office of councilman); *Rex v. Clarke*, 1 East 38, 47, 102 Eng. Rep. 15, 19 (K.B. 1800) (private relators seeking to oust the office of alderman); *Watts & Weidemeyer v. State ex rel. Jowers*, 61 Tex. 184, 184–185 (1884) (private relator seeking to oust public weigher); *State ex rel. Jennett v. Owens*, 63 Tex. 261, 264 (1885) (private relator seeking to oust sheriff).

It’s no wonder this Court’s precedent says much the same thing. Before the Civil War, this Court held that “information by *quo warranto* could be filed in this State on application by a private person” when challenging a “public injury.” *Banton v. Wilson*, 4 Tex. 400, 407 (1849). (A private relator could not, however, invoke the writ to claim an “individual benefit”—that is, to claim an office for himself. *Ibid.*) Wu’s willful renouncing of his duties here in Texas, for the express purpose of “putting an end” to the Special Session and grinding the Legislature to a halt, is a quintessential example of a public abuse of power.

Wu nevertheless argues that quo warranto may be sought only by the Attorney General, a District Attorney, or a County Attorney. Besides ignoring the historical practice already recited, this argument requires collapsing two distinct statutory bases for jurisdiction, conflating independent constitutional provisions, and inverting Texas's Executive Department headed by a Chief Executive Officer.

First, Wu leans on Chapter 66 of the Civil Practice and Remedies Code, seemingly suggesting these provisions obviate the separate statutory basis for quo warranto jurisdiction in Section 22.002(a) of the Government Code. *See* TEX. CIV. PRAC. & REM. CODE §§ 66.001–66.003. Chapter 66 does no such thing. As this Court has observed, Chapter 66 “is not styled as a limitation on quo warranto and has never been so understood since its initial adoption in 1879.” *Annunciation House*, 2025 WL 1536224, at *13. That makes sense. This Court's original acquisition of constitutional writ authority (in 1891) and the Legislature's subsequent conferral of statutory quo warranto jurisdiction (in 1892) *both* post-date the predecessor to Chapter 66 (in 1879). *Compare* S.J. Res. 16, 22d Leg., Reg. Sess. (Tex. 1891), *and* H.B.

12, 22d Leg., 1st Spec. Sess. (Tex. 1892), *with* S.B. 79, 16th Leg., 1st Spec. Sess. (Tex. 1879).

The people of Texas, and the people’s representatives, clearly sought to *expand* access to quo warranto by conferring additional authority on this Court, without the strictures found in Chapter 66. While Chapter 66 may be invoked in a trial court by the attorney general, a county attorney, or a district attorney, TEX. CIV. PRAC. & REM. CODE § 66.002(a), original jurisdiction in this Court remains available to a broader set of relators under Section 22.002(a) of the Government Code. As the Governor’s petition made clear, this proceeding was brought under Section 22.002(a). Emergency Pet. 1.

Second, Respondent Wu leans on Article IV, Section 22, of the Texas Constitution, suggesting this provision obviates the Constitution’s clearest reference to quo warranto jurisdiction. Resp. 16–17. The Article IV provision he cites authorizes the “Attorney General” to “seek judicial forfeiture of [corporate] charters.” From this, Wu reasons that only the state or local attorneys may seek forfeiture of a public office. Why? Unclear. The language in Article IV, Section 22, speaks to a sub-set of quo warranto cases—ouster of a corporate

franchise—and authorizes only the Attorney General to seek it. Article V, Section 3(a), meanwhile, speaks of “writs of quo warranto” generally, placing no limits on who may seek them. As if to prove that Article V is *not* focused on corporate franchises, and thus not limited to suits instituted by the Attorney General, the Legislature gave this Court statutory jurisdiction over “*all* writs of quo warranto.” TEX. GOV’T CODE § 22.002(a) (emphasis added).

This bifurcation aligns with historical practice. Attorneys General long had preeminence in quo warranto proceedings against corporations. 4 HAWKINS, *supra*, at 100; *Annunciation House*, 2025 WL 1536224, at *7; *State ex rel. City of Colleyville v. City of Hurst*, 519 S.W.2d 698, 700 (Tex. Civ. App.—Fort Worth 1975, writ ref’d n.r.e.). Meanwhile, anyone could be a relator in proceedings against a public officer—for it was the public generally who stood to suffer from misuse or non-use of public office. 4 HAWKINS, *supra*, at 96; *United States ex rel. Frizzell v. Newman*, 42 App.D.C. 78, 88 (1914) (taxpayer could challenge incumbent officeholders); *see Gibbs v. Borough of Somers Point*, 10 A. 377, 379 (N.J. 1887) (distinguishing writs sought by “attorney general”

concerning corporate franchises and writs sought by “any person” concerning public offices).

Third, set all that to one side. Assume, contrary to historical practice, that all quo warranto proceedings against public officeholders “must still be pursued *governmentally*.” *Annunciation House*, 2025 WL 1536224, at *7 (emphasis in original) (stating this requirement in the corporate franchise context). The Governor as Chief Executive Officer may direct litigation on behalf of the State—even when state law does not otherwise provide the State a cause of action. *Paxton v. Am. Oversight*, No. 24-0162, 2025 WL 1793117, at *19 (Tex. 2025) (Young, J., concurring) (citing *Day Land & Cattle Co. v. State*, 4 S.W. 865, 867 (Tex. 1887)). It would be absurd if a state or local attorney could refuse to bring quo warranto proceedings when the public interest demands it, while leaving the Governor no mechanism to ensure faithful execution of the laws.

As “Chief Executive Officer,” the Governor “shall cause the laws to be faithfully executed.” TEX. CONST. art. IV, § 10. To fulfill that duty, he must exercise the residuary of executive power vested in the Executive Department but not expressly lodged with other executive officers. *See*

Collins v. Yellen, 594 U.S. 220, 250–256 (2021). He may also oversee other officers tasked with executing the law. *Abbott v. Harris Cnty.*, 672 S.W.3d 1, 18 (Tex. 2023). The Governor could have directed the filing of this suit; surely as Chief Executive Officer he may file it himself. *See Am. Oversight*, 2025 WL 1793117, at *28–29 (Young, J., concurring).

C. This Court is the proper venue—and it has the last word.

Wu has argued that quo warranto may be brought only in district court under Chapter 66 of the Civil Practice and Remedies Code. The Constitution’s text compels the exact opposite conclusion. Not only *may* this Court exercise original jurisdiction over the Governor’s petition; this Court is arguably the *only* court authorized to entertain it.

The Texas Constitution lays out an essentially English—rather than a German—rule for district court jurisdiction. *Cf. Nw. Fertilizing Co. v. Village of Hyde Park*, 97 U.S. 659, 667 (1878). “District court jurisdiction consists of exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies, except in cases where exclusive, appellate, or original jurisdiction may be conferred by this Constitution or other law on some other court, tribunal, or administrative body.”

TEX. CONST. art. V, § 8. In other words, anything not forbidden (or lodged elsewhere) is allowed.

Article V, Section 3(a) and Section 22.002(a) of the Government Code clearly constitute “this Constitution or other law.” *Ibid.* Together they confer jurisdiction—“original jurisdiction”—over all writs of quo warranto concerning state officers. *Ibid.* And they confer that jurisdiction on “some other court” besides a district court, namely, the Supreme Court of Texas. *Ibid.* Accordingly, whatever jurisdiction district courts may have had over quo warranto proceedings under Chapter 66 of the Civil Practice and Remedies Code has been “except[ed]” under our Constitution, at least in cases against a state officer like Wu. *Ibid.*

This Court’s opinion in *American Oversight* points to the same result. There, the Court opined that a district court could not possibly have greater authority to issue extraordinary writs than this State’s highest court. *See Am. Oversight*, 2025 WL 1793117, at *4–5. Absolutely right. That instinct is most clearly confirmed by Article V, Section 8. By vesting this Court with original jurisdiction to issue writs of mandamus “against ... any officer of state government,” this Court concluded, the

Legislature divested district courts of their original jurisdiction to do just that. *Id.* at 5 (quoting TEX. GOV'T CODE § 22.002(a)). The same must hold true for writs of quo warranto, which are authorized in the very same subsection of code this Court interpreted in *American Oversight*.

It is possible, therefore, that Chapter 66 of the Civil Practice and Remedies Code has no lawful operation insofar as it brushes up against this Court's original jurisdiction over state officers. District courts, meanwhile, may retain a residuary of original jurisdiction over quo warranto proceedings for public officers *not* enumerated in Section 22.002(a), and for corporate franchises. *See, e.g., Crawford v. State*, 153 S.W.3d 497, 499 (Tex. App.—Amarillo 2004, no pet.) (Chapter 66 proceeding to oust the Potter County constable); *Lane v. McElmore*, 169 S.W. 1073, 1075 (Tex. App.—Galveston 1914, no writ) (suggesting the term “state officer” was “never intended to include such officers as constables”); *see also* Tex. Att’y Gen. Op. No. JC-0514 (2002).

This Court, however, need not fully answer that question today. Instead, it need only exercise the original jurisdiction it clearly possesses over *state* officers like Wu. There are especially “compelling reasons” to do so when only this Court may entertain the dispute. *State*

ex rel. Angelini v. Hardberger, 932 S.W.2d 489, 490 (Tex. 1996). “Questions may occur which [this Court] would gladly avoid; but [it] cannot avoid them.” *Cohens v. Virginia*, 19 U.S. 264, 404 (1821). Doing so when this Court is the single tribunal in Texas authorized to address a dispute like this one would be “treason to the Constitution.” *Ibid*.

This Court’s typical function does not preclude it from exercising original jurisdiction here. To be sure, this Court ordinarily functions as an appellate court. But that does not mean it lacks the capacity to develop and find facts. If ever deemed necessary, this Court surely could conduct a trial under its heading of original jurisdiction. *See, e.g., United States v. Shipp*, 203 U.S. 563 (1906). Or, like the Supreme Court of the United States, this Court could utilize special masters to assist in gathering facts. *See, e.g., Kansas v. Colorado*, 533 U.S. 1, 19 (2001).

But none of that matters here. A trial is unnecessary to test facts that Wu has chosen not to controvert. And Wu has no right to a jury trial in quo warranto proceedings. Historically, a trial might be employed to test disputed facts. *See, e.g., Rex v. Pateman*, 2 T.R. 777, 779, 100 Eng. Rep. 419, 420 (K.B. 1788). But here “the affidavits on the two sides are not contradictory,” and therefore are *not* fit “for a jury.”

Regina v. Thwaites, 1 El. & Bl. 704, 709, 118 Eng. Rep. 600, 602 (Q.B. 1853). The Governor’s petition laid out clearly the facts establishing Wu’s forfeiture of office as a matter of law. Emergency Pet. at 3–10. Wu never engaged with a single one of them.

Even though “the burden was on [Wu] to show the contrary” and to prove he is entitled to his office, *Denison v. State*, 61 S.W.2d 1017, 1022 (Tex. App.—Austin 1933), *writ ref’d sub nom. Denison v. State ex rel. Allred*, 61 S.W.2d 1022 (Tex. 1933), he managed only to “generally dispute” the Governor’s account. He never even *identifies* which part is false, much less attempts to *show* the facts really are otherwise. Is this Court supposed to believe that Wu never actually fled the State of Texas, despite photos and videos showing him standing on Illinois soil? Is it supposed to believe that he did not really intend to absent himself indefinitely to “kill” the Special Session—despite him saying so over and over? Wu’s general denial, followed by legal arguments that these facts do not justify ouster, plainly “amounted to a plea of confession and avoidance” and “raised no issue.” *Delmar Jockey Club v. Missouri*, 210 U.S. 324, 333 (1908) (approving original quo warranto proceeding before the Supreme Court of Missouri ousting for non-use of office).

Indeed, since the Governor filed his petition, Wu has made additional statements that confirm the facts first laid out: As caucus Chairman, Wu pre-planned to depart the State with a group of Democrat lawmakers to stymie congressional maps; he sought money from outside groups hoping that he and others would withhold their presence from the Texas House; he then fled Texas, after securing a promise of money to help the Democratic Caucus depart the State and stay out indefinitely; and he persisted in acting consistent with his stated intention, remaining out of the State for weeks until the occurrence of contingent future events, including successfully scuttling the legislative process he swore an oath to participate in. *See supra* at 4–15.

The Governor has already explained why a jury trial is not required under state law. Reply 5–8. The Court should take comfort that the Supreme Court has held the same under federal law, repeatedly approving state court decisions ordering ouster pursuant to a writ of quo warranto in expedited proceedings without a jury trial. *See, e.g., Kennard v. Louisiana ex rel. Morgan*, 92 U.S. 480, 482 (1875) (approving ouster of a state court judge in expedited proceedings to be

completed “within twenty-four hours” and resolved “immediately without a jury”); *Foster v. Kansas*, 112 U.S. 205, 206 (1884) (approving ouster without a jury trial of county attorney who “neglected and refused to prosecute” certain crimes); *Delmar Jockey*, 210 U.S. at 333 (approving original proceeding in state supreme court ordering ouster on the pleadings and after oral argument). Wu is entitled to nothing less—but also nothing more—than notice, an opportunity to be heard, and the deliberate judgment of this Court. *Foster*, 112 U.S. at 206.

This unbroken line of precedent is *why* the U.S. Supreme Court would lack jurisdiction to review any decision from this Court. Our federal Supreme Court may issue writs of certiorari to the Texas Supreme Court only to entertain federal questions. *See* 28 U.S.C. § 1257. For more than a century, the Supreme Court of the United States has consistently found that state court decisions ordering ouster under state law “constitute[] no Federal Question.” *Cosmopolitan Club v. Virginia*, 208 U.S. 378, 385 (1908); *New Orleans Waterworks Co. v. Louisiana*, 185 U.S. 336, 351 (1902); *see McCain v. City of Des Moines*, 174 U.S. 168, 181 (1899) (“there is not a shadow of a federal question”); *Delmar Jockey*, 210 U.S. at 333 (“the record does not present any

Federal question”). “Law, in its regular course of administration through the courts of justice,” after all, “is due process, and when secured by the law of the state, the constitutional requisition is satisfied.” *Caldwell v. State*, 137 U.S. 692, 697 (1891).

Notice and opportunity to be heard on a petition for a writ of quo warranto before “the highest court of the State” is all the process due. *Kennard*, 92 U.S. at 483.

II. A Proper Understanding of the Constitution’s Quorum Requirement Shows Wu Forfeited His Office.

For centuries, the writ of quo warranto has been used “in case of *non-user*” and an office could be forfeited “by neglect.” 3 WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND *262–264 (7th ed. 1775). That is because a public officer, whose official duties necessarily implicate the public good, “of necessity ought to attend without any demand or request.” *The Earl of Shrewsbury’s Case*, 9 Co. Rep. 46b, 50a, 77 Eng. Rep. 798, 804 (K.B. 1616). Such non-user or non-attendance to those duties “is a forfeiture.” 9 Co. Rep. at 50a, 77 Eng. Rep. at 805.

That was the law in England more than four hundred years ago. It remains the law in Texas today: An officeholder’s right “may be

forfeited or lost by a nonuser or misuser, though the party continue to assert it.” *Honey v. Graham*, 39 Tex. 1, 16 (1873). Such nonuse or misuse must be “with actual or imputed intention on the part of the officer to abandon and relinquish the office” and may be inferred from the officer’s conduct. *Steingruber v. City of San Antonio*, 220 S.W. 77, 78 (Tex. [Comm’n Op.] 1920).

With the Constitution’s quorum requirement and a legislator’s duties to his constituents clearly in view, it becomes obvious that Wu expressed his intention to forfeit his office. He openly and willfully neglected official duties during the Special Session, sought and accepted compensation—for himself and for others—to abandon those duties, and fled indefinitely from the sovereign territory he purports to represent.

A. Constitutional text shows out-of-state flight conflicts with a legislator’s duty to represent constituents during session.

Every elected officer of this State, including former Representative Wu, swears an oath to “faithfully execute the duties of the office” to which they are elected. TEX. CONST. art. XVI, § 1. The Constitution defines “the duties of the office” of Representative, and establishes at its core the obligation to participate during a legislative session.

The Constitution vests the Legislature with legislative power. *Id.* art. III, § 1. To actualize that power, legislators “shall meet” when in session, including when called into Special Session by the Governor. *Id.* art. III, § 5(a). Once convened, legislators must go about the business of meeting during session—*i.e.*, they “shall” introduce bills, they “shall hold hearings” on them, and they “shall act upon” legislation by voting for, against, or not at all. *Id.* art. III, § 5(b). While those tasks are (by default) divided into three periods during a Regular Session, during a Special Session, legislators must do those same things in a condensed timeline. Attendance is required, hence why it may be “compelled,” *id.* art. III, § 10, and why votes shall be recorded for “each member,” *id.* art. III, § 12(b).

Legislators are also entitled to certain privileges for the purpose of facilitating their session-related work. The privilege from arrest, for example, applies for a specific period (“during the session”) and for a specific purpose (for “going to and returning from” session). *Id.* art. III, § 14. Likewise, legislators cannot be questioned “for words spoken in debate in either House.” *Id.* art. III, § 21. And legislators are entitled to

a per diem “for each day during” session *because* the Constitution presumes daily attendance. *Id.* art. III, § 23.

That all augurs *against* viewing the Quorum Clause as an invitation to flee the State and obstruct the legislative process. The text of the Quorum Clause itself underscores that attendance is not optional; it is an affirmative constitutional obligation. The first half of the clause merely sets a numerical threshold: “Two-thirds of each House shall constitute a quorum to do business.” *Id.* art. III, § 10. Nothing in that language confers a “right” to be absent. The second half holds out tools to help ensure that numerical threshold is met: “but a smaller number may ... compel the attendance of absent members, in such manner and under such penalties as each House may provide.” *Ibid.* Nothing in this clause suggests those tools are exclusive—and certainly not when quorum breakers render them worthless by fleeing the State.

That is how this Court understood the Quorum Clause in *In re Abbott*. The Court noted the Clause consists of two parts—“the first half” of which lays out a fraction and “the second half” of which provides a remedy to compel attendance. *In re Abbott*, 628 S.W.3d 288, 297 (Tex. 2021); *see also id.* at 292. This Court further noted that the second half

helps to interpret the first: Even if “a bare quorum requirement” could be interpreted to invite quorum breaking, that reading fails given that the Texas Constitution authorizes the House to “compel attendance of absent members.” *Id.* at 297.

Wu prefers to cherry pick portions of this Court’s opinion that he finds helpful, while ignoring others that he dislikes. For example, he fixes on the Court’s observation that the Quorum Clause “enables ‘quorum breaking’ by a minority faction of the legislature.” *Id.* at 292. As the Governor has observed before, that merely states a truism. It is a universal possibility that legislators may choose to abdicate their duties and spurn the quorum requirement, just as it is a universal possibility that drivers on a highway may choose to spurn a highway speed limit. But the “freedom” to break quorum may be met with consequences.

At the end of the day, this Court concluded that Wu’s position—that the framers of our Constitution “encouraged” quorum breaking—is supported by “no authority.” *Id.* at 297. Indeed, the only time this Court referred to something like a positive right at all, it pointed in the other direction: The majority in the Legislature, which represents the will of the People with whom all sovereign authority ultimately resides, has

“the *prerogative* ... to conduct business.” *Id.* at 292 (emphasis added). The House Rules, which Wu himself voted for, echo that view by stating “no legislator shall be absent from the sessions of the House without leave.” QR.00059. This rule expresses a requirement that members be in the chamber to conduct business.

This Court has also consulted precedent interpreting “the federal constitution’s textually indistinguishable” Quorum Clause in Article I, Section 5, Clause 1. *In re Abbott*, 628 S.W.3d at 295. This federal precedent confirms that fleeing a session forms no part of a legislator’s duties. When the Supreme Court of the United States first considered the federal Quorum Clause in 1892, it did not read that provision as protecting a right to flee to other countries to avoid legislative duties. It said just the opposite: “the requirement of a quorum at the time was not intended to furnish a means of suspending the legislative power and duty of a quorum.” *United States v. Ballin*, 144 U.S. 1, 9 (1892) (quoting *Attorney General v. Shepard*, 62 N.H. 383 (1882)).

The Quorum Clause imposes a “requirement *of* a quorum,” not just the requirements *for* a quorum. *Ibid.* (emphasis added). Legislators, in turn, have a “duty” to help establish a quorum to do business. *Ibid.*

And the numerical threshold is not to be used as “a means of suspending the legislative power.” *Ibid.* In all, the opinion obliterates

Wu’s reimagination of the legislative role:

The two houses of congress are legislative bodies representing larger constituencies. Power is not vested in any one individual, but in the aggregate members who compose the body, and its action is not the action of any separate member or number of members, but the action of the body as a whole.

Id. at 7. Wu nevertheless purports to wrest away for himself power that “is not vested in any one individual, but in the aggregate.” *Ibid.* In the process, he has harmed not only his own constituents but *all Texans*.

So, it does not matter that Wu claims his out-of-state grandstanding was just his way of serving the people of House District No. 137. For one thing, despite Wu’s claim that grinding state government to a halt is what his constituents want, the only constituents before this Court disagree. Several residents of Wu’s district assert that his “deliberate abandonment of his office has left approximately 195,000 District 137 residents without representation during a constitutionally mandated special session addressing critically important issues.” Letter from Helen Zhou et al. as *Amici Curiae* Supporting Relator, No. 25-0674 (Tex. Aug. 8, 2025).

More fundamentally, the Constitution establishes *the means* for legislators to represent their constituents. By his own admission, Wu chose to abandon those lawful means, opting instead to carry out his duties “as *his* judgment dictates.” The work of representing constituents during session does not consist of being an absentee social media influencer. Nor does it consist of negotiating a nationwide political arms race with other sovereign governments. *Contra* TEX. CONST. art. IV, § 10 (providing that the Governor alone “shall conduct ... all business of the State with other States”). It consists of holding hearings, acting on legislation, and all Article III, Section 5 entails.

B. Historical practice furnishes no support for willful and indefinite flight from the State during session.

To evade the Constitution’s text, Wu and his amici point to “legislative history” of quorum breaking, citing four “significant instances” in 1870, 1979, 2003, and 2021. *See* Letter from Senator Alvarado et al. as *Amici Curiae* Supporting Respondents, No. 25-0687 (Tex. Aug. 12, 2025). They suggest this “practice” establishes a venerable tradition ensconcing the quorum break as a legitimate “constitutional tool.” *Id.* at 3. A careful review of the historical record, however, confirms and this Court’s view of the Quorum Clause.

Wu (and others) have pointed to an episode that occurred on June 21, 1870. That day, while debating a controversial militia bill, a group of Senators walked out of the Senate chamber and huddled in a nearby committee room. S. JOURNAL, 12th Leg., Reg. Sess., 248 (Tex. 1870). The Sergeant at Arms, after being ordered by the Senate President to secure their return, burst through a window and endeavored to forcibly seize the absent Senators. *Id.* at 283. A scuffle ensued, and the Senators eventually returned to the floor that same day. *Id.* at 252–253, 283. These supposed “quorum breakers” never left the State, thereby rendering meaningless the Constitution’s compelled attendance tools. They did not even leave the Capitol building. Most remarkable of all, *neither side* in this incident conceived of quorum breaking as a “legitimate tool.”

The quorum enforcers, of course, chided their colleagues’ conduct as a damnable plan “to resign, for the purpose of arresting the machinery of government,” and “thereby dissolv[ing] the State Government.” *Id.* at 252–253. In effect, they said, the absent Senators had “abandoned their seats.” *Id.* at 252.

What did the “quorum breakers” have to say for themselves? They “disclaimed any intention of breaking a quorum” in the first place. *Id.* at 263. Instead, those Senators claimed they had been promised “full discussion would be allowed the next day” on the bill, only to see debate cut off prematurely. *Id.* at 262. For “the sole and only purpose of a consultation,” the Senators withdrew to a committee room to discuss how to secure further debate. *Ibid.* Once returned to the chamber, several of the absent Senators were barred from taking their seats and casting votes, *id.* at 249, thereby “prevent[ing] them from the regular discharge of their official duties,” *id.* at 263.

From the very beginning, the supposed quorum-breakers of 1870 sought the opposite of Wu: They wanted *more* debate *in the Senate chamber*; they never sought to prevent debate from getting underway in the first place. Tellingly, they complained that the Senate’s chosen punishment “deprive[d] their constituents of their services” during session and struck “a fatal stab at the right of representation.” *Id.* at 264–265. So, they recorded objections in the Journal “to prevent successors from falling into the same error.” *Id.* at 265. Wu has *embraced* that error, touting his deliberate decision to stab at the heart

of representative government and deprive his constituents of representation in the Texas House. That is *not* “what Democracy looks like.”

Next, consider an episode in the twentieth century. On Thursday, May 17, 1979, a group of Democrat Senators huddled over lunch to discuss a proposal to move the date for the presidential primary election in Texas. QR.00125 (Sen. Oscar Mauzy). Upon learning the bill would be considered by the full body the following day, the Senators determined “to kill that bill”; because they didn’t have the votes to win fair and square, they decided “to bust a quorum.” QR.00130–00131. The next morning, roughly a dozen Senators were absent from the Chamber. S. JOURNAL, 66th Leg., Reg. Sess., 1434 (Tex. 1979). For the next four days, 10 Senators hid out in a garage apartment in Tarrytown, playing cards, drinking beer, and nearly getting into fistfights. QR.00133–00140, QR.00159–00167. According to Senator Oscar Mauzy, one of the quorum break’s lead proponents, “It was unprecedented!” QR.00148 (emphasis original).

Unprecedented as it was, the “Killer Bees” still did not flee the State. Nor did they claim the power to kill the entire legislative session.

Even so, their colleagues, including those of their own party, did not view their relatively mild innovation as some sort of lawful tactic. They called it “reprehensible,” a waste of “taxpayers’ time and money” that “interfered with the total work of the entire Legislature.” QR.00228–00229 (Sen. Betty Andujar). Clearly this was not a legitimate tool like a filibuster or “chubbing.” Consider what one Democrat Senator said of his fellow caucus members:

I’ve always felt that you fight your fight. If you win, you’re lucky; if you don’t, you dust yourself off and go to the next one. I think it was an immature, irresponsible action that they took. I’ve never had much admiration for folks who say, “If you’re not willing to play the ballgame by my rules, you won’t be allowed to play the ballgame.” So I have no sympathy for them.

QR.00292 (Sen. Grant Jones).

The Democrat Speaker of the House agreed. “[I]t was asinine” and “a disgrace,” he said. QR.00336 (Speaker Bill Clayton). After all, “the job of a member of the Legislature—be it senator or representative—is to *be here to vote* on the issues.” QR.00336 (emphasis added). Accordingly, some legislators “would have been very happy if [the quorum breakers] never came back,” QR.00382 (Rep. Agnich), and would have liked to see them punished, QR.00229 (Sen. Andujar).

It was not until the twenty-first century that legislators undertook to flee the State, suggesting this was somehow part of their “duties” as representatives committed to saving Democracy from itself. In 2003, Democrats in both the House and Senate broke quorum, with some scurrying out of state to New Mexico, to prevent the Legislature from passing new congressional maps. After a series of special sessions, the maps were passed and, eventually, upheld by the Supreme Court of the United States. *See LULAC v. Perry*, 548 U.S. 399 (2006). In 2021, House Democrats tried something similar. They fled to Washington, D.C., to prevent the passage of election integrity measures they disagreed with but could not defeat in an up-down vote. *In re Abbott*, 628 S.W.3d at 290. That bill, too, was eventually passed into law—and just two weeks ago a key provision was upheld in federal court. *See United States v. Paxton*, No. 23-50885, 2025 WL 2205864 (5th Cir. Aug. 4, 2025).

This late-breaking perversion of legislative duties, just twenty years old, is hardly a “longstanding interpretation” or evidence of some “prevailing understanding” of the Texas Constitution. *In re Abbott*, 628 S.W.3d at 293–294. Instead, the unilateral agreement in 1870 that quorum breaking was an illegitimate tool, and the critiques of

legislators a century later, is much more “compelling evidence of the original understanding” of the Quorum Clause. *Id.* at 293.

C. Wu’s unprecedented conduct here—fleeing out of state, indefinitely, for the purpose of “ending” a session—amounts to forfeiture.

Centuries of precedent establish that an officeholder may forfeit his office based on abandonment, bribery, or absenteeism. With a clear understanding of the Quorum Clause, and Wu’s erstwhile duties under the Texas Constitution, it is evident that Wu has forfeited his office three times over.

At the outset, it is worth noting just how unprecedented Wu’s conduct is. It would be hard to object to a legislator out on an excused absence, especially given the presumption of regularity that would undergird a chamber’s determination that the absence was for a lawful purpose. A legislator out for an unexcused absence in response to a sudden illness likewise creates little cause for concern. That individual manifests no intent to abandon his post; any inability to carry out legislative duties is merely incidental. A legislator who flees the chamber and breaks quorum *in state* is likewise differently situated. That legislator, unlike Wu, has not rendered meaningless the

Constitution's ready-made tool to force a quorum. Perhaps even a legislator who flees the State, but only for a day or two, could be given a pass.

Wu surpasses them all. He never secured permission from the House to be absent during the Special Session. He preplanned his departure weeks in advance—specifically targeting destinations out of state where the remedies in Article III, Section 10 and Section 11 could not touch him. He avowedly fled indefinitely, determined to remain gone until the occurrence of uncertain contingencies and for as long as House members sought to carry out the legislative work on the Governor's Special Session call. Worse still, he expressly abdicated his legislative duties in exchange for money. This Court need not determine precisely where permissible politicking ceases and impermissible abdication starts. It is enough to know that Wu has gone far beyond any line. Accordingly, this Court may recognize that Wu forfeited his office without a cascade of removals. What this Court may not do is *nothing*—that way lies the death of representative government.

First, Wu deliberately abdicated and renounced his legislative duties during the Special Session. “All franchises may be lost, by non-

user or neglect,” from the office of alderman of the City of Chester to the office Representative in the Texas House. *Cf. Rex v. Amery*, 2 T.R. 515, 567, 100 Eng. Rep. 278, 305 (K.B. 1788). In truth, Wu has done more than merely “neglect” his duties or engage in “non-use” of his office. Favoring commission over omission, he publicly and repeatedly *renounced* his duties for the stated and ultimate purpose of “ending” an entire session. While the Special Session was underway, Wu took action to flee the State to prevent himself from participating in the Legislature’s work and, together with the caucus he leads, to prevent the Legislature from doing any work of its own. Worse than a prosecutor who refuses to charge a certain category of crimes, Wu is like a prosecutor who renounces the work of prosecution altogether. *Cf. Foster*, 112 U.S. at 205 (ouster of county attorney who “neglected and refused to prosecute persons who were guilty of selling intoxicating liquors”).

Accordingly, while a typical case of passive neglect may involve failure to exercise duties “for a long time,” *E. Line & Red River Ry. Co. v. State*, 12 S.W. 690, 696 (Tex. 1889), the writ reaches further. After all, quo warranto sought to provide a “speedy” remedy to prevent the

public from suffering sustained harm at the hand of individuals like Wu, simultaneously abusing and abandoning their office. *Delgado v. Chavez*, 140 U.S. 586, 590 (1891). In relative terms, too, Wu *has* “failed for a long time to exercise” his official duties: He ran the clock out on *the entire legislative session* and boasted of “killing” it. In the process, he wasted more than a million dollars in taxpayer funds. *See* 1 TEX. ADMIN. CODE § 50.1(a) (2019) (\$221 per diem across 181 legislators for a Special Session lasting 25 days amounts to \$1,000,025).

It does not matter that Wu may have continued to perform some subset of his responsibilities. The Supreme Court has approved ouster where an official “was alert in promoting that incidental feature” of his duties “but extremely indifferent as to doing the things ... in which the state and the public” have a particular interest. *Delmar Jockey*, 210 U.S. at 334. That describes Wu. Perhaps he enjoys standing in front of cameras. Perhaps his staff even field constituent phone calls to this day. Wu, however, remained “extremely indifferent” to the actual work of legislating that the public requires during a legislative session. Because of Wu’s “neglect,” a “judgment of ouster is necessary to dispossess him.” *Peter v. Kendal*, 6 B. & C. 703, 710, 108 Eng. Rep. 610, 612 (K.B. 1827).

Second, this Court should oust Wu for another reason no less obstructive of representative government but even more blameworthy: Wu traded his legislative duties away in exchange for bribes. The Texas Constitution makes forfeiture of office the *default* remedy for any legislator who solicits or accepts money or other things of value for “withholding” his “vote or official influence,” or who allows their official action to be in “any way influenced” by such consideration. TEX. CONST. art. XVI, § 41.

While it is up to district attorneys to prosecute criminal bribery allegations, this Court may determine whether forfeiture of office has occurred under the Texas Constitution. Other state high courts have ousted officeholders for similar kinds of misconduct. *See, e.g., State ex rel. Corrigan v. Masten*, 538 N.E.2d 372 (Ohio 1989) (ouster for bribery); *Summerour v. Cartrett*, 136 S.E.2d 724 (Ga. 1964) (ouster for embezzlement); *cf. Peoples*, 28 A.2d 792 (approving ouster for self-dealing).

As recounted above, Wu met with outside groups weeks in advance to procure the funding to enable his flight from the State and the abdication of his duties. He accepted “things of value”—including an

expensive trip on a private jet—to facilitate the “withholding of” his vote from the Texas House by effectuating his out-of-state absence. As Chairman of the House Democratic Caucus, he continuously “solicited” money, both for himself and others, in connection with the group’s coordinated “official action” of breaking quorum. And he did all of that in exchange for his failure to perform the most basic of duties—showing up for meetings of the Legislature when convened by the Governor.

Ordinarily, bribery may be difficult to prove. But a spokesperson for Powered by People left little to the imagination. He made the *quid pro quo* express in a statement to the news media. Even after the Attorney General brought enforcement proceedings against the organization and its founder, Beto O’Rourke, Wu never disavowed his association. Instead, he agreed in interviews that O’Rourke was bankrolling the derelict Democrats.

On their face, those actions violate the prohibitions of Article XVI, Section 41. (They may also constitute crimes. *See* TEX. PENAL CODE § 36.02(a).) The Constitution undoubtedly “impose[s]” “a duty” “by law”—namely, that legislators “shall meet” and act upon bills when the Governor calls a Special Session. TEX. CONST. art. III, § 5. That is *why*

the House Rules prohibit being absent without leave and impose fines for unauthorized absences. Using outside funds to end-run the penalties designed to secure compliance with legislative duties is not merely unseemly. It is also a privately financed “violation of a duty imposed by law” and thus grounds for forfeiture of office. *Id.* art. XVI, § 41.

Third, Wu effectuated the forfeiture of his office by indefinitely absenting himself from the State. The Texas Constitution provides that “if any member [of the Legislature] remove his residence from the district or county for which he was elected, his office shall thereby be vacated.” *Id.* art. III, § 23. Under this Court’s precedent, “removal of residence” requires both physical departure and a then-present intention to remain elsewhere. *See, e.g., Mills v. Bartlett*, 377 S.W.2d 636, 637 (Tex. 1964).

Wu’s conduct evinces both. It is undisputed that Wu fled the State on August 3, 2025. That evening, he proudly proclaimed on X, “On the ground in Chicago.” And in Chicago he would remain—for weeks. Eventually, Wu and “Texas Democrats mail[ed] in their ‘demands’” to the Texas House while still more than a thousand miles away. QR.00388. Physical departure? Check.

Wu also made clear his then-present intention to remain away indefinitely. Asked repeatedly when he intended to return to Texas, Wu would say only that he was taking it “one day at a time.” The goal, he acknowledged, was to kill proposed congressional maps, even if the Governor kept calling special sessions indefinitely. Indeed, even after the Governor filed this petition and put Wu on notice that he was at risk of being ousted from office, Wu doubled down. “Hell no” he would not return; he was “staying put,” and he was willing to keep the quorum break “going to infinity.” Accordingly, “when [Wu] took up residence, either temporary or permanent, in” Chicago “with no present intention then formed in his mind to return” to Texas, “he vacated his office.” *Prince v. Inman*, 280 S.W.2d 779, 782 (Tex. App.—Beaumont 1955, no writ). Any nascent plans to return, meanwhile, turned on future events that might never occur. Wu’s willingness to return “if” the Special Session ended and “if” California introduced congressional maps of its own “was not a fixed intention.” *Ibid.* Intent to remain away? Also check.

Wu’s late-breaking return to Texas changes none of this. He created a vacancy in office when he fled Texas and expressed his intent

to remain absent. *Ibid.*; cf. *City of Alamo v. Garcia*, 960 S.W.2d 221, 226 (Tex. App.—Corpus Christi—Edinburg 1997, no pet.) (“Upon the occurrence of his fourth consecutive and eighth absence, his disqualification from office was automatic....”). He may not suddenly change his mind, opting unilaterally to fill a vacancy that he unilaterally created. After all, the Constitution prescribes the sole process for filling a vacancy created in the House of Representatives—namely, a gubernatorial proclamation ordering a special election, not a defector’s rush back to his chair. TEX. CONST. art. III, § 13(a).

This comports with the nature of judicial power. In cases of abandonment of office, courts exercising quo warranto jurisdiction do not *create* a vacancy. Rather, they declare and recognize as a matter of law the occurrence (or not) of a vacancy. So, in *Honey v. Graham*, this Court observed that the Governor could inquire into whether “a vacancy existed in the office of” Treasurer. 39 Tex. at 10. But this Court was tasked with determining that fact in an authoritative pronouncement of judicial power—for “[j]udgment belongs to the judiciary.” *Id.* at 11. It would be perverse indeed, then, if a public officer could endlessly evade

the judiciary's authority to "adjudicate a question of forfeiture" by pointing to eleventh-hour changes in position. *Ibid.*

III. It Is Wu's Position—Not the Governor's—that Would Upset Our Separation of Powers.

In his response to the Governor's petition, Wu claimed that this quo warranto proceeding—despite its footing in centuries of Anglo-American legal tradition and its use against officers just like Wu—flouts the Constitution's separation of powers. Just days ago, he suggested this Court is part of "the swamp" for even considering it. This lawsuit, he says, would have been dismissed out of hand if certain members of this Court had not been appointed by the Governor.

These are curious accusations. The Governor, for his part, has consistently sought to submit this dispute to peaceable resolution in our State's highest court. He has not, like Wu, resorted to extra-legal self-help measures, holding the entire Legislature hostage and arresting our state government. It may be difficult coming to grips with the reality that the law supports the Governor's previously "unthinkable" position. But Wu should save these cries of "Wolf!" for a Governor who unilaterally declares his office vacant.

The fact remains that proceedings like this one are how parties have resolved similar disputes for centuries. In *Honey*, this Court directed government actors to seek “a judgment of amotion”—*i.e.*, a judicial determination of abandonment and an order of ouster from public office—consistent with traditional quo warranto practice. 39 Tex. at 16. State law nowhere singles out legislators for different treatment. Instead, we have already seen that Section 22.002(a) of the Government Code applies to “all officers of state government,” legislators included. Meanwhile, nothing in our Constitution departs from this centuries-long practice—not even Article III, Sections 8, 10, or 11.

Start with the Qualifications Clause. That provision unquestionably constitutes a textual commitment to the Legislature. Apart from contested elections, the House and the Senate are to be “*the* judge of the qualifications and election of their members” in the first instance. TEX. CONST. art. III, § 8 (emphasis added). By its own terms, however, that authority extends only to the qualifications listed under Article III, § 7—*i.e.*, what makes one initially eligible to hold office—and the manner of election to that office. *Cf. Powell v. McCormack*, 395 U.S. 486, 550 (1969). The question presented here, whether Wu

subsequently forfeited an office he was holding, implicates neither. Courts across the country have used quo warranto to oust duly elected officials. *Supra* at 23–24, 35–36, 54.

Next, the Quorum Clause. That provision authorizes less than a quorum to “*compel the attendance* of absent members, in such manner and under such penalties as each House may provide.” TEX. CONST. art. III, § 10 (emphasis added). Even assuming this provision impliedly precludes all other efforts to “compel the attendance” of Wu, the Governor’s petition does not seek to do that. The Governor did not pray for a writ of mandamus ordering Wu to return to his desk. Instead, he prayed for an order of ouster, declaring that Wu has in fact vacated his office as Representative of Texas House District No. 137.

Of course, it may be a collateral consequence of this lawsuit that Wu hurried home to Texas in hopes of creating the impression of intentions different than those he espoused for weeks. But the possibility that something short of an actual exercise of judicial power “may inspire or shame others into acting differently” does not alter the form of relief actually sought in this petition. *United States v. Texas*, 599 U.S. 670, 691 (2023) (Gorsuch, J., concurring in judgment).

The Punishment Clause, for its part, merely states that each chamber “may determine the rules of its proceedings, punish members for disorderly conduct, and with the consent of two-thirds, expel a member, but not a second time for the same offence.” TEX. CONST. art. III, § 11. That language nowhere bars recourse to other remedies, particularly given that both the Constitution and state statutes countenance broad quo warranto authority. *Id.* art. V, § 3(a); TEX. GOV’T CODE § 22.002(a).

This Court is no stranger to concurrent remedies, not even in the Constitution. When considering the tools pertaining to the removal of judges, this Court observed, “neither impeachment nor this proceeding are exclusive methods for the removal of district judges. The Constitution provides four methods.” *Matter of Carrillo*, 542 S.W.2d 105, 108 (Tex. 1976). Among the various methods for removing *judges*, then, “none is an exclusive remedy and more than one may be pursued concurrently.” *In re Lowery*, 999 S.W.2d 639, 649 (Tex. Rev. Trib. 1998, rev. den.). Wu provides no reason why *legislators* are somehow “singled” out for unique treatment—by silent implication, no less.

In fact, there are good reasons running the other direction. Reading these clauses as impliedly restricting access to quo warranto would put the Texas Constitution at war with itself. This Court has interpreted the Constitution's open courts guarantee as securing "the right to bring a well-established common law cause of action." *Sax v. Votteler*, 648 S.W.2d 661, 665–666 (Tex. 1983) (citing TEX. CONST. art. I, § 13); *see also Thomas v. Oldham*, 895 S.W.2d 352, 357 (Tex. 1995). How can the Constitution simultaneously create a presumption in favor common law remedies like quo warranto, while also impliedly abrogating such remedies with nary a word?

Exercising quo warranto jurisdiction in no way infringes on the Legislature's expulsion prerogative. It was the Legislature that moved swiftly to expand access to quo warranto by conferring a hefty dose of original jurisdiction on this Court pursuant to Article V, Section 3(a). And it was the Legislature that allowed such jurisdiction to reach "any officer of state government." If anything, it makes more sense, then, to read Section 22.002(a) of the Government Code as authorizing "penalties" or "punishment" for a host of officers of state government, including legislators like Wu.

Finally, it would be especially perverse to read Article III, Section 10 and Section 11 as barring quo warranto in this case. In 1870, legislators huddled in a room down the hall; in 1979, they huddled in a garage a short drive from the Capitol—both times still subject to the jurisdiction of the Sergeant at Arms. By fleeing the State and depriving the Legislature of a quorum, Wu and his caucus rendered *both* the Legislature’s compulsion tool and its expulsion tool meaningless.

Our law is made of sterner, more sensible stuff than that. That is why the wrongdoer may not “profit by his wrongdoing.” *Bigelow v. RKO Radio Pictures*, 327 U.S. 251, 264 (1946); see *Grabenheimer v. Blum*, 63 Tex. 369, 380 (1885) (“*Ex turpi causa non oritur actio.*”). It is why a party with “unclean hands” may not pray for equity’s aid. *Precision Instrument Mfg. Co. v. Auto. Maintenance Machinery Co.*, 324 U.S. 806, 819 (1945); see *Grohn v. Marquardt*, 657 S.W.2d 851, 855 (Tex. App.—San Antonio 1983, writ ref’d n.r.e.) (party “guilty of unlawful or inequitable conduct” cannot hide behind that conduct). And it is why a murderer may not recover “money payable on the death of a party whose life he had feloniously taken.” *N.Y. Mut. Life Ins. Co. v. Armstrong*, 117 U.S. 591, 600 (1886); *Greer v. Franklin Life Ins. Co.*,

148 Tex. 166, 170–171 (1949). “It would be a reproach to the jurisprudence of the country,” and deep-seated principles of justice, if those like Wu who rendered the Legislature’s remedies worthless could now hide behind those remedies as if they were exclusive. *Ibid.*

Meanwhile, the world Wu would inhabit permits him to run roughshod over the other branches and those within his own branch. Wu has invaded the constitutional prerogative of the Governor to decide when the Legislature “shall meet” in Special Session and “designate[]” the permissible subjects for consideration. TEX. CONST. art. III, §§ 5(a), 40. He also has prevented every member of his own chamber—and the upper chamber—from performing the core legislative function of meeting during session to debate and act on legislation. *Id.* art III, § 5; *Ballin*, 144 U.S. at 9. According to him, a small band of legislators may countermand a Governor’s call, paralyze both chambers of our bicameral legislature, and leave the judiciary with no role to play whatsoever.

The Texans of 1870 are better guides. Our Constitution does not permit state officers to abdicate their duties “for the purpose of arresting the machinery of government.” S. JOURNAL, 12th Leg., Reg.

Sess., 252 (Tex. 1870). This Court must reject Wu’s distorted vision that the only way to “save Democracy” is to destroy it. Otherwise, our Constitution’s commitment “to the preservation of a republican form of government” may soon be over. TEX. CONST. art. I, § 2.

PRAYER

The Court should remove Representative Wu from his seat as state Representative for Texas House District No. 137.

Respectfully submitted.

GREG ABBOTT
Governor of Texas

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CERTIFICATE OF COMPLIANCE

Undersigned counsel hereby certifies that this brief: complies with the type-volume limitation in Rule 9.4(i)(2)(B) because Microsoft Word reports that it contains 13,380 words, excluding portions exempted by Rule 9.4(i)(1); complies with the type-face limitations in Rule 9.4(e) because it uses 14-point font; and complies with the requirement of Rule 52.3(j) that every factual statement be supported by competent evidence included in the appendix attached hereto.

/s/ Trevor W. Ezell
TREVOR W. EZELL
Counsel for Relator in 25-0674

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that, on August 20, 2025, a true and correct copy of the foregoing petition was served by email to all counsel of record.

/s/ Trevor W. Ezell
TREVOR W. EZELL
Counsel for Relator in 25-0674

APPENDIX

No. 25-0674

In the Supreme Court of Texas

IN RE GREG ABBOTT,
IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS,
Relator.

On Petition for Writ of Quo Warranto

**APPENDIX TO
RELATOR'S BRIEF ON THE MERITS
IN CASE NO. 25-0674**

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SS	Office of the Texas Governor, Press Release, Governor Abbott Announces Special Session #2 (Aug. 15, 2025), https://perma.cc/F6FH-KKGX	QR.00399

TT	Liz Crampton, <i>Texas Gov. Greg Abbott Immediately Calls Second Special Session For Redistricting</i> , POLITICO (Aug. 15, 2025), https://perma.cc/GZ7U-D6PN	QR.00403
UU	Kayla Guo, <i>Texas Democrats Return to Austin After Redistricting Walkout</i> , Tex. Trib. (Aug. 18, 2025), https://perma.cc/UA96-STAP	QR.00408
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TAB A

The following memorial resolutions were laid before the house:

HR 1481 (by Toth), In memory of Yaron Lischinsky and Sarah Lynn Milgrim.

HR 1492 (by Flores), In memory of Antonio Gonzales of Austin.

HR 1494 (by C. Bell), In memory of Joshua Daniel King of Weatherford.

HR 1498 (by Villalobos), In memory of Godfrey Vela of Corpus Christi.

HR 1500 (by Bucy), In memory of the Reverend Henry Lee Pendergrass of Midland.

HR 1526 (by Dutton), In memory of José Griñán, former broadcast journalist for FOX 26 Houston.

HR 1527 (by Dutton), In memory of the Reverend Dr. Byrd Lacey Jr. of Houston.

HR 1534 (by Isaac), In memory of Terrin Allan Solbrig of New Braunfels.

HR 1543 (by Toth), In memory of Dave Welch.

The resolutions were unanimously adopted by a rising vote.

(Speaker in the chair)

PROVIDING FOR ADJOURNMENT SINE DIE

At 3:52 p.m., Representative Moody moved that, at the conclusion of the receipt of messages from the senate, the signing of bills and resolutions, and the completion of administrative tasks, the house stand adjourned sine die.

The motion prevailed.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 32).

HOUSE AT EASE

At 3:53 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 5:11 p.m.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List Nos. 34 and 37).

ADJOURNMENT SINE DIE

In accordance with a previous motion, Speaker Burrows, at 5:12 p.m., pronounced the House of Representatives of the Regular Session of the Eighty-Ninth Legislature adjourned sine die.

TAB B

Office of the Texas Governor | Greg Abbott

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Governor Abbott Announces Special Session Agenda

July 9, 2025 | Austin, Texas | [Press Release](#)

Governor Greg Abbott today issued a [proclamation](#) identifying 18 agenda items for the upcoming Special Session that begins at 12:00 PM on Monday, July 21.

"We delivered on historic legislation in the 89th Regular Legislative Session that will benefit Texans for generations to come," said Governor Abbott. "There is more work to be done, particularly in the aftermath of the devastating floods in the Texas Hill Country. We must ensure better preparation for such events in the future."

The Special Session agenda items include:

FLOOD WARNING SYSTEMS: Legislation to improve early warning systems and other preparedness infrastructure in flood-prone areas throughout Texas.

FLOOD EMERGENCY COMMUNICATIONS: Legislation to strengthen emergency communications and other response infrastructure in flood-prone areas throughout Texas.

RELIEF FUNDING FOR HILL COUNTRY FLOODS: Legislation to provide relief funding for response to and recovery from the storms which began in early July 2025, including local match funding for jurisdictions eligible for FEMA public assistance.

NATURAL DISASTER PREPARATION & RECOVERY: Legislation to evaluate and streamline rules and regulations to speed preparedness for and recovery from natural disasters.

ELIMINATE STAAR TEST: Legislation to eliminate the STAAR test and replace it with effective tools to assess student progress and ensure school district accountability.

CUT PROPERTY TAXES: Legislation reducing the property tax burden on Texans and legislation imposing spending limits on entities authorized to impose property taxes.

PROTECT CHILDREN FROM THC: Legislation making it a crime to provide hemp-derived products to children under 21 years of age.

REGULATE HEMP-DERIVED PRODUCTS : Legislation to comprehensively regulate hemp-derived products, including limiting potency, restricting synthetically modified compounds, and establishing enforcement mechanisms, all without banning a lawful agricultural commodity.

PROTECT UNBORN CHILDREN: Legislation further protecting unborn children and their mothers from the harm of abortion.

BAN TAXPAYER-FUNDED LOBBYING: Legislation prohibiting taxpayer-funded lobbying, including the use of tax dollars to hire lobbyists and payment of tax dollars to associations that lobby the Legislature.

PROTECT HUMAN TRAFFICKING VICTIMS: Legislation, similar to Senate Bill No. 1278 from the 89th Legislature, Regular Session, that protects victims of human trafficking from criminal liability for non-violent acts closely tied to their own victimization.

POLICE PERSONNEL RECORDS: Legislation that protects law enforcement officers from public disclosure of unsubstantiated complaints in personnel files.

PROTECT WOMEN'S SPACES: Legislation protecting women's privacy in sex-segregated spaces.

ATTORNEY GENERAL ELECTION POWERS: Legislation proposing a constitutional amendment allowing the Attorney General to prosecute state election crimes.

REDISTRICTING: Legislation that provides a revised congressional redistricting plan in light of constitutional concerns raised by the U.S. Department of Justice.

TITLE THEFT & DEED FRAUD: Legislation, similar to Senate Bill No. 648 from the 89th Legislature, Regular Session, that provides strengthened protections against title theft and deed fraud.

WATER PROJECT INCENTIVES: Legislation, similar to Senate Bill No. 1253 from the 89th Legislature, Regular Session, that authorizes political subdivisions to reduce impact fees for builders who include water conservation and efficiency measures.

STATE JUDICIAL DEPARTMENT: Legislation, similar to Senate Bill No. 2878 from the 89th Legislature, Regular Session, relating to the operation and administration of the Judicial Department of state government.

[View the Governor's special session proclamation.](#)

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TAB C

The House Committee on Disaster Preparedness & Flooding, Select

89th Legislature

July 23, 2025

9:00 a.m.

E1.030

Pursuant to a notice posted on July 18, 2025, the House Committee on Disaster Preparedness & Flooding, Select met in a public hearing and was called to order by the chair, Representative King, at 9:01 a.m.

The initial quorum call was answered as follows: Representatives King; Martinez; Bonnen; Darby; Johnson; Louderback; Moody; Virdell; and Wilson.

A quorum was present.

House Committee on Disaster Preparedness & Flooding, Select

7/23/2025

The committee met jointly with the select committee from the senate regarding: the state's response to the July 4 flash flooding in Central and West Texas, state disaster preparations and response capabilities, generally, state flood planning and flood infrastructure, river authority operations in Flash Flood Alley, and first responder communications during disaster operations.

Invited testimony taken/registration recorded. (See attached witness list.)

The chair stood at ease at 1:45pm

The chair called the committee back to order at 2:00pm

Invited testimony taken/registration recorded. (See attached witness list.)

At 8:36 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

Rep. King, Chair

Megan Quijano, Clerk

TAB D

The House Committee on Congressional Redistricting, Select

89th Legislature

July 24, 2025

2:00 p.m. or upon final adjourn./recess or bill referral if permission granted

E1.030

Pursuant to a notice posted on July 21, 2025, the House Committee on Congressional Redistricting, Select met in a public hearing and was called to order by the chair, Representative Vasut, at 2:14 p.m.

The initial quorum call was answered as follows: Representatives Vasut; Rosenthal; Garcia, Josey; Geren; Gervin-Hawkins; Guerra; Hefner; Hunter; Manuel; McQueeney; Metcalf; Moody; Pierson; Spiller; Tepper; Thompson; Turner; Wilson; and Wu.

A quorum was present.

House Committee on Congressional Redistricting, Select

7/24/2025

The Chair announced that Representative Perez, Vincent, Representative Jones, Jolanda, Representative Shofner, Representative Goodwin, and Representative Martinez Fischer were also in attendance.

(Representative Guillen and Representative Hickland now present.)

The committee met to hear testimony on a revised congressional redistricting plan.

The Chair made opening remarks.

The Vice-Chair made opening remarks.

Testimony taken/registration recorded. (See attached witness list.)

The Chair announced that Representative Raymond was also in attendance.

Testimony taken/registration recorded. (See attached witness list.)

The committee stood at ease briefly.

The Chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.)

House Committee on Congressional Redistricting, Select

7/24/2025

The chair moved to adjourn subject to the call of the chair, there was objection.

The motion prevailed by the following record vote:

Ayes: Representatives Vasut; Guillen; Hefner; Hickland; Hunter; McQueeney; Metcalf; Pierson; Spiller; Tepper; Wilson (11).

Nays: Representatives Rosenthal; Garcia, Josey; Gervin-Hawkins; Manuel; Moody; Turner; Wu (7).

Present, Not Voting: None (0).

Absent: Representatives Geren; Guerra; Thompson (3).

At 8:27 p.m. the meeting was adjourned subject to the call of the chair.

Rep. Vasut, Chair

Edward Jaax, Clerk

TAB E

The House Committee on Congressional Redistricting, Select

89th Legislature

July 26, 2025

11:00 a.m.

Houston, Texas

Pursuant to a notice posted on July 21, 2025, the House Committee on Congressional Redistricting, Select met in a public hearing and was called to order by the chair, Representative Vasut, at 11:05 a.m.

The initial quorum call was answered as follows: Representatives Vasut; Rosenthal; Garcia, Josey; Geren; Guillen; Hefner; Hickland; Hunter; Manuel; McQueeney; Metcalf; Moody; Pierson; Spiller; Tepper; Thompson; Turner; Wilson; and Wu.

A quorum was present.

House Committee on Congressional Redistricting, Select

7/26/2025

The Chair made opening remarks.

Vice-Chair Rosenthal made opening remarks.

The Chair announced that Representative Walle, Representative Lalani, Representative Morales Shaw, Representative Jones, Jolanda, Representative Perez, Mary Ann, and Representative Simmons were also in attendance.

The Committee met to hear testimony on a revised congressional redistricting plan.

Testimony taken/registration recorded. (See attached witness list*.)

(Representative Gervin-Hawkins now present.)

Testimony taken/registration recorded. (See attached witness list*.)

The committee stood at ease briefly.

The Chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list*.)

The committee stood at ease briefly.

The Chair called the committee back to order.

The Chair announced that Representative Dutton was also in attendance.

Testimony taken/registration recorded. (See attached witness list*.)

*The Chair makes the following note regarding the attached witness list. All witness registration forms for this hearing were pre-marked neutral because no bill was pending before the committee at the time of the hearing. Notwithstanding this pre-marking, some witnesses modified their registration forms manually to be shown "for" or "against." The attached witness list reflects these modifications if they were made.

House Committee on Congressional Redistricting, Select

7/26/2025

The Chair moved that the committee adjourn subject to the call of the chair, there was objection.

The motion prevailed by the following record vote:

Ayes: Representatives Vasut; Guillen; Hefner; Hickland; Hunter; McQueeney;
Pierson; Spiller; Tepper; Wilson (10).

Nays: Representatives Rosenthal; Garcia, Josey; Gervin-Hawkins; Manuel;
Thompson; Wu (6).

Present, Not Voting: None (0).

Absent: Representatives Geren; Guerra; Metcalf; Moody; Turner (5).

At 5:45 p.m., the meeting was adjourned subject to the call of the chair.

Rep. Vasut, Chair

Edward Jaax, Clerk

TAB F

The House Committee on Congressional Redistricting, Select

89th Legislature

July 28, 2025

5:00 p.m.

Arlington, Texas

Pursuant to a notice posted on July 21, 2025, and permission granted on July 28, 2025, to meet while the House was in session, the House Committee on Congressional Redistricting, Select met in a public hearing and was called to order by the chair, Representative Vasut, at 5:00 p.m.

The initial quorum call was answered as follows: Representatives Vasut; Rosenthal; Geren; Guillen; Hefner; Hickland; Hunter; McQueeney; Metcalf; Moody; Pierson; Spiller; Tepper; Thompson; Turner; and Wu.

A quorum was present.

House Committee on Congressional Redistricting, Select

7/28/2025

The Chair announced that Representative Collier, Representative Plesa, Representative Rose, Representative Meza, Representative Bhojani, Representative Garcia, Linda, Representative Garcia Hernandez, Cassandra were also in attendance.

The Chair made opening remarks.

Vice-Chair Rosenthal made opening remarks.

(Representative Gervin-Hawkins now present.)

Representative Turner made opening remarks.

The committee met to hear testimony on a revised congressional redistricting plan.

Testimony taken/registration recorded. (See attached witness list.*)

(Representative Manuel now present.)

Testimony taken/registration recorded. (See attached witness list.*)

The committee stood at ease briefly.

The chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.*)

The Chair announced that Representative Bowers and Representative Davis, Yvonne were also in attendance.

Testimony taken/registration recorded. (See attached witness list.*)

The committee stood at ease briefly.

The Chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.*)

(Representative Garcia, Josey now present.)

Testimony taken/registration recorded. (See attached witness list.*)

House Committee on Congressional Redistricting, Select

7/28/2025

The committee stood at ease briefly.

The chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.*)

*The Chair makes the following note regarding the attached witness list. All witness registration forms for this hearing were pre-marked neutral because no bill was pending before the committee at the time of the hearing. Notwithstanding this pre-marking, some witnesses modified their registration forms manually to be shown "for" or "against." The attached witness list reflects these modifications if they were made.

The Chair moved that the committee adjourn subject to the call of the chair, there was objection.

The motion prevailed by the following record vote:

Ayes: Representatives Vasut; Geren; Guillen; Hefner; Hickland; Hunter; McQueeney; Metcalf; Pierson; Spiller; Tepper (11).

Nays: Representatives Rosenthal; Garcia, Josey; Gervin-Hawkins; Manuel; Moody; Thompson; Turner; Wu (8).

Present, Not Voting: None (0).

Absent: Representatives Guerra; Wilson (2).

At 11:19 p.m., the meeting was adjourned subject to the call of the chair.

Rep. Vasut, Chair

Edward Jaax, Clerk

TAB G

The House Committee on Disaster Preparedness & Flooding, Select

89th Legislature

July 31, 2025

9:30 a.m.

Kerrville, Texas (see details below)

Pursuant to a notice posted on July 28, 2025, and permission granted on July 30, 2025, to meet while the House was in session, the House Committee on Disaster Preparedness & Flooding, Select met in a public hearing and was called to order by the chair, Representative King, at 9:30 a.m.

The initial quorum call was answered as follows: Representatives King; Martinez; Bonnen; Darby; Johnson; Louderback; Moody; Virdell; and Wilson.

A quorum was present.

House Committee on Disaster Preparedness & Flooding, Select
7/31/2025

The Chair made opening remarks.

The Lieutenant Governor made opening remarks.

The Speaker of the House made opening remarks.

The committee met in a public hearing to hear invited and public testimony on the following topics:

- (1) the state and local response to the July 4 flash flooding in Central and West Texas;
- (2) meteorological data collection and modeling; and
- (3) post-disaster mental health resources.

Testimony taken/registration recorded. (See attached witness list.)

House Committee on Disaster Preparedness & Flooding, Select
7/31/2025

At 10:58 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

Rep. King, Chair

Megan Quijano, Clerk

TAB H

The House Committee on Congressional Redistricting, Select

89th Legislature

August 1, 2025

Continued on August 2, 2025

10:00 a.m. or upon final adjourn./recess or bill referral if permission granted

E1.030

Pursuant to a notice posted on July 30, 2025, and permission granted on July 30, 2025, to meet while the House was in session, the House Committee on Congressional Redistricting, Select met in a public hearing and was called to order by the chair, Representative Vasut, at 10:03 a.m.

The initial quorum call was answered as follows: Representatives Vasut; Rosenthal; Garcia, Josey; Geren; Gervin-Hawkins; Guillen; Hefner; Hickland; Hunter; Manuel; McQueeney; Metcalf; Moody; Pierson; Spiller; Tepper; Thompson; Turner; and Wilson.

A quorum was present.

House Committee on Congressional Redistricting, Select

8/1/2025

Continued on August 2, 2025

The chair made opening remarks.

The chair announced that Representative Jones, Jolanda was also in attendance.

The chair continued to make opening remarks.

The vice-chair made opening remarks.

(Representative Wu now present.)

The chair announced that Representative Rose was also in attendance.

The chair announced that Representative Curry was also in attendance.

HB 4

The chair laid out HB 4.

The chair recognized Representative Hunter to explain HB 4.

The Chair announced that Representative Harris Davila was also in attendance.

The chair recognized Representative Hunter to continue to explain HB 4.

At 12:12pm the committee stood at ease briefly.

At 12:25pm the chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.)

The chair announced that Representative Hinojosa was also in attendance.

Testimony taken/registration recorded. (See attached witness list.)

The chair announced that Representative Raymond was also in attendance.

Testimony taken/registration recorded. (See attached witness list.)

(Representative Guerra now present.)

Testimony taken/registration recorded. (See attached witness list.)

At 2:34 pm the committee stood at ease briefly.

House Committee on Congressional Redistricting, Select

8/1/2025

Continued on August 2, 2025

At 2:47 pm the chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.)

The chair announced that Representative Plesa was also in attendance.

Testimony taken/registration recorded. (See attached witness list.)

At 3:35 pm the committee stood at ease briefly.

At 3:37 pm the chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.)

The chair announced that Representative Simmons was also in attendance.

At 3:59 pm the committee stood at ease briefly.

At 4:15 pm the chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.)

At 6:33 pm the committee stood at ease briefly.

At 6:45 pm the chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.)

At 8:50 pm the committee stood at ease briefly.

At 9:06 pm the chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.)

At 10:22 pm the committee stood at ease briefly.

At 10:23 pm the chair called the committee back to order.

Testimony taken/registration recorded. (See attached witness list.)

The chair recognized Representative Hunter to close on HB 4.

The hearing continued after midnight. The following actions occurred on August 2, 2025.

Representative Hunter continued to close on HB 4.

House Committee on Congressional Redistricting, Select

8/1/2025

Continued on August 2, 2025

HB 4 was left pending without objection.

At 1:20 a.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

Rep. Vasut, Chair

Edward Jaax, Clerk

TAB I

The House Committee on Congressional Redistricting, Select

89th Legislature

August 2, 2025

9:00 a.m.

E1.030

Pursuant to a notice posted on August 1, 2025, and permission granted on July 30, 2025, to meet while the House was in session, the House Committee on Congressional Redistricting, Select met in a formal meeting and was called to order by the chair, Representative Vasut, at 9:02 a.m.

The initial quorum call was answered as follows: Representatives Vasut; Rosenthal; Geren; Guerra; Guillen; Hefner; Hickland; Hunter; Manuel; McQueeney; Metcalf; Moody; Pierson; Spiller; Tepper; Turner; Wilson; and Wu.

A quorum was present.

House Committee on Congressional Redistricting, Select

8/2/2025

HB 4

The chair laid out HB 4 as pending business.

The chair moved that HB 4, without amendments, be reported favorably to the full house with the recommendation that it do pass and be printed. Members made comments before the vote. The motion prevailed by the following record vote:

Ayes: Representatives Vasut; Geren; Guillen; Hefner; Hickland; Hunter; McQueeney; Metcalf; Pierson; Spiller; Tepper; Wilson (12).

Nays: Representatives Rosenthal; Guerra; Manuel; Moody; Turner; Wu (6).

Present, Not Voting: None (0).

Absent: Representatives Garcia, Josey; Gervin-Hawkins; Thompson (3).

At 9:27 a.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

Rep. Vasut, Chair

Edward Jaax, Clerk

TAB J

The House Committee on Calendars

89th Legislature

August 3, 2025

9:00 a.m.

E1.018

Pursuant to a notice posted on August 2, 2025, and permission granted on July 30, 2025, to meet while the House was in session, the House Committee on Calendars met in a formal meeting and was called to order by the chair, Representative Hunter, at 9:00 a.m.

The initial quorum call was answered as follows: Representatives Hunter; Rose; Gerdes; Harris; Johnson; Leach; Lopez, Janie; Romero; and Tepper.

A quorum was present.

House Committee on Calendars

8/3/2025

Representative Hunter moved to place the following measures:

on the Major State Calendar for Monday, August 4, 2025: HB 4.

The motion prevailed by the following record vote:

Ayes: Representatives Hunter; Gerdes; Harris; Leach; Lopez, Janie; Tepper (6).

Nays: Representatives Rose; Johnson; Romero (3).

Present, Not Voting: None (0).

Absent: Representatives Canales; Hernandez (2).

At 9:01 a.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

Rep. Hunter, Chair

Margaux Fox, Clerk

TAB K

House Caucus Chair Gene Wu wants Texas Democrats prepared for battle

After his party lost seats in the Texas House, Wu says he's focused on building a coalition against extremism.

BY **KATHARINE WILSON** JAN. 9, 2025 UPDATED: JAN. 27, 2025

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Sign up for [The Brief](#), The Texas Tribune's daily newsletter that keeps readers up to speed on the most essential Texas news.

Rep. [Gene Wu](#), the new chair of the Texas House Democratic Caucus, appeared hopeful that Democrats can make an impact this legislative session by working with center-right Republicans.

"We don't care what the extremists want, we want to work on things that move the state forward," Wu said during a Tuesday Texas Tribune event with reporter [Jasper Scherer](#).

As the new leader of the caucus, which lost two seats in the last election, Wu said his focus is on making sure Democrats can win.

"I filed no bills and I don't intend to," said Wu, who typically files dozens of bills. "My only objective in this session is to make sure that Democrats are prepared for battle."

Wu, of Houston, and a coalition of other Democrats voted alongside Republicans in January to make Rep. [Dustin Burrows](#), R-Lubbock, the speaker of the Texas House. Burrows promised to work with Democrats, which set him apart from his opponent, hardline Republican Rep. [David Cook](#), R-Mansfield.

"I think the amount of trust has been built up," Wu said.

A bipartisan House [rules package passed last week](#) banned members of the minority party, currently Democrats, from chairing committees but guaranteed the vice chairs for the minority party.

"Some people will say it's a loss, but look, we as a group guaranteed our ability to have a role in a process, guaranteed our ability to have some input," Wu said.

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One issue Wu is particularly passionate about is preventing school voucher programs – which would devote state funds to help parents pay their child’s private school tuition – or similar programs benefiting private schools.

School vouchers have been pushed by leading Republicans in the state, including Gov. Greg Abbott, but Wu said he doesn’t believe vouchers have to pass.

“I still have not had anyone come explain to me in a rational way,” Wu said, “why it’s OK when times are already this tough for us to take money from hard working Texans and give it to the wealthy who already have kids in private school.”

T *Learn about The Texas Tribune’s policies, including our partnership with The Trust Project to increase transparency in news.*

TAB L



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POLITICS

Texas Democrats consider breaking quorum, other strategies as special session launches

Wu didn't offer details on the tactics Democrats plan to implement, but said Democrats will remain in communication.

Gabby Dawkins (<https://www.houstonpublicmedia.org/articles/author/gabby-dawkins/>) | July 21, 2025, 6:45 PM (Last Updated: July 22, 2025, 11:02 AM)

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(<https://cdn.houstonpublicmedia.org/wp-content/uploads/2025/07/18101756/Gene-Wu.jpg>)

Screenshot/Texas House of Representatives

State Rep. Gene Wu (D-Houston), leader of the Texas House Democratic Caucus

Democratic lawmakers at the state capitol on Monday said they are keeping all options on the table to stop Republican leaders from advancing their special session redistricting agenda, along with other legislative bills they say are harmful to the average Texan.

With signs in hand that read "Stop the Takeover, Put Texans First" and "Abbott's Letting Trump Take Over Texas," Democrats held a press conference in Austin Monday morning in opposition to some of the items in Gov. Greg Abbott's special session, which began later that same day.

Abbott officially called for the special session earlier this month. [Mid-decade congressional redistricting](https://www.houstonpublicmedia.org/articles/news/politics/2025/07/21/526668/texas-legislature-begins-mid-decade-redistricting-under-pressure-from-trump-and-abbott/) (<https://www.houstonpublicmedia.org/articles/news/politics/2025/07/21/526668/texas-legislature-begins-mid-decade-redistricting-under-pressure-from-trump-and-abbott/>), THC regulations (<https://www.houstonpublicmedia.org/articles/news/texas/2025/06/23/524619/gov-abbott-vetoes-texas-thc-ban-calls-special-session-to-regulate-hemp/>) and flood relief for the Texas Hill Country (<https://www.houstonpublicmedia.org/articles/news/texas/2025/07/21/526795/as-number-of-missing-in-central-texas-flood-drops-volunteers-residents-assess-long-term-recovery/>) are among the special session agenda items.

Houston-area state Rep. Gene Wu, who also chairs the state's House Democratic Caucus, said he wants to hold Abbott and other Republicans accountable for the promises they made to Texans.

"Democrats are saying that this is just a ruse ... That Gov. Abbott is using this tragedy and using the death of hundreds of Texans as the doorway to get what he wants politically," Wu said.

Texas Democratic lawmakers are not ruling out the possibility of breaking quorum, he said, a strategy they used in 2021 (<https://www.houstonpublicmedia.org/articles/news/politics/2021/07/12/402936/texas-democrats-plan-to-leave-state-in-effort-to-block-gop-voting-restrictions/>) in an attempt to block Republican-backed voting restrictions. Since then, Republicans have introduced [new parliamentary rules](https://www.houstonpublicmedia.org/articles/news/politics/2023/01/11/441223/under-new-texas-house-rules-democrats-can-chair-committees-be-punished-for-breaking-quorum/) (<https://www.houstonpublicmedia.org/articles/news/politics/2023/01/11/441223/under-new-texas-house-rules-democrats-can-chair-committees-be-punished-for-breaking-quorum/>) to increase the punishment for breaking quorum, such as daily fees.

For now, they are participating in the special legislative session to see whether Republican leaders will prioritize promised flood response and disaster management efforts, following the catastrophic flooding in the Hill Country earlier this month that killed more than 130 people.

"We will see if they hold hearings on flooding first," Wu said. "We will see if they bring that legislation to us first. We will see if they prioritize what Texans actually demanded first or will they prioritize their politics, and shenanigans, and their games."

Wu said that time will tell whether Republicans listen and fulfill the demands of Texans or prioritize other agendas — in which case, Democrats say they will galvanize a plan.

"Democrats are going to keep all options open," said Wu. "We will take whatever measures are necessary to protect our communities and to protect the state."

State Rep. Ron Reynolds, whose district includes a part of Fort Bend County, said this is a call to action for everyone of all backgrounds and faiths to join in on fighting for the rights of Texans.

"Tell Gov. Abbott that we will not bow down to the MAGA extremist, President Trump, who is doing everything he can to take our communities back," said Reynolds. "We're going to fight. We're going to do everything we can to stand up against these radical extremist authoritarians that are doing nothing but trying to roll back the clock."

Wu didn't offer details on the tactics Democrats plan to implement, but said Democrats will remain in communication.

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Texas House Democrats say they'll end quorum break once California begins redistricting



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TAB M

'The High Road's Not Available to Us': Texas Democrats Have Had Enough

July 31, 2025





By [Michelle Cottle](#)

Ms. Cottle writes about national politics for Opinion. She reported from Austin, Texas.

It was hot last Thursday. Texas hot — mid-90s and climbing fast. Near the south steps of the State Capitol, where a crowd had gathered to protest Republican legislators' move to redraw the state's congressional map, people were sweating through their shirts and packed into patches of shade.

Passions were running even hotter. "Are you ready to fight?" yelled Leonard Aguilar, the secretary-treasurer of the Texas A.F.L.-C.I.O., which helped organize the rally. "Damn right!" bellowed the crowd in a call and response.

Mid-decade redistricting is rare. But for weeks President Trump had [been pressing](#) Texas Republicans to redraw their map in order to gain five more House seats before next year's midterm elections. Like a loyal soldier, Gov. Greg Abbott put the issue on the agenda for the Legislature's special session, which opened on July 21. And on Wednesday, Republican lawmakers [released a new map](#) that, if approved by the Republican-controlled Legislature, would most likely

deliver Mr. Trump those extra seats.

But on that sizzling Thursday last week in Austin, the filing was still nearly a week away and the debate was gearing up. Inside the Capitol, a freshly formed redistricting committee was holding the first of three public hearings. Outside, a parade of speakers, including multiple Democratic lawmakers, were channeling, and stoking, rallygoers' outrage.

This battle is part of Mr. Trump's larger assault on democracy, warned the former Texas Democratic representative Beto O'Rourke. And a moment this perilous calls for moving "from defense to offense," he posited. "In every single county in Texas, in every state in the Union, what if, instead of awaiting the punch thrown by the other side, we throw the punch first?"

Mr. O'Rourke is not the only Democrat asking this question. The answer has major implications for the party, and the nation, far beyond Texas. How to push back against an out-of-control Trump administration is something Democrats have been struggling with since their electoral stomping last November. Party leaders' efforts thus far have been seen by many of their own voters as pathetic. Amid this angst, Texas' redistricting drama has emerged as a test case of sorts — a clear, well-defined opportunity for Democrats to prove they have the stomach for the fight. Democrats nationwide are pledging to support their Lone Star colleagues on all fronts.

Could this issue be an inflection point for how the party confronts an aspiring autocrat who thinks rules are for suckers? Could the Texas mess be the thing that finally drives Democrats off the high road?

In a small, cluttered office on the ground floor of the Texas State Capitol, Representative Gene Wu, the Democratic leader, was huddled with staff members. Three hours before the hearing was set to start, he radiated a mix of frustration and determination. "Democrats are going to do whatever it takes to protect not only our own communities, but to look after the interests of the whole country," he said. "It's no longer just about Texas. This is about the future of the nation."

Redistricting is always touchy business in Texas, which has a history of drawing maps that violate the Voting Rights Act. "Even the current map, it's still under review," said Matt Angle, the director of the Lone Star Project, a PAC that supports Texas Democrats. (A ruling by a federal judicial panel is expected soon.)

Sunk deep in the minority, Texas Democrats have few tools for dealing with the partisan manipulation of voting districts. Nevertheless, they persist. "Texas Democrats are just sort of hardened," said Representative Trey Martinez Fischer of his caucus. Mr. Martinez Fischer was in his second term in 2003 when Tom DeLay, who was then a congressman, orchestrated the mid-decade redistricting that gave Republicans control of the state's congressional delegation for the first time since Reconstruction. "What America is facing today, we've been experiencing in Texas for 20 years," asserted Mr. Martinez Fischer. "Ultra-partisanship, extreme governance."

In such clashes, Texas Democrats' most drastic move is to break quorum, leaving the state to deny the Republican majority the number of members required to conduct business. The last quorum break was in 2021, when Democrats fled to Washington, D.C. Texas Republicans

responded by adopting a measure that fines members \$500 per day for participating in quorum breaks. Even so, state Democrats are once more chewing over this option, and national Democrats are discussing how to support them if that happens.

While quorum breaks typically only delay redistricting, said Mr. Angle, they are important as a tool “to make the legal record” and “raise the visibility and make sure that Texans know they are under assault.”

So far, Democrats are doing a bang-up job at getting the word out. By the morning of the hearing, Mr. Wu’s office had received notice that 175 people had registered to testify. People lined up in the hallway and online to speak. Observers piled into three overflow rooms. When Republicans limited the testimony to five hours, the Democrats set up a session called “The People’s Hearing” in a nearby room for those still eager to have their say.

The fight has blown up nationwide as well. The previous evening, Mr. Wu had taken part in a “Stop the Texas Takeover” online event hosted by the National Democratic Redistricting Committee, the anti-gerrymandering group run by the former attorney general Eric Holder. Heavy hitters on the call included Mr. Holder, Nancy Pelosi and Hakeem Jeffries, the House minority leader, who is going hard at this issue — and even flew down on Wednesday to meet with Democratic lawmakers in Austin.

“Donald Trump and House Republicans clearly want to gerrymander the Texas congressional map so they can cheat their way to victory in the midterm elections,” Mr. Jeffries asserted in a phone interview. This moment, he said, calls for “an all-hands-on-deck response.”

Mr. Jeffries said his team was working closely with Texas Democrats and advocacy groups to ensure “a massive turnout of Texans to push back at these three public hearings,” he said. Rallies are being organized. Lawyers are being recruited for possible court fights. And Democratic officials in multiple states are working to keep the issue in the spotlight. “If they’re going to go nuclear in Texas, I’m going to go nuclear in other places,” Senator Elissa Slotkin of Michigan [vowed](#) last week.

The juiciest option Mr. Jeffries is pursuing is to work with blue-state governors to redraw their own congressional maps to favor the Democrats. Gov. Gavin Newsom in California is raring to go, and the governors of other blue states, including New York, Illinois and New Jersey, have expressed openness as well. “All’s fair in love and war,” warned New York’s Gov. Kathy Hochul last Thursday.

When I arrived at Mr. Wu’s office, his team was finalizing plans for groups of members to travel the next day to California and Illinois to strategize with those states’ governors. Democrats are united not just in Texas but also at a national level, he told me.

One sticking point for Democrats: In many blue states, redistricting has been handed over to independent commissions. It’s the kind of move cheered by good-government groups, the media and many voters put off by political gamesmanship. But in the glare of Mr. Trump’s Texas power play, these commissions are also seen as a form of unilateral disarmament by Democrats — one that some in the party are rethinking.

“I was one of those Democrats who probably was like, ‘Go California!’”

Mr. O'Rourke told me after the rally, referring to the 2008 ballot initiative that created that state's independent commission.

"But lesson learned for Beto O'Rourke," he added.

Revisiting the rules of redistricting in blue states could be [politically touchy](#), exposing Democrats to the charge that they are following Republicans down a dark path and accelerating a noxious trend. But Mr. O'Rourke thinks the public should turn up the heat on Democratic governors to act ASAP, before it is too late to alter their states' procedures.

He is hoping this situation will be a wake-up call for his party. He likened it to a basketball game where the referees have stopped making any calls and the other side knows that, and "is just slamming us in the face."

"And we're like, 'Hey, ref, are you going to call this?' And then we're looking at the crowd like, 'Do you guys see what's going on?'" What Democrats need to realize, he told me, "is that those refs are not coming back into the game."

Republicans are, in fact, already considering redrawing maps in other red states, including Ohio, Missouri and Florida.

It's not just national Democratic leaders who need to adjust their thinking, said Mr. Angle, of the Lone Star Project. "There needs to be a double dose of pragmatism across the board — that you're not going to talk Republicans into or argue them into doing the right thing," he said. "Democrats, we win a lot of arguments. We don't win enough elections. And so you got to quit arguing and start fighting."

I reminded Mr. Angle of Michelle Obama's admonition that when Republicans go low, Democrats go high. "The high road's not available to us anymore," he said. "The high road is just a cliff you're walking off."

Michelle Cottle writes about national politics for Opinion. She has covered Washington and politics since the Clinton administration.

[@mcottle](#)

A version of this article appears in print on Aug. 3, 2025, Section SR, Page 4 of the New York edition with the headline: 'The High Road Is Just a Cliff You're Walking Off'. [Order Reprints](#) | [Today's Paper](#) | [Subscribe](#)

TAB N

Texas Democrats Leave State to Block G.O.P. From Redrawing Political Map

The walkout was a sharp escalation in the clash over a redistricting effort. Gov. Greg Abbott threatened to remove the lawmakers who left their posts if they did not return by Monday.

Aug. 3, 2025

transcript

The legislators' departure was a last-ditch effort to stop Republicans from adopting a redrawn congressional map that would flip five Democratic congressional districts to favor Republicans.

"The tool they're using is a racist, gerrymandered map. A map that seeks to use racial lines to divide hard-working communities, who have spent decades building up their power and strengthening their voices. And Governor Abbott is doing this in submission to Donald Trump." "While Texans are waiting for relief, Republican leaders are redrawing maps to silence voters, hijack our democracy and this doesn't stop with Texas. This isn't just about the people who voted for us. It's about every American who believes that the power belongs to the people, not one man."





The legislators' departure was a last-ditch effort to stop Republicans from adopting a redrawn congressional map that would flip five Democratic congressional districts to favor Republicans. Jim Vondruska for The New York Times

[Leer en español](#)

Democratic members of the Texas House of Representatives left the state on Sunday in a last-ditch attempt to stop Republicans from adopting an aggressively redrawn congressional map. Their absence is expected to prevent the House from reaching the quorum needed to hold a vote this week.

The walkout was a sharp escalation in the bitter partisan clash over a mid-decade [redistricting in Texas](#) that was requested by President Trump. Republicans in the State Legislature were rapidly moving forward, with the map — drawn to flip five Democratic congressional districts to favor Republicans — being passed out of two committees over the weekend.

Hours after the Democrats departed, Gov. Greg Abbott [responded with a further escalation](#), declaring that their walkout amounted to an “abandonment or forfeiture of an elected state office.”

If they do not show up for a scheduled floor debate on the maps on Monday, Mr. Abbott said, he will invoke a legal opinion by the Texas attorney general and take steps to “remove the missing Democrats from membership in the Texas House.” Such a move would almost certainly be challenged in court.

Even before Mr. Abbott’s threat, the ultimate outcome for Texas Democrats was far from certain: The walkout could delay action in the Legislature for several weeks or more, but comparable past attempts to block Republican legislation and redistricting in Texas eventually failed.

Most of the Democratic lawmakers who took part headed to Chicago

shortly after 5 p.m. Central time. Gov. JB Pritzker of Illinois has been weighing whether his state will respond to the move in Texas by redrawing its own congressional map in the Democrats' favor.

The Texas Democrats who flew to Chicago stood with Mr. Pritzker during a news conference late Sunday at a local Democratic Party office near the city.

"This is not just rigging the system in Texas," Mr. Pritzker said of the Republicans' efforts. "It's about rigging the system against the rights of all Americans for years to come."

A smaller group of Texas Democrats was going to New York, where they were expected to meet with Gov. Kathy Hochul on Monday. She has also been looking for ways that her state could respond to the Republican move.

A handful of Democratic lawmakers were traveling from Texas to Boston, for a meeting of the National Conference of State Legislatures this week.

"We're leaving Texas to fight for Texans," Gene Wu, a state representative from Houston and the chair of the Democratic caucus in the Texas House, said in a statement Sunday. "We're walking out on a rigged system that refuses to listen to the people we represent."

Mr. Wu faulted Mr. Trump and Mr. Abbott for pushing the redistricting forward in a special legislative session before lawmakers had taken action on a response to the deadly flooding in the Texas Hill Country. Mr. Wu, who was traveling to Illinois, suggested that the walkout could last through the rest of the 30-day special session, which was

scheduled to end in late August, and possibly beyond.

"As of today, this corrupt special session is over," Mr. Wu said.

The action had the support of national Democratic groups and required coordination among nearly all of the Democrats in the Texas House. For the House to conduct business, at least two-thirds of its 150 members must be present. There are 62 Democrats in the House, and at least 51 of them would have to take part for the walkout to be effective. The number of those taking part in the walkout on Sunday was well over that threshold, according to a person with knowledge of the effort.

"We didn't start this fight — Donald Trump started it," Representative Ramon Romero Jr., a Fort Worth-area Democrat, [said in one video](#) recorded from the tarmac at an airport in Austin. "You see me? Look here. Bye."

Texas Republican lawmakers could try to compel the Democratic members to return by issuing civil arrest warrants for violating the rules of the Texas House, as they did during a previous walkout, or by withholding pay from the members and their staffs. The speaker of the Texas House, Dustin Burrows, a Republican, said in a statement that "all options will be on the table" if not enough members are present when the House meets on Monday at 3 p.m.

Ken Paxton, the state attorney general, [said on X](#) that the Democrats "who try and run away like cowards should be found, arrested, and brought back to the Capitol immediately." He has promised to work with state and federal authorities to bring back absent members.

In addition to threatening their removal, Mr. Abbott said that the absent Democrats “may also have committed felonies” if they accepted money to pay any potential fines they would face under House rules.

Texas Democrats have been discussing the possibility of preventing a quorum ever since Mr. Abbott, a Republican, added redistricting to the agenda for the special session that began July 21.

Some Democratic members appeared to be apprehensive about attempting a walkout because the Republican majority in the House adopted new rules that impose a fine of \$500 for each day a member is absent without permission.

Even so, national Democrats, including the Democratic National Committee, urged Texas Democrats to use whatever tactics were at their disposal. The fines could potentially be challenged in court.

“We will fight alongside them to stop this anti-democratic assault,” Ken Martin, the chairman of the Democratic National Committee, said in a statement on Sunday.



Jolanda Jones, a Democratic state representative, held a map during a committee meeting on Friday. Brandon Bell/Getty Images

Discussions about Texas Democrats traveling to Illinois have been going on since at least late June, when party officials in Texas began speaking with Mr. Pritzker and his staff.

A group of Texas Democrats flew to Chicago last month, met with Mr.

Pritzker and were reassured that the governor and his team would support them if they chose to go to Illinois, according to a person familiar with the discussions. Mr. Pritzker's staff has been providing logistical support, including determining where the lawmakers could stay and offering office resources, the person said.

Though Illinois has offered a safe haven, some Texas Democratic members expressed concern that Mr. Trump would try to use federal agents to round up the legislators and bring them back to Texas. It was not immediately clear whether there would be a legal basis for doing so, since the lawmakers would be violating state legislative rules and not federal law.

The Texas lawmakers decided not to go to Washington — as they had during a walkout in 2021 — because of federal jurisdiction in the capital, according to the person with direct knowledge of the effort.

Previous walkouts by Texas Democrats against the solid Republican majority in the Texas Legislature have also been mounted in what they said was a defense of voting rights. Many of the members who left the state on Sunday had done so before.

"Our democracy is being stolen right in front of our faces," said Representative Trey Martinez Fischer, who helped lead the action in 2021. "If it takes Texas Democrats to walk out and wake up the nation, that's what we're going to do. Democrats need to start acting like Democrats and fight back."

In 2021, Texas Democrats walked out hoping to block legislation on voting that they said would diminish representation for Black and

Hispanic voters across the state. In response, the Republican speaker of the Texas House issued civil arrest warrants for the absent members to force them to return.

None of the members were actually arrested in 2021. But after nearly five weeks' absence, three Democrats broke ranks and [returned to the State Capitol](#) in Austin, allowing the House to achieve a quorum and pass the legislation in a new special session called by Mr. Abbott. The Legislature also adopted new district maps after the Democrats returned.

"Texas Dems pulled the same stunt in 2021 because of my election integrity bill," Bryan Hughes, a Republican state senator from East Texas, said [of the walkout on Sunday](#). "We still got it passed and we'll do it again with redistricting."

The first major showdown in Texas over redistricting came in 2003 when Republicans in Washington, led by Representative Tom DeLay, the U.S. House majority leader, pushed for a mid-decade redistricting.

The fight over the new maps was bruising. Democratic lawmakers left, first from the Texas House, to try to halt progress there. Then, in a special session, Democrats in the Texas Senate staged their own walkout and hid out in New Mexico for more than five weeks.

The effort ended when John Whitmire, then a state senator, returned to Austin. The new maps were adopted soon afterward, and Republicans succeeded in gaining a majority of the state's seats in the U.S. House in the 2004 election, an advantage they have retained ever since.

Nick Corasaniti contributed reporting from New York.

J. David Goodman is the Houston bureau chief for The Times, reporting on Texas and Oklahoma.

Julie Bosman is the Chicago bureau chief for The Times, writing and reporting stories from around the Midwest.

A version of this article appears in print on , Section A, Page 11 of the New York edition with the headline: Texas Democrats Flee to Prevent G.O.P. Doctoring of Political Map. [Order Reprints](#) | [Today's Paper](#) | [Subscribe](#)

TAB 0


CNN, *Hear Top Texas Democrat's Response to Gov. Abbott's Threat*, YOUTUBE (Aug. 4, 2025), https://www.youtube.com/watch?v=xNqVy9_J4GU



TAB P

WFAA, *Inside Texas Politics – Full Interview with State Rep. Gene Wu*, YOUTUBE (Jul. 31, 2025), <https://www.youtube.com/watch/e7dwSgFh4m0>

TAB Q


Texas House Democrats (@TexasHDC), X (Aug. 3, 2025), <https://perma.cc/XLA8-XJRH>

 **Post**






 **Texas House Democrats** 
@TexasHDC


Republicans are counting on us to quietly accept Trump's demands, but we refuse to put Abbott's political ambitions before the needs of our communities. By breaking quorum, we're putting an end to this corrupt special session. Texans deserve leaders who fight for them, not politicians chasing power.

Hear from Chair of the House Democratic Caucus @GeneForTexas on why he's breaking quorum.



6:15 PM · Aug 3, 2025 · **116.6K** Views

 267  502  1.5K  29 

 **Read 267 replies**

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TAB R

Gene Wu (@GeneForTexas), X (Aug. 17, 2025, 8:25 P.M.), <https://perma.cc/84YN-D97W>



TAB S

Rule 5

Floor Procedure

Chapter A. Quorum and Attendance

Sec. 1. Quorum. Two-thirds of the house shall constitute a quorum to do business.

CROSS-REFERENCE

Tex. Const. Art. III, § 10—Constitutional rule.

CONGRESSIONAL PRECEDENT

Effect of Expulsion. — When a member is expelled, a vacancy is created in that seat. Smith ch. 7, § 6.11.

Sec. 2. Roll Calls. On every roll call or registration, the names of the members shall be called or listed, as the case may be, alphabetically by surname, except when two or more have the same surname, in which case the initials of the members shall be added.

Sec. 3. Leave of Absence. (a) No member shall be absent from the sessions of the house without leave, and no member shall be excused on his or her own motion.

(b) A leave of absence may be granted by a majority vote of the house and may be revoked at any time by a similar vote.

(c) Any member granted a leave of absence due to a meeting of a committee or conference committee that has authority to meet while the house is in session shall be so designated on each roll call or registration for which that member is excused.

(d) If a member is absent without leave for the purpose of impeding the action of the house, the member is subject to one or more of the following:

- (1) fines as provided by this section;
- (2) payment of costs incurred by the sergeant-at-arms;
- (3) reprimand;
- (4) censure; or
- (5) expulsion in the manner prescribed by Section 11, Article III, Texas Constitution.

(e) Unless the house excuses the payment by a majority vote, each member who is absent without leave is liable to the house for:

- (1) a fine in the amount of \$500 for each calendar day of absence; and
- (2) the member's pro rata share of the costs incurred by the sergeant-at-arms to secure the attendance of absentees.

Rule 5, Floor Procedure Sec. 4

(f) The Committee on House Administration shall notify a member of the total amount of fines and costs for which payment is not excused. A member must pay the amount stated in the committee's notice by making payment of that amount to the House Business Office not later than the third business day of the first calendar month after the date of the committee's notice. A member may not make any payment from funds in the member's operating account or from funds accepted as political contributions under Title 15, Election Code. If a member does not make full payment as required by this subsection, the committee shall direct the House Business Office to reduce the amount of the monthly credit to the member's operating account established under the housekeeping resolution by 30 percent in each month that any amount of a fine remains past due and owing. When a member has made full payment as required by this subsection, the committee shall direct the House Business Office to restore the impounded funds to the member's operating account subject to any limitations on the carrying forward of unexpended funds established by the housekeeping resolution.

(g) Before a member is expelled under this section, the matter shall be referred to the Committee on House Administration for investigation and report. A report issued under this subsection shall not be considered by the house until a printed copy of the report has been provided to each member of the house at least 24 hours before consideration.

EXPLANATORY NOTE

The constitutional authorization for penalties associated with compelling the attendance of absent members requires that any "such penalties [are] as each House may provide." Tex. Const. Art. III, § 10. A legislator's "interest in his elected position, though not 'property' in the conventional sense, is a recognizable interest for purposes of procedural due process analysis." *Tarrant County v. Ashmore*, 635 S.W.2d 417, 422 (Tex. 1982). To satisfy the requirements of the constitution and procedural due process, any penalty intended to compel the attendance of absent members must be adopted by the House *before* that penalty may be imposed *after* members absent themselves without leave. Subsections (d)-(f) comply with these requirements by establishing the constitutionally permissible range of penalties to compel the attendance of an absent member upon adoption of the permanent rules. [2023]

Sec. 4. Failure to Answer Roll Call. Any member who is present and fails or refuses to record on a roll call after being requested to do so by the speaker shall be recorded as present by the speaker and shall be counted for the purpose of making a quorum.

Sec. 5. Point of Order of "No Quorum." (a) The point of order of "No Quorum" shall not be accepted by the chair if the last roll call showed the presence of a quorum, provided the last roll call was taken within two hours of the time the point of order is raised.

(b) If the last roll call was taken more than two hours before the point of order is raised, it shall be in order for the member who raised the

TAB T

REDISTRICTING TEXAS 2025

Texas Democrats are fundraising to potentially leave the state to block GOP-backed redistricting

The money could be used to cover the \$500-a-day fines lawmakers would incur under House rules set to discourage members from absconding after Democrats fled the state in 2021.

BY OWEN DAHLKAMP JULY 29, 2025 5 AM CENTRAL

SHARE

Sign up for [The Brief](#), The Texas Tribune's daily newsletter that keeps readers up to speed on the most essential Texas news.

WASHINGTON — As Republicans in Texas move full steam ahead with a plan to redraw the state's congressional districts, Democrats are privately mulling their options, including an expensive and legally dicey quorum break.

If they go that route, it appears they will have the backing of big-dollar Democratic donors.

By fleeing the state to deprive the Legislature of enough members to function, Democrats would each incur a fine of \$500 per day and face the threat of arrest. Deep-pocketed donors within the party appear ready to cover these expenses, according to three people involved in the discussions.

The donors' willingness to foot the bill eliminates a major deterrent to walking out — the personal financial cost — and could embolden Democrats who might otherwise hesitate.

But first, the donors and absconding members would need to figure out how to skirt a potential roadblock: Texas House rules prohibit lawmakers from dipping into their campaign coffers to pay the fines. Republicans [approved](#) the \$500 daily punishment in 2023, two years after Democrats [fled the state](#) in an unsuccessful bid to stop Republicans from passing an overhaul of the state's election laws.

Two people involved in the latest Democratic fundraising strategy sessions, who were granted anonymity to discuss private conversations, claim their legal teams have found a way to

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disburse the funds to the members but declined to provide any additional details.

Rep. [Jasmine Crockett](#), a Dallas Democrat who was part of the 2021 quorum break, sees a path to circumvent the campaign finance rules: With minimal limits on external income, Texas lawmakers can simply accept the donations as another salary, she said. As one of the most prolific fundraisers in the U.S. House, Crockett said she's willing to tap her donor base — and her \$3.7 million war chest — to cover the expenses.

On private donor calls, members of Congress, including Rep. [Greg Casar](#) of Austin, have been making the case for high-stakes Democratic resistance, including a quorum break, according to two people familiar with the calls.

Their pitch frames the rare mid-decade redistricting saga as a key front in their battle against the White House. To some, this fight is not simply about the congressional maps; it could provide Democrats with actionable opposition their base is hungry for.

Donors appeared convinced and ready to open their checkbooks should Texas members decide to flee the state, according to three people who were on the calls or briefed on them. One person estimated lawmakers would need \$1 million per month to finance the protest — a sum that those involved in the calls are certain they can secure.

Paying these fines may not even be necessary, Crockett believes.

“I think that the first step would be to make sure that there are attorneys on deck to actually challenge the legality of these rules,” she said in an interview with The Texas Tribune.

Andrew Cates, an Austin-based campaign finance and ethics lawyer, said he would be “very surprised if there were any real monetary penalties that were enforceable.”

Spokespeople for Speaker [Dustin Burrows](#), R-Lubbock, and Rep. [Charlie Geren](#), the Fort Worth Republican who chairs the House Administration Committee, did not respond to requests for comment.

The quorum break would buy precious time Crockett and other Democrats see as essential to educating the public about the harms they believe new maps would inflict, along with allowing a court challenge around the current maps to continue making its way through the system.

As part of the lawsuit against [the 2021 maps](#), Republican map drawers [testified](#) that they did not consider race when crafting the new district lines. But to justify this mid-decade redistricting, GOP operatives are using a letter from the U.S. Department of Justice, which says four current districts are racially gerrymandered.

“All of a sudden, all these years later, they're like, ‘never mind,’” Crockett said. “They really were considering race. They weren't race neutral.”

If lawmakers decide to bring the chambers to a standstill, a public messaging war would almost certainly ensue, drawing more attention and money to both sides' cause.

Republicans would likely say Democrats are abdicating their duty as elected officials and hindering flood relief bills lawmakers are expected to consider in response to the deadly July Fourth flooding in Central Texas.

Attorney General Ken Paxton has also called for fleeing Democrats to be arrested and offered his office's services in “hunting down and compelling the attendance of anyone who abandons their office” by breaking quorum.

Many Democrats see any attempt to stop these new maps, no matter how unorthodox, as effectively representing their constituents who do not want to see the maps redrawn.

Apart from quorum breaks, money is pouring in from national Democratic groups who are looking to capitalize on the issue.

The Democratic National Committee is leveraging 30,000 volunteers to contact “persuadable Republican and independent Texas voters” to encourage them to submit public comments or call their state legislators with opposition to the new maps. They have sent 250,000 text messages aimed at mobilizing voters to attend field hearings around the state, according to a DNC news release.

The National Democratic Redistricting Committee, while not involved in the quorum break talks, is planning to host an August fundraiser on Martha's Vineyard with President Barack Obama, former House Speaker Nancy Pelosi and the group's chairman, former Attorney General Eric Holder, according to a person involved in the organizing of the event. Money raised from the event will be used to support Texas Democrats who are opposing the redistricting efforts and the NDRC's general operations.

The NDRC's campaign arm, the National Redistricting Action Fund, has also committed an unspecified amount to digital ads in Texas aimed at turning the public against the GOP's new maps.

Additionally, the Democratic Congressional Campaign Committee, House Democrats' main political group, has committed to spending six figures on a public opinion campaign, with plans to spend more money to target Republican candidates in Texas who find themselves vulnerable under the new map.

A new fund backed by the House Majority PAC also pledged \$20 million on Monday to flipping seats in Texas.

Spokespeople for the DNC, the NDRC and the DCCC each said their organizations have yet to officially get involved in the quorum break fundraising efforts.

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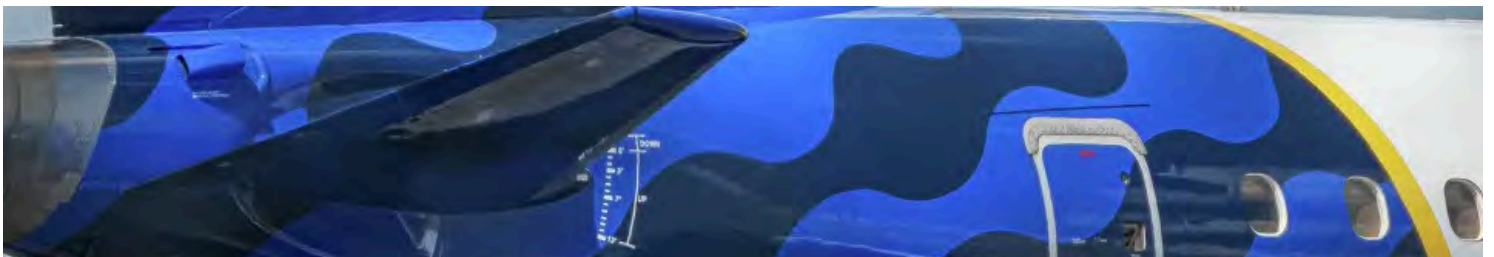
TAB U

POLITICS // TEXAS POLITICS

Democrats who fled Texas are racking up a huge bill. Who is paying the tab?

By **Taylor Goldenstein**, *Austin Bureau*

Aug 5, 2025

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Democratic lawmakers board a plane at Signature Aviation at the South Terminal on Sunday, August. 3, 2025 in Austin, Texas.

QR.00065



Listen Now: Democrats who fled Texas are racking up a huge



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AURORA, ILL. – Texas House Democrats who fled the state to block GOP redistricting have been very open about their effort, holding press conferences in Chicago and Albany, making the rounds on cable news programs and posting videos about their motivations on social media.

They have been less vocal about how they plan to pay for it all.

The already-costly protest has become even more expensive since 2023 when Republican state lawmakers passed new \$500-per-day fines for every member who breaks a quorum. Those rules prohibit members from using their campaign accounts to cover the penalties.

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Speaker of the House Dustin Burrows gavels in the session in the House Chamber at the Capitol in Austin, Tuesday, Aug. 5, 2025. A quorum was not present after most Democrat state representatives left Texas to break quorum and block a vote on a Republican plan for Congressional redistricting.

Jay Janner/Austin American-Statesman

READ MORE: [Arrest warrants issued for Texas House Democrats breaking quorum to block GOP redistricting vote](#)

Democrats are also dealing with Gov. Greg Abbott's suggestion on Monday that members who raise money to cover the cost of leaving Texas might be violating bribery laws, though several members have cast doubt on whether that legal theory would hold up in court.

The amount Democrats are able to raise could determine how long they can remain on the lam. House Democratic Caucus Chair Gene Wu, of Houston, said the delegation in Chicago is taking it "day by day" and did not answer questions about

how long he expects the escapade to last. Other members told the Austin American Statesman that they plan to remain in Illinois through Aug. 19 – the last day of Texas' special legislative session.

The Texas House Democratic Caucus and the Texas Democratic Party have each been fundraising around the effort via donation links that lawmakers have promoted. Neither has given fundraising totals.

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Texas House Democratic Caucus Chair Gene Wu along with other members of the Texas House are joined by Illinois Governor JB Pritzker as they speak about Texas Republican plans to redraw the House map office during a press conference at the Democratic Party of DuPage County office in Carol Stream, IL on Sunday, Aug. 3, 2025.

Mark Black/Associated Press

House members “are incredibly grateful for the outpouring of support from citizens across Texas and the country who stand with them,” a spokesperson for the HDC said, adding, “Every dime of expense for this effort is being paid for lawfully.”

Several members interviewed by Hearst Newspapers said they did not know where funding was coming from.

“We are expecting Democrats on the national scale to help with that – how it’s going to work out is still being worked on,” state Rep. Jon Rosenthal of Houston said in an interview Tuesday. “If you have a little faith, if you do the right thing, it works out.”

Former U.S. Rep. Beto O'Rourke's political action committee, Powered by People, fronted the initial costs for lodging and transportation, spokesperson Chris Evans said, but he declined to give a dollar figure. At least one group of Democrats got to Illinois via a private plane from Austin. He said the group, which has also been fundraising on the quorum break, planned to release details on how much it has taken in at the end of the week.

O'Rourke's group had pushed for the effort in recent weeks, putting money aside so there would be cash at-the-ready to support Democrats, Evans said.



Many seats remain empty during the session in the House Chamber at the Capitol in Austin, Tuesday, Aug. 5, 2025. A quorum was not present after most Democrat state representatives left Texas to break quorum and block a vote on a Republican plan for Congressional redistricting.

Jay Janner/Austin American-Statesman

“We essentially said, ‘Hey, if you do this, and we hope you do, we’ll have your back on it, including an initial amount to get you off the ground,” he said. “As soon as you do it, we’ll fundraise for you, email, text, online social media, and everything that comes in goes toward that effort.”

Evans said the fundraising so far has been largely through grassroots donors that O’Rourke developed through his 2018 Senate run and his bid for governor in 2021. The group already had \$3.5 million on hand as of June 30, according to campaign finance reports. The group is currently touring the country hosting town halls, with stops this week in Kansas City and New Orleans, all the while bringing attention to Texas Democrats’ fight.

In 2021, the group contributed \$600,000 toward Democrats' quorum break to block legislation restricting voting access, and Evans said he expects that amount to be higher this year "because they'll have to stay out there longer." That year, Democrats stayed out of Texas for 38 days until members began slowly defecting, bringing the effort to a close.

This time, the issue Democrats are protesting is not a state law but rather an issue that affects the entire country as it could determine which party controls the U.S. House, adding a "Trump factor" that is even more motivating for donors, Evans said.

Illinois Gov. J.B. Pritzker, a billionaire heir to the Hyatt Hotel fortune who is hosting the Texas Democrats this week, has said he hasn't contributed financially at news conferences on Sunday and Tuesday.



The House Chamber at the Capitol in Austin, Tuesday, Aug. 5, 2025, shortly before the session began. A quorum was not present after most Democrat state representatives left Texas to break quorum and block a vote on a Republican plan for Congressional redistricting.

Jay Janner/Austin American-Statesman

"I'll be clear, I haven't done that," he said Sunday. "We've done everything in terms of logistics, to support, to welcome them, and again, I continue to support the endeavor that they've undertaken here. Others have already done some of that."

He did not name those other groups or people and declined to answer whether he would donate in the future.

“The fact that the governor has welcomed us to his state is more than enough,” Wu told reporters Sunday. He added on Tuesday that there is no single big donor that he is aware of, saying his phone has been ringing off the hook with people interested in giving to the cause.

“This is something that people care deeply about,” Wu said. “People may not care about redistricting, they may not understand the politics of it, but they understand cheating. They understand cheating during the game.”

The Democratic National Committee and Texas Democratic Party have helped out with staffing and other needs, he said.



QR.00074

Texas Rep. Gene Wu, left, and other Democratic lawmakers board a plane at Signature Aviation at the South Terminal on Sunday, August. 3, 2025 in Austin, Texas.

Aaron E. Martinez/Austin American-Statesman

Wu said he had not had a chance to look at fundraising numbers nor did he have a fundraising target number, but he said “if people want to keep donating to us, keep us going, we’re happy to accept it.”

“We would need the senators to help with that,” Wu said, referring to state Democratic senators, who have not been part of the exodus. The Texas Senate Democratic Caucus has expressed its support for its House colleagues but has stopped short of joining the effort.

There are still legal questions remaining about the GOP-imposed fines, and lawyers working for the party are reviewing the situation, several members said. Wu declined to go into detail about those conversations but said members are prepared for the possibility that they may have to pay the fines out of pocket.

“If they get assessed, they get assessed,” Wu said. “It doesn’t matter because we all have agreed, whatever pain is inflicted on us is nothing compared to the pain that’s going to be inflicted on the American people.”

Kendall Scudder, chair of the Texas Democratic Party, put it simply: “I’ll sell my damn house if I have to.”

Aug 5, 2025



Taylor Goldenstein

AUSTIN BUREAU REPORTER



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QR.00075

Editor's Picks



LISA FALKENBERG

Hidalgo staffer 'blindsided' by use of children



RESTAURANTS & BARS

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Meet rough

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Pile-Up Poker



Typeshift



Really Bad Chess



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TAB V

DEMOCRATS

Texas Dems Fight Gerrymandering By Taking 76-Seat Private Jet to Gerrymandered Blue State

The flight from Austin to Chicago likely cost tens of thousands of dollars, though it's unclear who paid for it

Rep. Trey Martinez Fischer (C) and Texas House Democratic Caucus chair Gene Wu (R) listen as Illinois Governor J.B. Pritzker speaks to reporters (Scott Olson/Getty Images)

Collin Anderson
August 4, 2025

When Texas Democrats left the state on Sunday to deny their Republican counterparts the quorum needed to pass a new congressional map, they **said they were fighting** a "rigged-redistricting process." They had an odd way of showing it.

Most of the state legislators boarded a 76-seat private jet flown out of a "state-of-the-art" **private terminal** at Austin-Bergstrom International Airport, a *Washington Free Beacon* review of flight logs and photos found. That jet left Austin around 5 p.m. on Sunday and landed in Chicago some two hours later, a flight that likely cost tens of thousands of dollars. Upon arriving in the Windy City, the lawmakers held a press conference alongside Illinois governor and billionaire Hyatt hotel heir J.B. Pritzker (D.), who said Texas Republicans are "attempting to cheat" by redrawing their state's congressional boundaries to carve out additional districts likely to elect Republicans.



Pritzker is quite familiar with the concept.

Illinois suffered the second-largest population decline in the country from 2010 to 2020, causing it to **lose a congressional seat** following the 2020 census. Pritzker, who took office the year prior, responded by spearheading an aggressive redistricting process that saw his partymates in the legislature pack five Republican-held districts into three. The move meant Illinois Democrats picked up a congressional seat even as their state lost representation. They now hold 82 percent of the state's congressional seats; Kamala Harris carried just 54 percent of the vote in Illinois in 2024. The state's house map is **widely regarded** as one of the **most gerrymandered** in the country.

Walkout participants **said** they plan to stay away from Austin for two weeks, when the special session is scheduled to end. In a **statement** released Sunday, Texas governor Greg Abbott (R.) threatened to "remove the missing Democrats from membership in the Texas House."

Abbott also threatened to prosecute participants who violate state "bribery laws." He was referring to the \$500 fine individual lawmakers incur each day they are absent. Those lawmakers cannot use their campaign accounts to pay those fines, meaning that, in theory, they would have to personally pay more than \$7,000 each to see out the quorum break. Instead, Texas Democrats **say they found a legal loophole** that would allow them to fundraise to pay the fines, though they have not described their plan to do so.

In addition to the fines, it's unclear who paid for the private jet that took the lawmakers from Austin to Chicago. The Texas Tribune **snapped a photo of the lawmakers** boarding a CommuteAir flight chartered through Signature Aviation, a company that **dubs itself** "the world's largest

network of private aviation terminals" and **maintains** its own "top-tier" terminal at Austin's international airport.

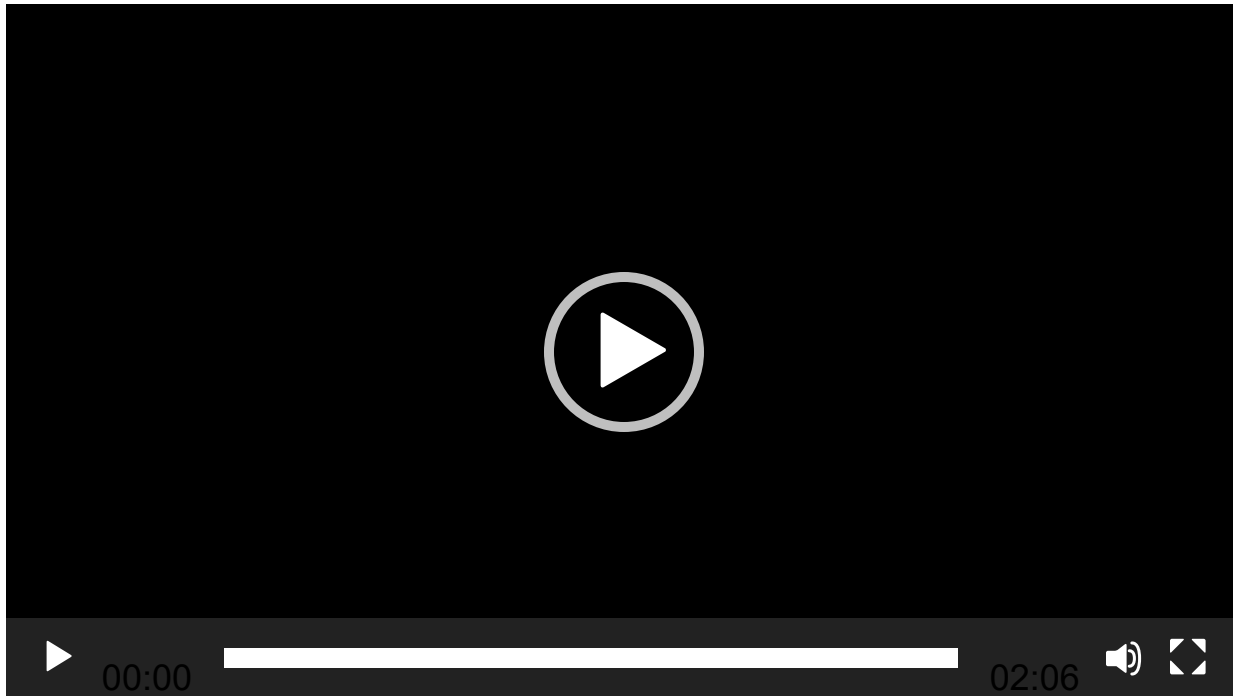
CommuteAir, meanwhile, **advertises charter flights** on an "efficient 76-seat Embraer E170" aircraft featuring "comfortable 2x2 leather seating, two lavatories, ovens for hot meals, and two experienced flight attendants at your service." **Flight logs** show such a plane leaving Austin for Chicago at 6:19 p.m. Eastern time, not long after one Texas Democrat, James Talarico, **posted a video from the tarmac** announcing the walkout. A separate charter flight company **lists the average price per hour** for an Embraer 170 at \$14,850, meaning the flight likely cost around \$30,000.

Pritzker was asked about his state's map during the Sunday press conference. He dismissed the notion that it's an example of Democratic gerrymandering, **saying**, "The fact that we are very good in Illinois about delivering for the people of Illinois and then people react to that and vote for our candidate winning is very different than cheating mid-decade by rewriting the rule because their cult leader told them to do it."

Texas Republicans, however, neither changed nor broke any state rules when they convened for a special legislative session to redraw their House map. While boundaries are usually drawn every 10 years, as federal law requires, nothing prevents Texas lawmakers from assembling mid-decade to redraw them, **as they did in 2003**. After drawing a new map, the state legislature votes to enact it like it would any other law.

Texas Democrats are aiming to prevent that from happening by executing what's known as a quorum break. Two-thirds of the Texas house's 150 members must be present to pass a bill, meaning at least 51 of 62 Democratic members must leave the state to break quorum. The *New York Times* **reported** that the "number of those taking part in the walkout on Sunday was well over that threshold."

Roughly two weeks before Texas Democrats launched the walkout, they huddled with former Obama administration attorney general Eric Holder to discuss the move. Though a *Times* account of that meeting **cited Holder** as having "led efforts to reverse gerrymandering in the House," Holder endorsed growing left-wing calls to gerrymander in blue states during a Sunday interview with MSNBC's Al Sharpton.



"We simply can't lie down and think that if we play fair, we're going to get a fair deal," he said. "If we want to have a functioning democracy, we've got to make sure that we are fighting them right now as they try to do things that would harm our democracy, potentially destroy our democracy."

Published under: **Congressional Districts** , **Eric Adams** , **Gerrymandering** , **J.B. Pritzker** , **Texas**

DEMOCRATS

TOP HITS

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QR.00081

Adam Kredo
August 12, 2025

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Alana Goodman
August 14, 2025

DEMOCRATS

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Andrew Stiles
August 12, 2025

CRIME

DC Police Leaders Stand Accused of Manipulating Data To Make Violent Crime Appear Lower. Here's How It Happens.

Andrew Kerr
August 13, 2025

TAB W

Gene Wu (@GeneForTexas), X (Aug. 3, 2025, 5:42 P.M.),
<https://perma.cc/V5BY-BXAD>



TAB X

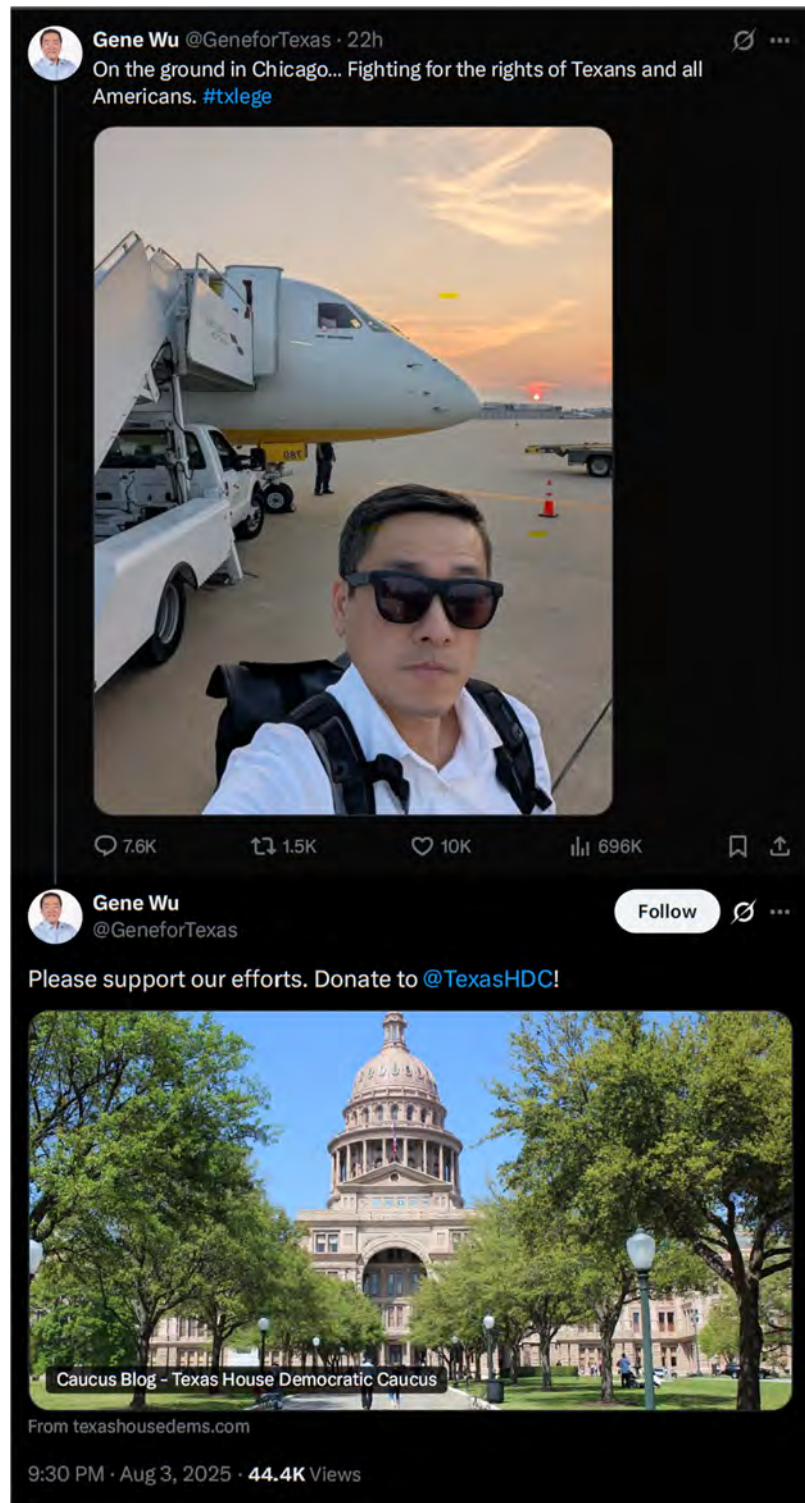
CBS Texas, *Texas Rep. Wu Defiant After Gov. Abbott Petitions to Remove Him from Office in Redistricting Battle*, YOUTUBE (Aug. 5, 2025), <https://www.youtube.com/watch?v=Fg6wxMGUJ70>

TAB Y

MSNBC, *'This BS is un-American': Texas Democratic Caucus Chair Rips GOP Over
Gerrymander*, YOUTUBE (Aug. 8, 2025),
<https://www.youtube.com/watch?v=BSDVUjP-Ugc>

TAB Z

Gene Wu (@GeneforTexas), X (Aug. 3, 2025, 9:30 P.M.),
<https://perma.cc/97SE-2NE3>



TAB AA

KXAN, State Rep. Gene Wu Discusses Abbott's Attempt to Remove Him from Office, YOUTUBE (Aug. 9, 2025), https://www.youtube.com/watch?v=_q0zGLWaBP4

TAB BB

MSNBC, 'Immense distractions': TX Democratic Caucus Chair Slams GOP Tactics to
Bring Dems Back, YOUTUBE (Aug. 10, 2025),
<https://www.youtube.com/watch/WdFtbA20FsY>

TAB CC

NBC News, 'We Are Still in Discussions' Over When to Return, Top Texas House Democrat Says, YOUTUBE (Aug. 13, 2025), <https://www.youtube.com/watch/EXtYIYUcNTo>

TAB DD

Left Reckoning, *Denying Quorum in Texas to Save Democracy with Rep. Ana-María Rodríguez Ramos & Rep. Gene Wu*, YOUTUBE (Aug. 11, 2025), https://www.youtube.com/watch?v=cc4_RADuv6g

TAB EE

CW39 Houston, *Texas House Rep. Gene Wu speaks after returning to Capitol*,
YOUTUBE (Aug. 18, 2025), <https://www.youtube.com/watch?v=Tli8Tz23hJQ>

TAB FF

CBS Texas, *Texas House Democratic Caucus Chairman Gene Wu Discusses the Democrats' Demands to Return to Austin*, YOUTUBE (Aug. 14, 2025), https://www.youtube.com/watch?v=fhNnX9DM_m0

TAB GG

Forbes Breaking News, *Jill Tokuda, Mazie Hirono Hold Call With Texas Representative Gene Wu About GOP Redistricting Effort*, YOUTUBE (Aug. 15, 2025), <https://www.youtube.com/watch?v=aU0hSNvQSA0>

TAB HH

CAUSE NO. 348-367652-25

THE STATE OF TEXAS

Plaintiff,

v.

ROBERT FRANCIS O'ROURKE and
POWERED BY PEOPLE

Defendants.

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§
§
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§

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

348th JUDICIAL DISTRICT

**MODIFIED TEMPORARY RESTRAINING ORDER
AND ORDER RE-SETTING HEARING FOR TEMPORARY INJUNCTION**

After considering Plaintiff State of Texas's Emergency Motion to Modify the Court's August 8, 2025, Temporary Restraining Order, Defendants' Opposition to State's Motion to Modify the Temporary Restraining Order, pleadings, affidavits, relevant legal authority, and arguments of counsel, and after holding a hearing on the State's Motion to Modify, wherein attorneys for all parties appeared in person before the Court, the Court grants the State's motion and issues this Modified Temporary Restraining Order.

The Court finds that harm is imminent to the State, and if the Court does not issue this order, the State will be irreparably injured. Specifically, Defendants' fundraising conduct constitutes false, misleading, or deceptive acts under the Texas Deceptive Trade Practices Act, TEX. BUS. & COM. CODE §§ 17.46(a), (b)(2), (b)(5), (b)(7), and (b)(24), because Defendants are raising and utilizing political contributions from Texas consumers to pay for the personal expenses of Texas legislators, in violation of Texas law. Because this conduct is unlawful and harms Texas consumers, restraining this conduct is in the public interest. TEX. BUS. & COM. CODE § 17.47(a); *see also* TEX. CONST. art. III, § 5.

Furthermore, Defendants have and will continue to engage in unlawful fundraising practices and utilization of political funds in a manner that either directly violates or causes Texas

legislators to violate: (1) TEX. PENAL CODE § 36.01(3); (2) TEX. ELEC. CODE § 253.035; (3) Rule 5, § 3 of the House Rules of Procedure; and (4) TEX. PENAL CODE §§ 36.08, 36.10. Consumers have and continue to suffer irreparable harm through these unlawful acts because they are making political contributions that are being used to fund personal expenses and violate State law.

Therefore, by this order, the Court issues this Modified Temporary Restraining Order, immediately restraining Defendants, their officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with Defendants, who receive actual notice of this Modified Temporary Restraining Order by personal service or otherwise, from the following:

- i. Using political funds for the improper, unlawful, and non-political purposes of (1) funding out-of-state travel, hotel, or dining accommodations or services to unexcused Texas legislators during any special legislative session called by the Texas Governor, or (2) funding payments of fines provided by Texas House rules for unexcused legislative absences;
- ii. Raising funds for non-political purposes, including to (1) fund out-of-state travel, hotel, or dining accommodations or services to unexcused Texas legislators during any special legislative session called by the Texas Governor, or (2) fund payments of fines provided by Texas House rules for unexcused legislative absences, through the ActBlue platform or any other platform that purports to exist for political fundraising purposes; and

- iii. Offering, conferring, or agreeing to confer, travel, hotel, or dining accommodations or services (or funds to support such accommodations or services) to unexcused Texas legislators during any special legislative session called by the Texas Governor as consideration for a violation of such legislators' Constitutional duties.

Additionally, by this Modified Temporary Restraining Order, Defendant Powered by People, and any filing entity or foreign filing entity in active concert or participation with Defendant Powered by People and/or Defendant O'Rourke (including banks, financial institutions, and ActBlue), are immediately restrained from removing any property or funds that belong to, or are being held for, Defendant Powered by People and/or Defendant O'Rourke, from the State of Texas during the pendency of this lawsuit.

Defendants are ordered to immediately serve a copy of this Modified Temporary Restraining Order on the registered agent of ActBlue and any bank or financial institution with whom such Defendant(s) does business.

This Modified Temporary Restraining Order shall remain in effect until September 5, 2025, or as agreed by the parties or as otherwise ordered by this Court, whichever occurs first.

This Court further orders the Clerk to issue notice to Defendants Robert Francis O'Rourke and Powered by People that the hearing on the State's Application for Temporary Injunction is set for **September 2, 2025, at 10:00 a.m.** The purpose of the hearing will be to determine whether a temporary injunction should be issued upon the same grounds and particulars as specified herein or as requested in Plaintiff's then-current petition. This hearing will take place in person in the courtroom of the 348th District Court, Tom Vandergriff Civil Courts Building, 100 North Calhoun Street, Fort Worth, Texas 76196.

The Clerk shall, forthwith, issue a temporary restraining order in conformity with the law and the terms of this Order.

Pursuant to TEX. CIV. PRAC. & REM. CODE § 6.001(a), the State is exempt from bond requirements. *See also* TEX. BUS. & COM. CODE § 17.47(b).

Signed: August 15, 2025, at 3:11 p.m.



DISTRICT COURT JUDGE

TAB II

NORTH TEXAS STATE UNIVERSITY
ORAL HISTORY COLLECTION
NUMBER
500

Interview with
SENATOR OSCAR MAUZY
August 2, 1979

Place of Interview: Dallas, Texas

Interviewer: Ronald E. Marcello

Terms of Use:

Approved:

Date:

upon my death
Oscar T. Mauzy
(Signature)
July 23, 1980

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UNIVERSITY IN THE CITY OF DENTON

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Oral History Collection

Senator Oscar Mauzy

Interviewer: Ronald E. Marcello

Place of Interview: Dallas, Texas

Date: August 2, 1979

Dr. Marcello: This is Ron Marcello interviewing Senator Oscar Mauzy for the North Texas State University Oral History Collection. The interview is taking place on August 2, 1979, in Dallas, Texas. I'm interviewing Senator Mauzy in order to get his reminiscences and experiences and impressions while he was a member of the 66th Texas Legislature.

Senator Mauzy, let's kind of begin this interview where we left off the last time. As I recall, we had been talking about the 66th Legislature and when Attorney General Hill would be the next governor. Of course, things changed rather drastically from that last interview that we had. What was it like, and I'm sure you've been asked this many times, working with a Republican governor?

Senator Mauzy: Well, it really wasn't any different than working with other "Republican" governors in the past. The only substantive different was that this Republican governor admitted he was a Republican from the outset. But his conduct, his behavior, and his attitude in office was similar to other governors in their first term. He had to go through

the learning process. He didn't understand the legislative procedures; he didn't understand really how state government operated. I'm not being critical when I say that--it's a fact. He's acknowledged as much himself. I didn't really see any difference between him and other first-term governors who had come in from the outside, except, as I say, he admits to being a Republican. I think that's good; I believe in candor in politics.

Marcello: One of the things that struck me was that he would take a very, very strong position on a particular piece of legislation and threaten to veto it if it weren't passed in the manner in which he desired. Of course, in the process he would take some of his supporters with him, and then somewhere down the line he seemed to have to bow to legislative realities and have to back off a little bit. That had to be embarrassing at times to some of the people in the Legislature that were supporting his programs.

Mauzy: Not really because, really, all he was doing was acknowledging that he didn't understand the rules and didn't understand the ropes. He's the first to admit, as he has to me privately, that he shot off his mouth about things he didn't know anything about, and shouldn't have. I do think that it's somewhat ironic for this particular fellow to get caught that way, though, because, you know, basically he's been running against President Carter ever since he announced for governor of Texas

in the Republican primary. His main criticism of the President has been that the President's wishy-washy and waffles all the time, and I think there's some validity to that charge. Yet here he comes along, and he's going to be the strong, decisive man, the one-man show, the chief executive who's going to be the manager and get things done, and he falls into the same trap. He announces he's going to veto the usury rate increase on mortgage loans if it's passed and then three weeks later has to eat his words and back off and sign it. There were several other incidences.

Marcello: I think he had to do the same thing on the budget bill, did he not?

Mauzy: Yes. Well, there again, he didn't understand when he got into office the state budgeting process and how an appropriations bill is put together. That again is perfectly understandable to me. He didn't understand that the governor--the chief executive in Texas--does not as a practical matter propose and get adopted an executive budget. We're going to work from the Legislative Budget Board whether it's a Republican governor, a Democratic governor, or whomever. So I think that he's learned a lot in the last seven months.

Marcello: How would you compare or contrast him with his predecessor, Governor Briscoe, that is, in terms of his conception of the governor's role in the governing process?

Mauzy: I think at this point in his development he better understands

the governor's role than Briscoe ever did. I think when he started out, Briscoe had a better understanding than Clements did the first day he took the oath. The main difference I see is, first of all, that Clements is much more open--he's much more candid--than Briscoe was. He is much more accessible to the press, to the people, and to the members of the Legislature. He's a much more dynamic individual. I think he has learned now not to do a lot of the popping off that he was, I think, rightly criticized for early in his term. He still, I think, is going through that learning process, and I think he's maturing with it.

Marcello: So in essence, then, are you saying that he is a fast learner in a sense, and maybe you will see him being a little bit more practical the second time he has to deal with the Legislature?

Mauzy: Yes, I think he's a bright man. I don't think there's any question about that. I think he has the same kind of pre-arrived-at judgments, predilections, biases, and prejudices, as we all have about certain things, that he feels strongly about. He has been willing to sit down and learn.

The place I would fault him the greatest would be in the selection of his staff. I thought he could have done much better than he did in the people that he hired to run his operations for him because, again, most of them came in totally from the outside without any experience, and they

had to go through the learning process, also. Hopefully, that will improve because where you see the breakdown in state government is when a governor surrounds himself with people who are as incompetent as he is--or maybe more so--and who don't understand how to get something done, how to get things moving, how to get to the desired result. We see that right now in Clements' office, for example, in the actions he's taking on recommendations of the Board of Pardons and Paroles. He's turning down an awful lot of paroles that the Board is recommending on what I consider to be just totally unjustifiable reasons. Again, I think it's because the people he's got running that operation for him do not understand the role that the governor has to play and the role that the Board of Pardons and Paroles has to play. Hopefully, that will improve, too.

Marcello: I noticed that one of the people that he elected as a legislative liaison was a former member of the Legislature. I'm referring to Jim Kaster from El Paso.

Mauzy: He actually had three former House members, all allegedly Democrats--Kaster from El Paso; Cavness, who was in the House from Austin; and Hillery Doran, who was in the House from Del Rio. That caused some comment over on the Senate side. There's always going to be this dichotomy between the House and the Senate. It's a point of view that I don't personally happen to share but a number of my colleagues do--that a

governor is, in effect, insulting the Senate when all of his legislative liaison people are former members of the House and none of them are former members of the Senate.

But over and above that, Kaster has no respect--and never did have--in the Legislature, either on the House or the Senate side, from people who served with him. He has a tendency, and always has had, to shoot from the hip and be a little immoderate. The best example of that occurred (chuckle) the day when he was appointed by the governor. He held a press conference and said, "Well, you know, this governor's going to do well and I'm going to do well, but more importantly the people of El Paso County are going to do well now because for the first time they've got somebody down here who can get something done for them. The El Paso delegation in the House and the senator from El Paso are total nincompoops, and they couldn't pass gas!" Well, of course, that went over big with the four members of the House from El Paso County and the senator from El Paso (chuckle).

Marcello: That isn't the sort of thing the legislative liaison is supposed to say.

Mauzy: No. Then, of course, Cavness had some friends when he was in the House. I think his effectiveness was somewhat diminished by the fact that he continued to run his insurance agency while he was working for the governor.

Hillery Doran is well-liked by almost everybody in the

Legislature. I like him very much personally. I never voted the same way he did when he was in the House, but he's a likeable fellow. He'll level with you. I think Doran was the best of the three the governor picked, personally.

Marcello: Let's take a look at some of the specific pieces of legislation. I'm sure, as usual, that an inordinate amount of your time was taken up with the education bill, was it not?

Mauzy: Yes, it was but, as you know from past talks, that's a labor of love for me, and I don't consider it inordinate--whatever time it takes. This year we came out with a pretty good school finance bill, actually.

Marcello: Describe how you went about formulating the bill that you presented and why you presented that particular bill.

Mauzy: Well, of course, I had assumed as everyone else had that John Hill was going to be elected governor before the session started, and consequently my pre-election day plans got changed dramatically (chuckle). Hill was committed to declaring education the number-one legislative priority. He was going to declare it as an emergency. The net effect of that would have been that for the first time we would have passed a school finance bill before we passed an appropriations bill.

With the election of Clements, of course, that all went out the window, and it was back to business as usual, which means you pass the appropriations bill first, and then whatever's

left you try to shoehorn the needs of education into that diminished-size box.

The bill had already been drawn before the election. I went ahead and introduced it in that same way, and then we went about the business that we've had to do in the past, and that is to scale it down to resources that were available after we could see what the total cost of the appropriations bill was going to be.

Marcello: One of the figures I saw was \$1.9 billion. Is that what you originally started with? Was that the original proposal?

Mauzy: That's right. It would have required \$1.9 billion in new state money for the educational system, but let me hasten to say that about \$600 million of that was so-called tax relief for the reimbursement to the local districts. So, really and truly, the cost difference in terms of new money going into program would have been about \$1.3 billion.

Marcello: How closely would you have had to work with Senator Grant Jones in this education bill? In other words, his committee, I would assume, was handling the tax relief bill, and I guess whatever education bill you came up with would be predicated to some extent on the type of tax relief measure to come out of the Senate Finance Committee.

Mauzy: Yes. The way it worked out this time . . . because Clements would not declare education to be the priority matter, you had to work very closely in dove-tailing three bills--the general

appropriations bill, the so-called tax relief bill or House Bill 1060, and the school finance bill--because they kept playing musical chairs, swapping things around from one bill to the other. Had we been able to proceed and pass the education bill first, there would have still been some of that necessary but not nearly as much as would have been necessary.

Marcello: I think one of the difficulties between the legislative bill and what the governor wanted involved teacher salaries, isn't that correct?

Mauzy: That was one of the major differences. It certainly wasn't the only one, but it's the one that drew more public attention than anything else.

By the way, one of the interesting things occurred in the second meeting I had with Clements. He asked Hamp Atkinson, who's chairman of the House Education Committee, and the speaker and lieutenant governor and I to come meet with him and his three legislative liaison people about what we could do on teacher salaries because he had gotten his neck out early and said, "Anything more than 5.1 percent, I'm going to veto." He very candidly admitted--he and his staff--that there had been a mistake, that he shouldn't have said that, but the "fat was in the fire" and what could we do to help him, in effect. It was interesting because he acknowledged all this and then said, "Now I want to listen to you fellows as

to how you think we can pass the school finance bill that I can sign and do as much as we can for education but still not make me look bad, in effect, for looking like I'm going back on my word."

Well, Clayton spoke first and said, "Well, I think you ought to reissue your statement that you're going to veto anything over 5.1 percent," and, I mean, Hobby almost jumped out of the chair at that point. He said, "Governor, let me tell you. I don't know about other people, but I can tell you how I feel and how I think the majority of the Senate feels and, I suspect, the majority of the House. Anytime a governor starts saying, 'Veto, veto, veto,' most folks over on our side just start saying, 'Well, let's just put on our veto clothes and our override clothes, and let's just get it on!'"

Then he turned to me and asked me what I thought, and I said, "I think the lieutenant governor is giving you good advice, Governor. There's just no sense in putting people in that position because I think they'll react just the way the lieutenant governor says." Atkinson then agreed with me, and Clayton did 180 degrees.

That's the way it worked out eventually. He never issued another statement about what he would veto and what he wouldn't about education. The way we left it with him was, we were going to do better than 5.1 percent as much as we could within

the constraints we were operating under, and that we might need him at the appropriate time to issue a statement saying, "Yes, he could sign that package," whatever it came down to be on the bottom line. He agreed that he would do that. As it worked out, we didn't have to. But he was perfectly willing to do that which, again, I think is a plus to him, as far as I'm concerned, that he was willing to acknowledge his own mistake.

Marcello: Here again, you mentioned awhile ago that there were three bills that kind of dove-tailed one another. In his original appropriations bill, that is, the one that Governor Clements desired, that would have gutted teacher raises of the type that you wanted, isn't that correct?

Mauzy: Yes, it would have. As I recall, I think he even came up with a concept that Bob Davis has been pushing for some time-- putting the teacher salary schedule in the appropriations bill and not in a separate school finance bill, which seems to me to be playing Russian roulette and would have let him, of course, line-item veto all that. I'm not particularly interested in giving him or any other governor that kind of power.

Marcello: I also noticed, I think, in the education bill that the issue of equalization perhaps wasn't as great this time. At least the newspapers didn't seem to play it up as much.

Mauzy: That's not true. This school finance bill is the most equalizing

bill that we've passed since I've been there. It's better even than House Bill 1026 that we passed four years ago when we went to the single-factor formula, basically for two reasons. First, the equalization formula has been rewritten to really see that more of that money gets to the poor districts than to the average and above-average districts. Secondly, we changed the formula on compensatory education by changing from the federal Title One definition, which requires you to base it on census tracts of the 1970 census. We changed it to the March, 1979, figures for children who qualified for free or reduced school lunches. By doing so, we added 330,000 kids to the program; and by doing it that way, we in effect flow the equalization money to the individual campus. We follow the disadvantaged child to the individual campus rather than cutting it off at the district level as we always had in the past.

So although we didn't have as much money to spend on education as I would have preferred, and we did not do everything we should have done, particularly in the field of salaries and other programs, the equalization and compensatory education features of this bill are the best we've ever done.

Marcello: Maybe I didn't phrase my question right. It seemed as though there wasn't as much controversy and so on over equalization as perhaps there had been in the past.

Mauzy: Well, I think that's true. First of all, the Administrators

Association had been told to lay low by everybody, that they weren't particularly welcome in anybody's office--not just the governor but the lieutenant governor, the speaker, my office, Chairman Atkinson's office on the House side. To some extent, the TSTA crowd was told the same thing. You know, we had had them potshotting at us in the past and sometimes had followed their advice and their recommendations, and it turned out not to be the way they had represented their program to be. So all of us, I think, were operating a little freer this time. Consequently I think our individual staffs were able to do a better job, and we were able to do a better job, in actually getting to an objective bill without the extreme pressure of the organized lobby from the administrators and the TSTA or the School Board Association or any of the so-called educational groups.

Marcello: You mentioned awhile ago that the bill was not everything that you wanted. What were some of the areas where you would have liked to have seen improvements or other things added?

Mauzy: Well, I would have liked to have done away with all the hold harmless clauses that are in the present law and the new ones that were added this time. I would have liked to have put more money into the salary schedule for teachers. I would have liked to have expanded some existing programs. We did fairly well in special education this year, but we could have done better. I would have liked to have channeled more

of the funding mechanism into the weighted student approach again--the business of designing the program to meet the individual needs of the individual child and paying for it on that basis. If I had to grade this bill on the basis of one to 100, again, considering the bottom line of the number of dollars that we had for that purpose, I'd say this bill was 88 or 89 percent good.

Marcello: How much time do you as chairman of the Education Committee spend upon a bill of this nature during the session?

Mauzy: Well, first, this year I didn't really have to spend as much as I had in years past because of this new kind of freedom that we had from just constant harangue and pressure from the organized educational groups; secondly because Atkinson, the chairman on the House side, is just a much easier fellow to work with and had a better staff on the House side; third, the House Education Committee was a better committee this time, particularly with Ron Coleman from El Paso being on there. I give Ron Coleman 85 percent of the credit for the final version of the bill that we got passed. He took over that committee--in effect took it away from the chairman--and got his votes lined up every time and really turned it around. A combination of all those factors made in terms of hours spent . . . I don't think I spent more than 65 percent of the hours this time that we spent two years ago.

Marcello: Coleman evidently is one of the real up-and-coming legislators

in Austin.

Mauzy: There's no question in my mind about it. I think of all the members of the House and Senate, both, if I had to grade people in terms of competency, ability, dedication, knowing how to get the job done and then getting it done, and being on the right side of the issue, too, Coleman would be in the top three or four in both the House and the Senate.

Marcello: Awhile ago when we were talking about the education bill, we were talking about the bill concerning tax relief. This is one, of course, which was handled in Senator Jones' committee. Was there very much communication and so on between you and Senator Jones relative to what was taking place over in that committee on tax relief?

Mauzy: Yes, there was. Grant Jones, again, is an easy fellow to work with, too, as the chairman of the Finance Committee--much easier to work with than Senator Aiken was, for example.

Marcello: In what way?

Mauzy: Well, Grant is, first of all, more knowledgeable about education. He serves on the Education Committee, too, and is frankly the best member I've got on that committee in terms of really seeing through all the garbage and getting down to what the real issue is. Secondly, of course, he was very interested in helping to pass finally some form of the original Peveto Bill, which we were able to do. Hobby and Jones and I worked very closely together on fitting all these pieces together,

and we had that agreement that we would the first day of the session. I didn't anticipate that there'd be any problems between us, and there weren't.

Marcello: I assume that you and the lieutenant governor did work in a cooperative and friendly spirit right up until the time of the presidential primary bill.

Mauzy: Oh, we did after that, too. I'm not mad at Bill Hobby about the "Killer Bee" incident. He's not mad at me, I don't think. I never felt he would be. That was just another fight where some of us felt very strongly on one side, and he felt very strongly on the other side. But I did not expect and I do not expect Hobby to try to visit any kind of retribution on anyone because he's not that kind of a human being. He's not a petty or vindictive man. I've seen no evidence as to me or anyone else that he is trying to discipline anybody. I think he's too smart. I think he knows he couldn't. If he tried to get away with that, that's the one thing the Senate would unite 31-0 about.

Marcello: We'll talk more about the activities of the "Killer Bees" later on, I hope, and probably I guess near the end of this interview.

Let's talk about some of the other measures. It just struck me that, in this particular session of the Legislature, there were also quite a few bills that I would perhaps call "anti-consumer-type bills." As a trial lawyer, I would assume that you were perhaps interested in some of those and

probably opposed to most of them. Where is Bill Meier coming from?

Mauzy: Oh, I think it's obvious where Bill Meier has been, where he is, and where he's going to. Bill Meier's totally on the make to whomever can finance him for whatever particular purpose they seek to advance because he's wanting very much to run for lieutenant governor in 1982. Bill's a very capable guy. He does his homework; he's a hard worker. He suffers, in my opinion, from a personality flaw that I call the "Nazi syndrome." He won't permit anyone to question his sincerity or wisdom in certain things and really kind of talks down his nose to people when you try and point out legitimately what it is that he's trying to do in the consumer protection bill, for example. I took him on on the class action section, which I know as much about as he does--no more but I know as much as he does--and he just refused to debate the merits of the thing with me when it's obvious he had the votes and he was going to prevail. I think that's a bad legislative tactic to ever take that kind of attitude that you are not going to defend publicly the positions you're taking, especially when you've got the votes.

See, Meier made himself a very powerful and wealthy individual by serving on the Sunset Commission for the last two years. It's interesting to note that Hobby did not reappoint him to the Sunset Commission, too.

Marcello: What do you mean when you said it made him a powerful and wealthy individual?

Mauzy: Just what I said. He wound up voting with the lobby on every one of those Sunset deals, and he didn't do that for nothing! Schwartz and Snelson and Doggett, I thought, did a good job on the Senate side with the Sunset Commission, and I think the majority of the House members did, too. The Sunset Commission's reports were by and large, I thought, excellent, but in every instance where the organized lobby of that particular group was not willing to let the Sunset Commission process work, Bill Meier was their hatchet man--whether you're talking about the State Bar or whether you're talking about the beauticians or barbers or any group you want to name. I think that was a very great disappointment to Bill Hobby, and I think that's the reason Bill Meier's not on there the next two years.

Marcello: Why was it that consumers to some extent seemed to take a beating in this legislative session? At least the consumer legislation that was passed seemed to be of the nature that was detrimental to the interests of consumers.

Mauzy: I think the main reason was because Bill Clements was elected governor. Most of that garbage that got passed and signed never would have been seriously introduced and pushed if Hill had been governor because Hill was committed to vetoing it and would have vetoed it. He wouldn't have had to veto

it because it never would have passed.

Marcello: Of course, as attorney general, he had vigorously enforced the original Consumer Protection Act of 1973, had he not?

Mauzy: Yes, he had. I thought that was one of the main reasons he won the Democratic primary and beat Briscoe, because of the record he had made as attorney general in representing the interest of defrauded people and consumers generally. So if Hill had won the election, it never would have happened.

I think what happened is, when the lobby woke up that Wednesday morning after the election and saw that Hill had lost and that Clements had won, they immediately . . . of course, they had already counted their votes, and they knew pretty well where their votes were. But they said, "My God! This removes the obstacle now." The votes in the House and the Senate didn't change all that much. We never had a majority (chuckle). We all knew that before the session started, too.

But the difference was that Bill Clements would not veto things that John Hill would. John Hill would never have permitted that documentary fee bill for car dealers to get out of committee. He'd just pass the word, you know, "If you clowns do that, man, you are dead!" And it's the same way with the Consumer "Destruction" Act, which it has been more properly been called.

A few things that we were able to kill, well, the Products

Liability Bill, for example, passed the House--with a very good amendment on it, by the way. My friend Bob Maloney, who is a Republican member from the Dallas County, put on an amendment that required insurance companies to list their investment income, which has been a pet project of mine for ten years. And for a Republican to be able to do that is really something. I was over there the night that they passed it. He put that amendment on something like 112-28, and, of course, the first thing the Senate Committee did was take it off, and when they did that effectively killed the bill. They never got it up because we were able to hold thirteen votes to not suspend the rules.

In all three of those instances, those bills would never seriously have gotten out of committee and been considered on the floor of either the House or the Senate because Hill would have just passed the word that he was going to veto them. I think, in answer to your question, the day after the election, when the lobby saw that Clements was governor, they thought, "Boy, we got us a new ballgame here!" And they were right.

Marcello: How about the bill that raised the legal interest rate?

That's kind of a little bit different matter, is it not?

Mauzy: Yes. I don't know what Hill's position would have been on that because that never was an issue during the campaign. Nobody talked about it. There are legitimate arguments that

can be made to raise the interest rate. I voted against it because in my judgment they had not carried the burden of proof. Thank goodness, the House at least put that amendment on that self-destructs in two years, so that we will get another chance to take a look at it. That bill, though, to me represents the growing-up process in Bill Clements when he let himself . . . and frankly, we're the ones that created all the heat and pressure to make him come out originally and say he was going to veto it. He bit that bait, and then he had to back up. I think he hurt himself with the people of Texas when he did, but it's the law now for at least two years.

Marcello: Let's talk a little bit more about that so-called usury bill. You mentioned that certain senators were in effect putting the heat on Governor Clements. What did you mean by that?

Mauzy: Well, we had two strategies on that particular bill. There were a number of the fellows who were committed to vote for it if it got to that point, but we all got together--nine or ten of us who were opposed to it and had decided we would never vote for it--with three or four of the other ones who were committed to vote for it if it got to that point but who didn't want to if they didn't have to. And so we developed the strategy of all of us telling the lobby the same thing, and that is, "Look, we're tired of getting cut up on everything over here. Y'all get the House to pass it first. That's

the first thing. We are not going to vote to consider a Senate bill. You're going to have to get a House bill out and pass it through the House and then get it over here before we'll even talk to you about it."

Secondly, then, we decided, well, the House wasn't going to bite that bait. So the thing for us to do is get them off the hook because the House people are telling the lobby the same thing: "You get the Senate to pass it first." You know, it's the oldest thing going down there.

So we jointly decided to tell them we're not going to vote for anything until the governor says whether he's going to veto it or sign it. If he decides he's going to veto it, there's no sense in anybody voting on it. Of course, we publicly then got him committed to veto it by sending him a lot of polls that had been taken and one thing and another that shows that the public was 84 percent against that bill, and rightly so. I can understand that, too. When you ask people, "Would you be in favor of raising what it would cost you to buy a new home over the life of mortgage by 40 percent?" or whatever it came out to be, of course, they're going to say no. That's how we did it.

Marcello: In the meantime, then, of course, the mortgage bankers and so on are putting pressure on, too, are they not?

Mauzy: Yes, but, you see, they didn't have any . . . that's the interesting thing about Clements. None of the organized lobby

had any heat to put on Clements because none of them had supported him in the general election or in the Republican primary, either. The fellow that, I think, was his finance chairman in Dallas, "Bum" Bright, who owns a mortgage company and who is either the owner or a major owner of one of the freight lines here in town . . . Clements vetoed (chuckle) a truck bill that they were interested in. I forgot whether it was a weight bill . . . no, it was the one where they get together and set their own rates, in effect, and just get the Railroad Commission to rubber-stamp them--rate bureaus, they're called. "Bum" Bright went to him and asked him to sign that trucker's bill, and he vetoed it. Then he went to him at the same time and asked him to help him on the savings and loan bill, and it came out that he was going to veto that. So here's "Bum" Bright, who was his biggest supporter, his finance director here in Dallas County, a guy who had done more for him than anybody else, getting turned down! It also, I think, tells you something about Clements' personality. I don't think he's anybody's man. I believe that.

Marcello: Okay, let's talk a little bit about the presidential primary bill and the so-called "Killer Bees." I want you to give me a blow-by-blow account of how this whole episode occurred, from the beginning right up until the time you guys showed up in the Senate again. I'll let you take it from here.

Mauzy: I'll do that, but I'm also going to send you . . . because

I taped my recollections shortly after the session was over and that I have typed now and have sent to Bob Herr, who's probably going to do a book on it along with some of the other guys. I don't have it with me right now. I've loaned my whole file to a friend of mine who's supposed to get it back to me. When I get it back, I'll just send you that and you can attach it.*

To put the thing in perspective, first of all, the term "Killer Bee" was a term of Bill Hobby's origination, not ours. The way that came about, we were trying to kill the Consumer "Destruction" Act, and the way we were going to go about doing it--we only had nine or perhaps ten votes on our side on that bill--is the age-old classic way that we've always gone about it when we're in that position, and that is to get everybody who's opposed to it to have a legitimate amendment once the rules are suspended and the bill gets up. Each of us has an amendment that we're really interested in, that we feel deeply about, that is legitimate, and we send all those amendments up and we just worked out a little program with each other. Doggett was in charge of this. Each member agrees to talk for three or four or five hours on his amendment. You know that your time is going to be from such-and-such a time to such-and-such a time, and the other guys can go to sleep while you're talking, and they know how to stay in the building where they can be reached five minutes before you're going to sit down

and vote on the amendment while we go and wake them up and bring them in. That's how we set about it.

It was during my stint . . . I was on my class action amendment from, as I remember, ten o'clock or 10:30 at night until 3:30 or four o'clock in the morning. That was my time period, and I was the fifth or sixth one up.

Everything had been running on schedule, and, as I say, it was the way we always go about trying to filibuster--by amendment--which is appropriate. The Senate had never previously, however, moved the previous question during the legitimate amendment process. There were still six or eight legitimate amendments pending after mine, where the guys were committed to be there and speak on them. So it became obvious to them that that's what we were doing.

I've forgotten who preceded me, but there was some talk that they were going to try and move the previous question on him. They decided not to, and then when I got up and started talking, then they decided they really were going to do it. So about two o'clock that morning Hobby called Doggett up to the desk and said, "You know, I never know where you guys are coming from. You're like a bunch of goddamned killer bees! You're coming from all directions, and it's obvious you're using this amendment process as a mini-filibuster." Doggett said, "That's right, Governor. That's exactly what we're doing, and we're going to continue to!" Hobby said, "Well, you know,

you're entitled to run with your amendments, but you're like a bunch of damned killer bees! You're coming from all directions, and you're stinging me! You're going to kill me!" He said, "We just can't have that!" No, it was Gene Jones he told that to, and Jones then told the press. So, first of all, the term originated with Bill Hobby in April long before the presidential primary ever came along. By the way, I went ahead and talked as long as I wanted to and sat down on my amendment. We voted and then they put the previous question on the next person. They decided not to put it on me. That was all kind of done by agreement, too, like most of those things are.

Now I'll get to the presidential primary. Several of us had been concerned about this the whole session because Hobby made it his number one legislative priority for the entire session early. He first talked to me about it in January, as he did others individually. He wanted the presidential primary held in March. He wanted to move the party primaries--the nominating primaries--back until July. Both of those are concepts that I don't have any disagreement with. He wanted a presidential primary where the candidate would run, not the phony-baloney delegates like we did last time. He wanted proportionate representation. He wanted all those good things. He wanted it in March, he said, so that Texas could be more influential. I believe him; I think that's his honest opinion.

When I talked to him, I said, "Well, Bill, that's fine. You've got a program I can be with as long as you do one other thing, and that is that you leave the present law the way it is." When you vote in the primary of a party, the present law is that you shall remain a member of that party for the rest of that calendar year. He said, "Well, no, we're going to change that and make it from April 1st to April 1st." I said, "So what you're going to be doing is encouraging crossover voting. That's too heavy a price to pay. Don't include me. As a matter of fact, if you'd let me put on my party purity amendment--if you could get your folks to agree to that--then we can do business right here."

Marcello: What was your party purity amendment?

Mauzy: It's the one I run with every year. It just says that when you register to vote, you declare yourself a Democrat, a Republican, an independent, or whatever. You shall remain a member of that party and be allowed to participate only in the primary of that party--unless you change. Then you've got thirty days before a primary election to change. It's the same law that prevails in nineteen or twenty American states right now. Of course, Hobby doesn't like the party purity amendment, so we never were able to accomplish any business on that front.

As the session went along, it became more and more obvious what was really behind this. It wasn't to help John Connally.

Bill Hobby's got no interest in helping John Connally after John Connally tried his best to beat Bill Hobby's ass in '72 with his brother Wayne. So there was obviously no love lost there. But I'm convinced what was motivating Hobby was some of the more conservative members of the Senate who don't vote with Hobby, and that's what I've never understood about this deal. They convinced Hobby, and I think rightly so, that if there's a presidential primary held on the same day as the nominating primaries, they're going to get their ass beat in the primary. Those are specifically Bill Moore, Jack Ogg, Tom Creighton, Grant Jones, and Tati Santiesteban. Now of those five, the only one that Hobby can depend on almost all the time is Santiesteban. He can't depend on Moore; he can't depend on Creighton; he can't depend on Ogg. They vote against Hobby's position more often than they vote for it. Grant Jones votes with Hobby quite a lot, but he's not totally dependable, either, from Hobby's standpoint. So that's what I've never understood about this whole deal. Hobby had nothing involved personally--he's not running in 1980--so there's nothing in it for him. But he got strung out on this thing early on and went to the wall with them.

Marcello: Of course, you can take this business of the conservatives one step farther. Coming up pretty shortly--I guess in the next legislative session--will be the congressional redistricting once again, isn't that correct?

Mauzy: Well, both congressional and legislative redistricting. Of course, that's a factor, also, which is one reason we were so very vitally interested, too. You know, my side is going to be running candidates in 1980 against some incumbents both in the House and the Senate with the hope that we will elect a majority for the 1981 session, which will be the redistricting session, with the hope that we will pass a constitutional redistricting bill which will put the seats where the people are. You know, regardless of who draws the redistricting bill in '81, the elections of 1982 will result in the first urban-dominated Legislature in the history of Texas because that's where the bodies are. I don't care who draws the lines. That is going to be a fact!

I do care about who draws the lines, obviously, because while we'll have an urban majority, we can have a better urban majority if my side draws the lines because we'll quarantine the Republicans. We'll give them districts that are so "gut cinch" Republican that we'll never touch them. We'll make them 110 percent Republican. By doing that, we also change some presently marginal districts into heavy Democratic districts where we can win both the primary and the general election. Sure, that's part of it. You bet!

To get on with the "Killer Bee" incident with that background, early in the session Lloyd Doggett had had the rules amended so that anytime the chair was going to lay a

bill out, rather than require a suspension of the rules, he would have to give notice of that twenty-four hours in advance in writing. That's the smartest thing we did all year. When we adopted that rule, nobody really knew what Lloyd was up to except two or three of us because Hobby didn't object to it, and it passed.

That Thursday morning, May 17th or 18th, whatever the day it was, that notice appeared on the Intent Calendar that pursuant to that rule he hereby gives notice that this rule will be invoked..

Friday . . . well, we had an executive session that day, and during the executive session, I said, "Governor, would you mind telling me what your little note to us means here on the Intent Calendar?" He really was as haughty and as arrogant as I've ever seen Bill Hobby. He said, "Senator, it means just what it says." I said, "Well, Bill, would you mind telling us what bill you have in mind?"

Marcello: Did you have a hankering of what bill he did have in mind?

Mauzy: Oh, I knew and everybody else did, too! Hobby's usually very open and obvious with everybody. He tells you what he's up to and why he's doing what he's doing, particularly in executive session. He said, "Senator, it means just what it says." I said, "Well, fuck you, Governor!" I turned around and walked back to my desk and put my feet up on the desk.

Then Doggett tried to ask him the same thing, and he

persisted in this thing that was just as unlike Bill Hobby . . . it's not him! Schwartz asked him; two or three of the guys did. So we knew what he was going to do; we just wanted him to tell everybody.

We got out of executive session and went ahead and worked until noon. At noon we all met down in my office--eight of the group that I call the "Good Guys." We meet regularly once a week down there.

Marcello: Who are those eight?

Mauzy: Who were there? Well, let's see. It was Schwartz, myself, Parker, Clower, Doggett, Patman, Vale, Truan, I think. Some of the rest of the guys couldn't . . . no, Chet Brooks was there, too. They were kind of floating in and out a little as usual, because we all just . . . I said, "Let's just get together for five minutes down in my office. I know everybody's got to go to lunch, and you got to get back for two o'clock committees and all that."

At that point, everybody agreed: "Well, he's going to run with that phony bill tomorrow that they'll then pass it in the Senate in its present form," which was not a bad deal. But once it got to the House, of course, then they would amend it to write the split primary into it and send it back where then the motion would be to concur in House amendments which only require a simple majority, and which just blows us out of the water. That was the reason we had to kill that bill. Everyone

agreed that was what the game plan was.

See, they had gotten it up earlier that week--Tuesday-- and we talked until Tuesday midnight because the rules change at midnight on Tuesday. Monday and Tuesday are Senate bill days; Wednesday and Thursday are House bill days; Friday can be either a House or Senate bill day.

The bill was up; the rules had gotten suspended. He talked some people into voting to suspend the rules on the basis that he wasn't going to write the presidential primary into it. Then to his everlasting credit he told people that that was the plan. We talked until midnight Tuesday, and then put over until Friday morning. By giving the notice on Thursday, he couldn't legitimately under the rules lay the bill out. It was pending business. The bill would then be engrossed. The vote would have been seventeen to engross and fourteen not to engross. But then he could have laid the bill out again because it was on the third reading and did not require suspension of the rules. Therefore, it went to the head of the calendar. There were a couple of other things ahead of it, but they were minor. They would have zipped right through.

We all knew what was happening; we all knew what the rules were. It was decided there at noon that the only practical way we could kill that bill would be to bust a quorum. We tried that before since I've been there. We've done it before, but it's the hardest thing in the world to do.

Some of the younger guys, when we were talking about it that day, took particular umbrage. Schwartz and I were saying, "Now listen. If you guys are going to do this, let me tell you what it means because we've done it before. It ain't easy!" They kind of got "ticked off," you know, thinking, "Yeah, these old bastards have been around here longer than we have, and they're trying to lord it over us." I was chairing the meeting as I always do at the "Good Guys" thing, and I said, "Look, nobody's trying to tell anybody else what to do. It's just to show it to you." Clower and Parker were particularly sensitive on this issue. I said, "I'll tell you what. We'll all agree that we'll try and bust a quorum if we can. Clower, I'm putting you and Parker in charge. Y'all work out the details; you tell us what we have to do."

We had agreed that the only way it would work is if we all got together for breakfast the next morning to see if everybody who said they'd do it would still do it. We knew Brooks was going to be gone; we knew Longoria was going to be gone. The question was, would the other ten of us show up and agree to stick together. That's the way we left it.

Parker and Clower were in charge of making arrangements, first of all to all meet at one place for breakfast, and then they would be in charge of what we did thereafter. That's what happened. The way we left it, I got out the list of everybody's home phone numbers and gave it to Clower. He

and Parker split it between them. They were to call everybody at 7:30 Friday morning and tell them where to be at 8:30 for breakfast. That's what happened.

At 7:30 Friday morning my phone rang at home. Clower said, "Get your pencil out," He gave me the address of where we were to go, which turned out to be Dora McDonald's house on Bridle Path Lane over in Austin. He gave me directions on how to get there. Dora is Carl Parker's . . . she runs his office. She and her husband, Charlie, live there. They have a twenty or twenty-one-year-old daughter who lived in the garage apartment where we wound up.

We all met for breakfast. There were ten of us there. Brooks and Longoria were out of town, and everybody knew that. They were going to be excused. When the other ten of us showed up together, then it indicated to me that it might work. They might be able to pull it off.

I really didn't have any confidence that we'd be able to do it, first of all. Secondly, I thought if we did, we wouldn't have to stay out past noon Friday, that Hobby would "crater" and see . . . because when all that happened during the executive session, I walked around to the other guys . . . see, Hobby was talking about working all day Friday and working Saturday. That doesn't go over good with people.

So I walked around and got the votes committed to adjourn by two o'clock Friday afternoon until Monday to totally avoid

a Saturday session and to totally avoid an afternoon session on Friday. I had eighteen hard votes for that, including a lot of people who were against us on the split primary--Santiesteban, for one; Bob Price, for another; and some of the other guys. I thought if we pulled it off, we wouldn't have to stay out past noon or maybe two o'clock Friday. That would be the end of it. Well, of course, what I didn't anticipate is that Hobby would really get his back up like he did on this thing.

So we were there--the ten of us--at Dora McDonald's because it was her house, and she served us breakfast. Patman's wife was there. The others, of course, were well-known--who they were. The point is, nobody knew where we were or what we had decided to do. My wife didn't know. She drove me over there and dropped me off in the car. I didn't take a toothbrush; I didn't take a razor. Nobody else did, either. Doggett brought some things with him, and Patman brought some things. But they lived right in the neighborhood, too.

When we saw it could work, we got on the phone to Hobby and told him what we were going to do. He didn't believe us. He didn't think we could do it, which I understand, too.

I called Bill Braecklein down at the Driskill Hotel and told him what we were going to do and invited him to join us. If he felt like he couldn't do that . . . and he didn't. Well, Bill had been suffering from a bad case of the gout all session,

and I said if he'd check himself in Breckenridge Hospital, it would be the same effect as hiding out with us. He felt like he couldn't do that, either. In addition to the twelve of us who were participating in this, Lindon Williams and Braecklein were both going to vote against the bill. Those were our fourteen votes. With those exceptions, nobody else knew where we were.

We were, in the meantime, back and forth in communication with Steve Oakes, who was Hobby's campaign manager and used to be secretary of state for Briscoe. He was probably the closest political friend Hobby has. Oakes agreed with us on this whole thing. He was a former county Democratic chairman in Houston, too. He was kind of our go-between.

The way we had it set up . . . Gene Jones was primarily in charge of all this. Steve was stationed outside a pay phone in the Capitol up on the third floor, and Gene would call him there and say, "Now, Steve, here's who is participating in this. This is our program, and I'm not going to tell you where we're at or anything. This is what we're going to do. You go tell Hobby that all we want from him--we'll come back in five minutes--is assurance that on the third reading, it'll require a suspension of the rules. If not, then we ain't coming back." Those negotiations went back and forth. There were three or four telephone calls from us to him because he didn't know where to reach us, either.

Finally, about 12:30 or 12:45 we talked to Oakes, and he was diligently and faithfully relaying the information from one group to the other--from Hobby to us and from us to Hobby. He said, "Hobby just says for all you guys to forget it. This is war--no negotiations, no compromise." They had already put a call on the Senate by then. He says, "He thinks he can find you. He's going to get you back here, and, by God, he's going to pass that bill if you've got to stay here all weekend!"

We said, "Well, if there's nothing to talk about, there's nothing to talk about." By then we had already moved out into the garage apartment.

Marcello: In other words, you had had breakfast in the house, and then you had moved out to the garage apartment.

Mauzy: Yes, at about eleven o'clock that morning. See, it's got a high wooden fence around it--about a six-foot-high fence--so you can't see from the street into the back yard. We could walk from the house to the garage apartment.

The garage apartment is an old two-car garage that's been converted into an apartment for Charlie's and Dora's daughter, Laura. It's fourteen-by-twenty feet. It has one walk-in closet; it has one bathroom consisting of a tub-shower and a toilet. Then in between those two is a little dressing room area where there was a washbasin. There's a double bed in there; there is a single bed in there. There is a radio; there

is a television set. That's it.

So what we had to do when we moved out there--and none of us really thought we were going to be there very long--we had to sneak in supplies. Dora brought in a double mattress and threw it on the floor, so that gave us five places for people to sleep. By then, there were nine of us. Gene Jones had gotten antsy and left about three o'clock Friday afternoon. Dora also brought in three sleeping bags that she and her family had. That was it, and we just had to go to the wall with them.

We went out there about 10:30 or eleven o'clock that Friday morning, and not one of us, with the exception of Jones leaving, not one of us set foot outside that place until two o'clock Tuesday afternoon, after we had been back in touch with Hobby by phone. We reestablished negotiations and got the deal worked out.

Marcello: What did you do in the meantime while you were there?

Mauzy: Oh, we read. Doggett had the good sense to bring a briefcase full of work with him. There were some books Dora brought us. "Babe" Schwartz managed to read The Rise and Fall of the Roman Empire while we were there, I remember. He also managed to read Barbara Jordan's book. We played cards; we watched television, the news; we listened to the radio; we played poker. We had some booze brought in. We drank some; we slept a lot; we argued a lot. Everybody got on each other's nerves

a lot. It was a pretty grimy experience.

Marcello: What kind of food were you eating?

Mauzy: Well, one night Dora and Charlie got us a bunch of boiled shrimp, and we had a great dinner that night. I liked it! I like boiled shrimp, and it had a lot of red sauce. We had some booze brought in. We had an ice chest and beer and some booze and soft drinks. I insisted on some milk every night for in the morning because I'm a big milk drinker.

With that exception, for breakfast we'd always just have some hot rolls because she did bring us in a little warming thing. They'd bring in cinnamon rolls and hot rolls, milk, coffee. The rest of the time, it was mostly cold cuts. I've eaten my last ham and cheese sandwich for some time, I can tell you.

One night we were going to send out and get a bunch of fried chicken and barbecue and stuff, but it was decided that by that time we just knew that they had to know where we were. They couldn't come get us. See, under the rules they cannot issue a search warrant to come into a private residence, and we knew that. We knew they wouldn't. Doggett had gotten some of his lawyer friends lined up in Austin, in case they went down and tried to get some judge to try and issue a search warrant, to file a motion and quash it. We went to all kinds of . . . we didn't have anything else to do for that period of time except sit around and think about what they're

going to do next and try and plan our moves to counter it,

Marcello: I guess just about every one of you were lawyers, too, weren't you?

Mauzy: Yes. Let me see. Truan's not a lawyer; Kothmann's not a lawyer. I think all the rest of us are. Parker is; I am; Schwartz, Doggett. Patman's a lawyer, but he doesn't practice law actually. Vale is a lawyer. Oh, we never had any doubt about that. That was obvious.

As I say, we got on each other's nerves a lot. There were a couple of times there were almost a couple of fistfights in there (chuckle).

Marcello: Over relatively trivial things?

Mauzy: Yes. Gene Jones suffers from claustrophobia very badly, which I did not know before. He also, just about two weeks before that, had taken an ear prick test or whatever to stop smoking. You know, they punch a hole in your ear or something. Some doctor there in Austin does this. He had quit smoking, and he was just nervous as a pregnant ape on a rotten grapevine-- just pacing inside that room, you know: "I got to get out on the streets. I was born in the streets; I grew up in the streets; I lived in the streets. I can't stand it in here!" Jones was kind of the leader at that point, you know. He was constantly on the phone to Oakes and other people. (Chuckle) He just really got antsy!

Clower had started drinking by then and kind of got to

ragging Jones, and Jones kind of took it personal. And Clower kind of meant it personal. You know, "We can't let you leave. If you leave, then everybody else is going to want to leave. Goddamn it, we can't treat you different! We had an agreement that we were all going to stick together." Jones said, "I can't stay here! I'm going crazy!" So we finally agreed to let him go, but before he did, he and Clower literally almost came to blows.

Then I think it was the next day, Saturday, Clower and Parker both got to drinking a little. Clower said something about, "I'm the 'king bee.'" Parker's got a great sense of humor and is just tough as a boot. He said he was "getting kind of goddamned tired of Clower sleeping during the day and drinking and waking up and taking charge of every goddamned thing." I grabbed Clower and Schwartz grabbed Parker, and that's the only thing that kept them apart. I'm telling you! We were fixing to go to "Fist City."

Marcello: It's hard for me to imagine Schwartz being the moderating influence (chuckle).

Mauzy: Well, you know, it's very interesting doing all this. "Babe" has got the reputation of being the big bomb-throwing liberal, and I do, too. Actually, we were the two most moderate influences in there, seriously. Truan was ready to burn the goddamned place down! So was Vale; so was Parker. It was an incredible 102 hours, I think, we figured out, continually

that we spent in there together,

Marcello: Did you have some sort of a system worked out when telephone calls occurred? Did you have some sort of a code or something like that on when to answer the phone and how people would answer when you called and so on?

Mauzy: Yes, we did. Well, first of all, the phone that's out in the garage apartment rings in the house, too. It's an extension of this one phone. They also have an intercom system where they can buzz each other from the house to the apartment and vice versa, and, also, there is a little talk deal where you can talk back and forth on the intercom.

After we got out there and got organized, we got that system set up, which was that nobody would answer the phone in the apartment because, first of all, nobody knew where we were but the nine of us. Gene Jones obviously knew where we were, and Patman's wife knew where we were because she stayed with us until about the middle of the afternoon Friday. Then we ran her off. Vale's wife knew the phone number because Friday morning, before we had breakfast, he had called Theresa in San Antonio to tell her where he was in case she needed him, and that was before we agreed that nobody would tell anybody. She didn't know where we were; she knew the phone number. Of course, Dora McDonald knew. Gene Jones knew after he left. But with that exception, nobody else knew, which was one of the toughest parts of the whole thing.

It was kind of tough to call your wife and say, "Well, I'm not going to be home tonight. I'm out with the boys, and you've just got to trust me. I can't tell you where I'm at, and I'm not going to tell you." You know, the more people that know something like that, the more likely it is to leak.

So we all took the blood oath, and everybody lived up to it. Doggett's house is only about six blocks from Dora's house, and Libby used to drive down that street going to town (chuckle). She'd drive right by, but she didn't know where we were.

The other thing we did, Doggett's staff would go down and get the tape recordings . . . you know, all the sessions of the Senate are tape-recorded after they were over with. Then she'd pick up those tapes and deliver them to Dora, and Dora would bring them to us. We had a tape recorder, and we'd play them. That's the other thing we did to keep ourselves amused--listen to those clowns bad-mouthing us.

Marcello: What was the reaction when Bill Moore was going to kill all your legislation--I'm using "your" in a collective sense--in the State Affairs Committee?

Mauzy: Oh, we laughed about it. We heard that tape. What we did to counteract it . . . I had left a bunch of signed tags before I left--to tag bills. When we heard that, I got on the phone and got a list of all those bills. I got the word to Terry in my office to fill out those tags--that I had already signed

them--and to put them on every one of our bills that he was going to kill. I know I tagged some of my own bills. Of course, Moore then refused to honor the tag. He said that wasn't my signature, the lying son-of-a-bitch! He's going to regret that the rest of his life. See, that's never happened before in the history of the Senate--that a member had refused to honor another member's tag. He knew that was my signature, and it was! They were legitimate tags. He's going to regret that one.

We managed to stay in touch with what was happening. Just like Gene Jones called (chuckle) . . . whenever the phone would ring, we wouldn't answer it. Dora would answer it inside, and if it was legitimate she'd buzz us, and we'd pick it up.

The other system we finally got to . . . when she was gone during the day, if the phone would ring, we'd pick it up on the first ring, and the person would hang up and we'd hang up. Then they'd call back. We'd pick it up on the first ring and not say anything, and then they'd identify themselves as to who it was.

Gene called us Sunday morning and told us, "You're going to hear on the radio they arrested me in Houston. They didn't; they got my brother, Clayton. I set it all up." He told us all about it, so that came as no surprise, either.

Marcello: Did you ever have any scares while you were there in terms

of thinking that somebody had finally discovered you were there?

Mauzy: Well, no, we didn't about that. Let me say this, also. We kept in touch with Longoria through his wife. He was going to have to go to Edinburg Friday morning to be in court, and we all knew that. He was excused for that day. We arranged with him before he left--Longoria was on our side in this fight--that we would keep in touch with his wife, Earlene, at his law office in Edinburg.

So we would call her. She didn't know where we were or how to reach us. Raul would check in with her after he got out of court. He went across the river. We never knew where he was. We just knew he was okay because he'd check in with her about every four hours and tell her how he was doing. Then we'd check in with her, and she kind of relayed information to us.

Chet Brooks was out, and we established contact with him through his girlfriend. My wife was in charge of that little project. She and Betty like each other, so Betty told her where they were going to be. They started out and came up here to her folks' house in Dallas and gave us that number. We got hold of Chet there. Then they went that Friday night up to Ardmore, Oklahoma, to get across the line where, if they caught him, they couldn't arrest him. We stayed in touch with him. Then he started back, and we programmed

that with him. See, Brooks was the one that established contact back with Hobby and made the first deal with him Monday night. He came in under a flag of truce and actually went in the Capitol and saw Hobby at seven o'clock Monday night. Nobody ever knew it, but we did. At that point he was bargaining for us.

Marcello: Out of curiosity, did the DPS or the Rangers put a tail on any of the wives or girlfriends?

Mauzy: Oh, yes. They tailed my wife. Let me say this: the DPS and Rangers did their job; they did what they're supposed to do. None of us were mad at them, and they weren't mad at us, either. As a matter of fact, we were in touch with the DPS office from time to time. Speir was out of town, but we talked to Gossett out there, the number two man. They weren't mad at us; we weren't mad at them.

Marcello: What would you be in touch with the DPS about?

Mauzy: Just to tell them that, you know, all these things that they were saying about them on the floor and all those outrageous remarks Hobby made . . . he wasn't speaking for us, and we weren't mad at them. We knew they were doing their job and doing the best they could but that their authority was limited.

I also wanted to tell them I appreciated the courtesy they showed my wife. They were tailing her, and we had arranged to go out to Curtis and Millie Bruner's ranch outside of San Marcos Sunday for a staff picnic. It had been set

up for a month. Of course, obviously I couldn't go. Anne went and they followed her out there, which was, again, perfectly legitimate. But they were courteous to her and nice to her, and I wanted them to know that.

As a matter of fact, one of the deals we made when we finally settled everything with Hobby was, first of all, we were only coming back if all twelve of us came together, which meant we needed some lead time to get the other guys in--Longoria was still down in the valley, and Jones was in Houston. Number two, we wanted time to shave and shower and get dressed. Number three, we wanted them to remove the call which they did. Number four, we were going to ask the DPS to escort us. We were going to meet them at a neutral spot, and they were going to escort us back. We insisted on that, and that's exactly what we did. We called the DPS and told them to meet us at the corner of Enfield and Exposition at three o'clock that afternoon. We wanted two cars to escort us back into the Capitol, that they were not to arrest us because the call had been removed, but we wanted them to do that for us because we wanted them to know we weren't mad at them. They had been made to look pretty damn bad in the press, and they weren't entitled to that kind of treatment. So that's what we did.

Marcello: After you notified the DPS on where you would meet them and so on and so forth, were there any members of the press and

so on there, or didn't you really meet them or anything until you actually got to the Capitol?

Mauzy: No, the DPS are the only people we . . . well, that's not true. My wife had come up to Dallas, and I called her up here Tuesday morning when the deal was finally cut. I said, "Get on the first plane and come back. Then when you get back, you and Millie Bruner," who ran my office, "I want you to meet me. Get in my car and meet me at the corner of Enfield and Exposition, and the DPS will be there to escort us in. We're all going in together. We're going in with our heads up. We haven't done a damn thing to be ashamed of. The DPS are going to escort us." Of course, we notified our friends so they could pack the gallery, which they did. That's what we did.

Marcello: What sort of a reception did you get from the so-called "Worker Bees" when you came back into the chamber?

Mauzy: Well, you know, it was interesting. Every one of them, without exception, except one, came up to each of us individually. I remember Traeger came up to me first. He said, "You sons-of-bitches really put the rag on the bush!" He said, "You know, the interesting thing is, y'all really have helped my legislative program by doing this because you're killing a lot of this sorry stuff that we're going to have vote for otherwise and has nothing to do with this deal."

The one guy who was negative was Bill Moore. As we walked

in, Glenn Kothmann and I walked in together just shoulder-to-shoulder. Kothmann is vice-chairman of the State Affairs Committee. He takes a lot of heat from Moore. When Moore doesn't want to be in the chair, he puts Kothmann in the chair and cuts out. Moore was drunk, and as we walked in he came over to Kothmann and said, "You goddamned son-of-a-bitch! I just want to tell you something. I've already been in touch with the lobby, and, by God, we're going to beat your ass next year!" That's the first time I ever saw Kothmann get mad at anybody. He put it on Moore like Lysol wouldn't take it off. There's another feud that has come out of all this.

I remember Peyton McKnight came up to me and patted me on the back and said, "By God, you pulled it off, baby!" Everybody in the Senate understood what was happening, and nobody was mad at anybody except for Bill Moore.

Marcello: What was Hobby's reaction and conduct to this particular situation?

Mauzy: A perfect gentleman as he always is. He had gotten over his bad feelings and his hurt feelings. It finally dawned on Hobby that he was the guy that was looking bad in this whole thing--we weren't. You know, the press was running totally against him, and should have, for the way they were conducting themselves. It was unprecedented! You know, when he calls the roll and there's not a quorum, the Senate cannot conduct business. That means he cannot recognize people, and they

cannot get up and make speeches which . . . you know, they got on that program first on Friday morning, and then they came back Friday afternoon and then Saturday morning and then Saturday afternoon and then Sunday morning and then Sunday afternoon. Of course, we were hearing all this. They were all just making absolute asses of themselves.

By the way, not all of them participated in it. Braecklein never said a word; Williams never said a word; Santiesteban never said a word. It was primarily Traeger, Ogg, Meier, Moore, Grant Jones to some extent. Well, "Ike" Harris and Betty Andujar got into it one time there, I guess. Most of the Republicans didn't. Bob Price never said a word. Of course, Bob was gone. He was one of my votes to leave there. He had to be in Pampa on Saturday. That was pretty outrageous what they did, but, you know, all's fair in love and war.

Marcello: Aside from these manipulations of the rules that Hobby was going through, the Legislature seems to have a history of these manipulative primaries whether it's for Lyndon Johnson or Lloyd Bentsen or John Connally in this latest case.

Mauzy: It's a sorry record that the Texas Legislature has of rigging the rules to help some particular individual politician in Texas. It's a disgraceful record. Maybe that's the reason they thought they could pull it off again. They always have been able to in the past.

Marcello: Well, Senator Mauzy, that exhausts my list of questions. Is

there anything else that you think we need to talk about and get in the record?

Mauzy: Yes, I want to tell you for the record one experience I had, because I think it may be helpful to future historians since none of this is going to be made public until after my death. That has to do with the first time I ever met Bill Clements. I had never met the man or laid eyes on him until he was inaugurated. Of course, I know people here in Dallas who know him and who have told me about him. But I had never met the man personally, never shook his hand, never looked him in the eye.

The first thing that caught my attention about Clements is how short a man he is. He's very short in stature; he's only about 5'7" or 5'8". I'm not a big man, but, hell, I'm taller than he is. Every picture I've ever seen of him, of course, has been taken from the bottom up, which any good politician will do because it makes you look taller than you are and therefore more masculine.

He called me--I guess this was in March--and asked me to come over to his . . . well, I need to give you a little background. Early in the session, the second or third week or something like that, I had a message that somebody in his office had called, and the governor would see me on Thursday afternoon from 2:15 to 2:30 and that the Governor's Office was located on the second floor of the Capitol just off the

rotunda halfway between the House and the Senate--as if I didn't know where the goddamned Governor's Office was! Of course, that early in the session I always leave there on the twelve o'clock flight back here, so I wasn't going to be available. I thought it was kind of arrogant to dictate to me when he wanted to see me, you know; "He will see you this day at this time." So we called back . . . I didn't call back. I got somebody else to call back to say I wasn't going to be here.

So the second time they called and said he would see me at eleven o'clock on Wednesday morning from eleven to 11:30 and that the Governor's Office was located on the second floor of the Capitol just off the rotunda halfway between the House and the Senate. I called back and said, "Well, I'm sorry about all that, but Wednesday morning is when my committee meets, and we meet from nine to eleven o'clock. Then the Senate goes into session at eleven o'clock, and we work until twelve, and I can't be there."

The third time we finally got a "go" signal (chuckle). It was the day before we were going to vote on the confirmation of a fellow from Houston that he had nominated to be judge--a fellow named "Monk" Edwards. Chet Brooks had primarily led the charge against the guy. The governor called--a meeting was set up for that Wednesday, as I remember, because we voted on Thursday on confirmations--allegedly to talk about the

education bill. Well, we got in there--just he and I and two of his legislative liaisons--and talked for a couple of minutes about a particular educational matter which I don't remember now what it was. Then he got down to what really the purpose of the meeting was all about.

First of all, the thing that strikes you about Clements is that he's a short man in stature, physically. Secondly, it's obvious from talking to him one-on-one like that that he's a guy who's used to getting his way. He has half-glasses that he stares at you over.

Marcello: He's still running Sedco, in other words.

Mauzy: Yes, and he seeks to intimidate you with all this. He's a gracious guy, I'll say that. I remember that first time I went in there. He and I sat on the couch--at opposite ends of the couch--with the coffee table in front of us, having coffee. The two staff members were sitting over by a table like this one taking notes.

He said, "I understand that you're not going to vote to confirm my man Edwards tomorrow to be judge down in Houston." I said, "That's right." He said, "Do you mind telling me why?" I said, "I don't mind telling you at all. The man is not qualified." He said, "How do you know he's not qualified? Do you know him?" I said, "I've never met the man." He said, "Have you ever talked with him?" I said, "No, I've never talked to him." He said, "Well, then how in the hell can

you sit there and tell me he's not qualified?"

I said, "Governor, that's a legitimate question for which I have a legitimate answer. I reviewed Mr. Edwards' professional resumé sheet. I've seen what he's done professionally as a lawyer since the day he got out of law school and got his license until this good day. He's been assistant general counsel of Gulf Oil Company. He may be the greatest oil and gas lawyer in the world, but you're appointing him to a civil district court where they try civil cases that involve people's lives and property. You know, they try workman's compensation cases and damage suits and product liability cases and sometimes divorce cases. Sometimes they handle children's custody and child support. Every field of civil law goes into those courts, not just oil and gas law. Now the man may be the greatest oil and gas lawyer in the world--I don't know--but I know that not one out of a thousand cases he's going to try are going to be oil and gas cases."

He said, "So what?" I said, "So for twenty-eight years I've been making my living as a lawyer trying lawsuits in the courthouse to the judges and to juries, and I think I know a little something about what kind of background it takes for a person to be a good judge, to be fair to the litigants. I ain't worried about the lawyers. I'm talking about a judge that'll give a litigant a fair trial, a good trial, a trial that'll stand up on appeal. This man just doesn't do it.

It would be like if you wanted to appoint me to the United States Tax Court, for example. I don't know a goddamned thing about tax law. That would be the worst appointment anybody could make! Not that I'm not a good lawyer--I am--but I don't know anything about that."

He looked at me and he said, "Well, that's bullshit!" And I took that one way. You know, here's a fellow who likes to intimidate people. He stares at you over his glasses. He uses four-letter words, and that's supposed to be something. His public posture is, he's a poor kid that grew up in the Depression--in Highland Park, ha, ha, ha! And he thinks he can intimidate me by using four-letter words because he grew up in the Depression. That shows he hasn't done his homework because I'm a poor kid that grew up in the Depression . . .

Marcello: And you were in the Navy (chuckle).

Mauzy: . . . in the Fifth Ward in Houston. You know, telling me he was poor growing up in Highland Park when I grew up in that same Depression in the Fifth Ward of Houston! It's just dumb! And I've heard a few four-letter words in my life prior to that occasion, and I've used some.

So we talk on, and he says, "Well, you know, I've talked to all the judges and lawyers in Houston, and they all tell me he's a great appointment." I said, "Well, you know, Governor, obviously you think he's qualified, or you wouldn't have nominated him. I'm not arguing that. Obviously you

think he is, but let me tell you that obviously I think he's not. The point is, I vote on this. You've done everything you can do. You've nominated the man. Your responsibility ends there. My responsibility starts now, and I've made up my mind that I'm not going to vote to confirm him because he's not qualified!" He said, "Well, that's bullshit. There's only eight of you crazy motherfuckers over there who aren't going to confirm him." I said, "I don't know. I haven't polled the Senate. Senator Brooks tells me he's got twelve votes to bust him." He said, "Well, that's bullshit. There's only eight of you crazy bastards." I said, "Well, we'll know tomorrow. We're going to call the roll tomorrow. I can't speak for but one person and that's me, and I'm telling you that I'm going to vote 'no.'" But I said, "Governor, my experience has been that the members of the Senate count the Senate a little better than any governor does. That applies across the board ever since I've been here."

So I got up to leave. It was obvious my time was up. We're walking to the door, and he says, "Well, I wish you'd reconsider because I really don't think your reason's valid." I opened up the door to walk out, and I said, "Governor, that's bullshit! Fuck you!" And I walked out.

Well, the next day we called the roll, and, sure enough, there were twelve "no" votes, and the guy was busted. So I picked up the phone and called his office and asked the

girl just to give him a message. I said that the Senate had voted, and Senator Brooks could count better than he could, and I left it at that.

About two weeks later, he's over in the Senate one day. He's talking to Bill Braecklein, who sits to my immediate right, and to Glenn Kothmann, who sits just ahead of Bill. He's standing there between the two desks talking. Obviously, he wasn't talking to me, and I wasn't eavesdropping. But he was talking loud enough that I could hear him. He said, "I just wanted to come over here and tell you fellows that since y'all busted that fellow Edwards, I've done some checking up on him. You know, he was a bad appointment. You did me a great favor when you busted him. He would have been an embarrassment to me and to you all."

He looked at me, and he said, "What do you think about that, Oscar?" I said (chuckle), "Governor, I tried to tell you that at the time, but, you know, you're carrying coal to Newcastle. Kothmann and Braecklein both voted to confirm the guy! So you shouldn't be telling them. That's number one. Number two, I really wish you'd tell the press." See, the day we busted him, he issued a big statement saying it was all partisan politics and all that business.

Anyway, I just wanted to put that little episode in the record because I think it does indicate something about this particular man's personality and all. Some of the other fellows

have told me that he's tried the same intimidating kind of things with them about various things. I really think he's probably doing better about that today--August, 1979--than he was back then because I think he's learned that it doesn't work. You know, being the governor of Texas is not the same as being chairman of the board of Sedco where you own a majority of the stock and where you hire and fire and where you get to tell people, "Go do this! Go do that! Or you ain't working here tomorrow!" He can't do that. Time will tell whether he learns that lesson well or not.

Marcello: Senator Mauzy, once again I want to thank you for having participated. As usual, your comments were quite candid, and, of course, that's what we're looking for in these interviews.

Mauzy: I enjoyed it as always.

A P P E N D I X

The whole "Killer Bee" incident began on Thursday morning, May 17th, when Hobby's note appeared at the top of the Intent Calendar to the effect that he intended to give his twenty-four-hour notice of invoking Rule 91, which permits him to work from the calendar rather than having to suspend the rules to get a bill up. During the Executive Session that day, I asked him what the purpose of that notice was, and he said, "It means just what it says, senator." I said, "Do you mind telling me what bills you have reference to?" and he said, "It means just what it says, senator." So I said, "Fuck you!" and went back to my desk and sat down and put my feet up. Several of the other guys asked him the same thing during the Executive Session, and he refused to tell them.

As a result, when we took our noon break for lunch, seven of us got together in my office, namely, Doggett, Clower, Parker, Patman, myself, Longoria and Schwartz. It was decided that the only way we could be effective would be to break the quorum if we could. Longoria told us at that time--noon Thursday--that he was going to be absent Friday because he had a federal court appearance to make Friday morning. Thereafter he was going on a retreat with Judge Garza and some of his other friends, and, therefore, he could cooperate just by being absent.

As a result of that meeting at noontime, what we decided was to put Parker and Clower in charge of making arrangements, the only instructions being that Parker would find a place for us all to have breakfast at eight o'clock Friday morning. He and Clower would then call us all at home at seven o'clock Friday morning and tell us where to be for breakfast.

Sure enough, Friday morning about 7:15 I got a call from Clower telling me where to come. It turned out to be the McDonald residence on Bridle Path. I had Anne drive me over in the car and then told her to go on about her business. I told her that I would be in touch with her later in the day as to what was going to happen. It developed that ten of us showed up, namely, Gene Jones, Babe Schwartz, Carl Parker, Glenn Kothmann, Bob Vale, Carlos Truan, Ron Clower, Bill Patman, Lloyd Doggett . . . anyway, the nine who were identified as staying there, plus Gene Jones.

About 9:15 . . . no, it was about 8:45, I guess, I ran Bill Braecklein down by telephone at the Driskill Hotel and told him what we were up to. I asked him if he wanted to participate without telling him where we were or what we were going to do except that we were going to break a quorum. He said no, that he was going to vote with us against the split primary bill, but he was obligated to go down and answer the roll call Friday morning. I told him I understood perfectly. I just wanted him to know that he would be welcome to go with us if he wanted to.

Parenthetically, Thursday afternoon Parker and I cornered Lindon Williams in the Members' Lounge and told him in vague general outline of our planned exodus. Since he was against the bill, also, we invited him to come along. He said, however, that he could not do that, so we left him alone.

Also, that Friday morning--shortly before the Senate was going into session at 9:30--Gene Jones called Steve Oaks and told him what we were up to. He wanted Oaks to convey that message to Hobby and to tell him that we would come back if Hobby would agree that, after having engrossed

the bill on second reading Friday, we could be assured it would take a motion to suspend a regular order to get it up on third reading and final passage. Gene subsequently checked back with Oaks, who we had posted by a pay phone in the Capitol. Steve told us he had discussed it with Hobby and that Hobby was not interested in negotiating further. That was after the quorum had actually been broken at 9:30 and after they had put the call on at ten o'clock that morning.

Between then and twelve or one o'clock Friday afternoon, Jones had two or three other telephone conversations with Oaks--who was talking to Hobby and was acting as the intermediary--which reported no progress. Then finally about the middle of the afternoon Friday, Hobby told Oaks that he was not willing to talk with us; he was not willing to negotiate; that we had embarrassed him and the Senate by breaking the quorum; that it was just all-out war.

About ten o'clock that Friday morning, we decided we couldn't stay in Dora's house. We then decided to move into her daughter's apartment, which is an old converted garage in the backyard. We all went out there. Patman's wife was still with us, so there were the ten of us--plus Carrin Patman--there.

The place has been adequately described. It's approximately fourteen feet-by-fourteen feet with one double bed, one single bed, a walk-in closet, a washbowl, and a bathroom with a toilet and a shower. We all got in there and got comfortable--everyone was still in their coats and ties--and began playing cards, talking, various people using the phone. It was at that point that we agreed nobody would tell their staffs or wives where they were.

Parenthetically, Bob Vale had called his wife in San Antonio before we made that agreement and left the number where we were. So, at that point, the only people who knew where we actually were or how to reach us were the ten of us who were there; Patman's wife, who was with us; Vale's wife had the phone number--didn't know where it was--because he had given it to her in San Antonio; and, of course, Dora McDonald and her husband Charles and her daughter Laura. I might say at this point that that was exactly the reason we were able to pull it off--no one knew where we were.

Lloyd Doggett had earlier made arrangements with Longoria to keep in touch with him through Longoria's law office in Edinburg, where his wife Earline--who is also a lawyer--was running this operation. We checked in with her to tell her when Raul checked in with her to tell him what we had done; that Brooks was supposed to have left the state; that there were ten of us together and he made twelve; and that we hoped that he would stay out of the way because the call was on the Senate. He would from time to time check in with her. He never told her where he was or how to reach him by phone, the arrangement being that he would call her by phone every four hours, and we could relay messages back and forth that way.

Friday afternoon was pretty uneventful. It was Friday afternoon that we issued the statement through Gene Jones' office. We wrote it out ourselves, and Gene called in and dictated it to a man who works for him--"Bo" Byer's son--who was at the pay phone. The other thing we had agreed to do was that no one was to call their office in the Capitol because, of course, Centrex is the easiest type of system to wiretap. We were confident

that taps had been put on our phones, which would allow them to trace where the call was coming from. That certainly worked out to be true because of the incident Saturday afternoon when Sue Lowe called my office in the Capitol to get directions to the Bruner Ranch Sunday for the staff party we had planned for that day. Patman's wife finally left about the middle of the afternoon Friday.

There is one other thing I need to mention. Shortly after we went into hiding, we told Dora to take the three cars of the members, which were still parked out on the street by her house, and to make arrangements to have them all driven up to a shopping center there in Terrytown and parked on the parking lot. As I remember, that was Kothmann's car . . . in any event, one of them was Vale's car, which does not have SO plates, but which, of course, is registered in his name. So there were either two or three cars with SO plates, plus Vale's car. This was done and keys brought back to the various members whose cars belonged to them.

Doggett's office arranged to get tapes of all the sessions that the Senate held. Dora brought them out to us Friday afternoon when she came home from work. That was the tape of calling the Senate to session at 9:30 and no quorum being there, and then McKnight's motion at ten o'clock to put a call on the Senate and roll call vote on that. It was also the tape when they went back into session after the lodge and started their series of tirades and speeches denouncing us, all of which, of course, is completely illegal and improper inasmuch as you can only do three things when there is not a quorum present, namely, (1) adjourn, or (2) recess, or (3) put a call on. They cannot be recognized and make speeches or transact any kind of business.

As I say, we issued our statement through Jones' office on Friday afternoon and that really ticked them off. They came back later after that was released--about three o'clock or so--and held another round of speech making, which we got the tape of that night.

Friday afternoon Jones (Gene) was getting more and more nervous and claustrophobic and kept insisting that he could not stay in that room, that it was just impossible. The rest of us had agreed to plan on spending the night there. We were all going to stay together. Dora and her family had brought in sleeping bags and mattresses and whatever to try to make us as comfortable as possible. Jones and Clower really got into a cuss fight about whether he could leave or not. Finally, we agreed he was getting on all of our nerves so badly that we let him go on and go. He did. Of course, he had the phone number where we were, and he checked in with us when he got to Houston early Friday evening to tell us he had made it okay and that he would be in touch by phone.

Friday evening was rather uneventful. As I say, Dora broiled ten pounds of shrimp and brought it out, and we all ate pretty well. We also had beer and by that time, we had an ice chest moved in with ice and had beer, soft drinks, liquor. The guys by that time started playing cards. Bob Vale had been playing gin with me and with Parker, while Carrin Patman was still there. Vale and Mrs. Patman and Parker played scrabble. It was just kind of a "loosy-goosy," hang-loose deal Friday. Of course, we had the radio there where we could listen to the news on the AM station on the hour and on the FM station on the quarter hour. We also had a television where we could watch both the national and local news. As of that time--Friday--it had made local news but not national news.

Friday night everybody turned in fairly early. I think, as I remember, I was the last one to cash in. The interesting part about that is that I slept on the floor on a mattress, and, of course, anytime I sleep on the floor, I snore very badly. I disturbed everybody all night long with my snoring, the result being that I told them Saturday morning when we all got up that they needed to understand that unless I got an elevated bed to sleep on, there was nothing I could do to prevent that snoring. The result of that was I slept on one of the beds every night thereafter.

As I recall, it was Friday night that Clower got drunk--really got pretty obnoxious--and created a very stressful situation. It happened again Saturday night when he and Parker got into it, and frankly some of us had to separate the two of them because they were really giving each other a bad time. Clower finally passed out Saturday.

Friday night we had told Dora what we needed for breakfast, which she had brought in Friday night, namely, sweet rolls, donuts, coffee pot with coffee. There was also some milk and some fruit juices, as I remember. Food was relatively unimportant at this point, that being Saturday.

The other thing we did Saturday morning was to instruct her to move the cars from the parking lot at Terrytown Shopping Center out to the airport, which they did. By the way, it later developed that we could tell how effective the dragnet was out for us because the news had reported Friday night that they had located the cars parked on that parking lot and had them staked out. Dora, to my knowledge, worked with Nancy from Doggett's office in getting the cars moved. They moved them about noon Saturday.

As I understand, it went a very circuitous route out to the shopping center north of town on I-35--I think it's called Highland Mall, where the big Sears store is. Then from there they moved them over to Browning's Airport off 51st Street on the back side of the Municipal Airport in Austin. The cars were parked there about noon. The news reported in the mid-afternoon that the cars had been gone from the parking lot where they had been the day before, but they didn't know where they had gone. It was about five or six o'clock Saturday afternoon before they discovered them out at the airport. The significance of that is that that led credence to the rumors that we had planned it with the press people that we were going to charter us an airplane and fly to Mexico where they couldn't arrest us. Those cars, being seen there at Browning's Terminal where small private planes land and take off, therefore gave some credibility to that story.

It was either late Friday afternoon or Saturday morning when Hobby cut the DPS pretty bad about the fact that Spear thought it was more important for him to be in Florida than to be there looking after his duties, and the DPS had a very sorry track record because they hadn't been able to locate any of us.

Of course, the big event on Sunday was Gene Jones setting up the DPS and the Texas Rangers to pick up his brother, Clayton Jones, Sunday morning. Gene had arranged for Clayton to come over and stay at his house with him and Gloria both Friday and Saturday nights and had Clayton go out each morning to pick up the morning paper. It didn't work Saturday because they didn't have his house staked out yet. It did work Sunday. Gene called us immediately after Clayton was arrested and picked up to

tell us that we were going to be hearing reports that they had arrested him and he was on the way back. But it wasn't true; it had been his brother.

Also, on Sunday, Anne had several interesting experiences, including having the DPS come out to the house and wanting to know if I was there and she and Mildred inviting them to see that I wasn't. Then when she left the house and drove down to the Capitol to pick up the booze and some stuff for the party out at the Bruner Ranch Sunday, they followed her all the way out there. They were again looking for me--as they had Sunday morning--when they woke Lee Bruner up.

Sunday was also the day that things got tense a couple of times among the troops in the room. Everybody was getting on each other's nerves pretty much. Schwartz was constantly on the phone and wouldn't let anybody else get on it. We were checking with Brooks in Oklahoma and directing him back.

By the way, the way we handled that was, he and Betty Button were in Durant, Oklahoma, at the Holiday Inn where we kept in touch with them. They told us they were going to be driving back and where we could reach them in Dallas. They were in a rent car so we didn't have any worries about them being picked up. What finally occurred was that Parker arranged for Brooks to drive on down to Temple, Texas, and to go to John R. Bigham's law office. When he got there, he was to check in with us, which he did. We kept him constantly advised as to what was happening. He made arrangements for the two of them to stay in Bigham's apartment in Temple, where they would be only an hour away from Austin, but Brooks decided to come on into Austin Monday night, which he did.

He had been talking with Hobby by phone and arranged to go in and see Hobby at his office at the Capitol about seven o'clock Monday night to try to work out the terms of us coming back. He did and reported back to us, as well as giving a number where he could be reached in Austin. He had been promised safe conduct by Hobby, that he would not be picked up if he came in to see him.

It was largely on the basis of Brooks' conversation with Hobby Monday night and subsequent conversations Tuesday morning between Gene Jones and Hobby that the eventual deal was struck. We formalized it by having Schwartz call Hobby--pursuant to what Brooks and Gene Jones had told us to do--Tuesday morning at about eleven o'clock. That's when the final arrangements were made, namely, that all twelve of us would come in together; that we would arrive there about three o'clock that afternoon; that we would immediately . . . when we got there the Senate would have about an hour's worth of routine business to do, namely, referring bills, filing conference reports and things of that nature. So while that was going on, the twelve of us would be permitted to go back to the Governor's Committee Room and hold a press conference as to why we had done what we had done. Then we would come back out after that to vote on Senate Bill 1149, which we did and which was engrossed by a vote of 17-14, as we all knew it would be. The next move then was to vote on the products liability bill--which we failed to suspend--and the other part of the deal was that after Senate Bill 1149 was engrossed, there would be no move made to pass it on third reading without a vote on suspension of the rules. We would get that much protection.

We called Longoria to make arrangements to get him back and directed him where to come. He came out to Dora's house arriving about 2:30. Brooks and Gene Jones had arrived about two o'clock, so as soon as Longoria got there we were all set to go. I had called Anne and made arrangements for her to get in the car and for her and Millie to meet me at the corner of Infield and Exposition. We then called the Department of Public Safety and told them we wanted them to meet us at that same location and escort us in to the Capitol. We were going to go in the front entrance of the Capitol, and we wanted them to lead us in. We were going in voluntarily, and we were all going in together, which we did. There was a huge crowd, of course, at the Capitol when we got there--both outside among all the media and inside in the galleries. This pretty well covers my recollections of the events and the order in which they came.

Oscar H. Mauzy

TAB JJ

NORTH TEXAS STATE UNIVERSITY
ORAL HISTORY COLLECTION
NUMBER
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Interview with
SENATOR BETTY ANDUJAR
September 6, 1979

Place of Interview: Fort Worth, Texas

Interviewer: Ronald E. Marcello

Terms of Use: Open

Approved:

Senator Betty Andujar
(Signature)

Date:

Sept 29, 1980

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Oral History Collection

Senator Betty Andujar

Interviewer: Ronald E. Marcello

Place of Interview: Fort Worth, Texas

Date: September 6, 1979

Dr. Marcello: This is Ron Marcello interviewing Senator Betty Andujar for the North Texas State University Oral History Collection. The interview is taking place on September 6, 1979, in Fort Worth, Texas. I'm interviewing Senator Andujar in order to get her reminiscences and experiences and impressions while she served in the Texas Senate during the 66th Legislative Session.

Senator Andujar, to begin this interview, and since this is the first time that you have participated in our project, would you give me a biographical sketch of yourself? In other words, let's start by mentioning when you were born, where you were born, your education--things of that nature.

Senator Andujar: Well, I was born and raised in Harrisburg, Pennsylvania, where my father was a Republican by inclination. He served as the district attorney of Dauphin County and ultimately became the judge of the Orphan's Court of the Commonwealth of Pennsylvania.

Dr. Marcello: Harrisburg, Pennsylvania, and that particular area of

Pennsylvania is Republican country, is it not?

Andujar: Oh, Pennsylvania used to be Republican, period, and then later on it changed into a Democrat state. But that's possibly one reason why Republicanism was not hard for me to accept. It was a shock to me, when my husband and I moved into Texas in the late 1930's, to find that the word was socially unacceptable. We were regarded as being very eccentric because of it. So here in 1979, as Republicans look as if they might really be the wave of the future in this country, of course, I'm just delighted. In the election of Governor Clements here in Texas was a dream realized. I wasn't sure I'd even be alive when Texas ever elected a Republican governor.

Marcello: Well, back in the 1930's, when you and your husband moved to Texas, again, the number of Republicans in the state must have just been miniscule.

Andujar: Why, it was indeed. In fact, you couldn't find any Republicans until Eisenhower ran for president, and at that time, then, of course, many people came in, voted for Eisenhower, remained Republicans during the 1950's; and then when Kennedy was elected in 1960, they ran for cover and became Democrats again. But I never did change. I just remained a Republican from the 1950's on. Now, in Texas, you had to be a Democrat during the 1940's because there was no other party challenger. But after Eisenhower, I stayed within the party and worked

within it.

The reason that I remained a Republican is because I think they reflect my philosophy in life. I maintain that in the 1960's and 1970's in the United States, the Democrat Party at the national level has become the labor-socialist party. It does not stand for anything in particular. When you have diverse men, such as Ron Dellums from California and Drinan from Massachusetts, both of whom are far, far left, and who, in my opinion, should run as socialists--but they don't; they run as Democrats--and Harry Byrd, also as a Democrat, this party means nothing. Now, to me, Republicans stand for private ownership of property and the ability to keep the money that you earn and not have it taxed away from you in such amounts that you no longer are economically free. I believe in the free enterprise system. I believe if you do not have free politics and free economics, you're not going to have private ownership of property. I think that the philosophy of the Democrat Party was expressed thoroughly and effectively when they said, "Tax and tax; spend and spend; elect and elect." We have seen that since the regime of Franklin Roosevelt.

When people are puzzled here in 1979 as to what has produced inflation--why are they having a hard time meeting their payments--they've completely forgotten Franklin Roosevelt, and they have forgotten Lyndon Johnson, who wanted to have

a war and butter, too. They don't blame themselves for electing these people to office, but they have brought it upon themselves by the people they have elected to office. I claim that the Republican Party stands individually and differently for freedom--economic freedom as well as political freedom.

Marcello: How did you get involved in politics in an active sense? You mentioned that you had always been a Republican, but when did you begin working in Republican politics, and why did you decide to enter politics?

Andujar: Well, you may not recall, but after Roosevelt had been in office for years, and then when Truman succeeded him, I thought I was never going to live under another Republican the rest of my life. So when Eisenhower ran as a Republican, I jumped into that race, and I was asked to do very minor things, and after a while I was asked to do more major things. Politics is like religion or anything else--if you have somebody who will work for nothing, they're going to utilize you as best they can, and so that was how I really got started--I volunteered--and from then on, they just asked me to do more and more.

Then, of course, the great setback for the Republican Party was the defeat of Barry Goldwater in 1964. There were people who looked to Goldwater in that period of time as a return to the good ol' days of the 1950's, I guess. With

that defeat, they lost heart because when you had Kennedy and then the Johnson regime, which were obviously both very, very liberal, they were afraid that the more conservative philosophy was dead, and they quit. Well, I didn't quit. I stayed in the party and continued to work.

Marcello: So the Republican Party was rather demoralized after that national election in 1964, was it not?

Andujar: No question about it, and I was sick at heart. I'm a diehard . . . I guess I believe in things so much that, even though our own poll showed how poorly we were doing right here in Texas, I must have thought that there would be something to happen elsewhere that would help possibly elect Barry Goldwater. I imagine it was nearly ten years before I had to admit to myself that the American people were never going to elect any Republican in 1964 because, in my opinion, the country had been through this emotional uproar, and we were torn apart by the assassination. It was incredible, even to myself, a Republican, who didn't vote for or support Kennedy, the fact that this could happen, and, of course, happen in Dallas. The atmosphere that was generated over there--the hatred against conservatives--was just terrible. So I realized later that, having been through that traumatic experience, the American people didn't want any more great changes or shake-ups, and Lyndon Johnson was a cinch to be reelected, but, politically, I couldn't absorb that in 1964.

Marcello: How did you decide to seek public office? In other words, what was your motivation, and why did you decide to run for public office?

Andujar: I didn't seek it. It literally sought me. In 1970 my party wanted me to run for the House of Representatives, and I demurred. I said, "Well, why me? Why don't we get somebody else?" Well, the answer's very simple. No Republican had ever been elected, and no man was going to risk his political future or take the time to run on a ticket that had always been a loser. So, finally, they talked me into running.

I ran a creditable race, but that was where I bumped into, literally, the first time, this stone wall of the solid Democrat vote. You had to run county-wide at that time, and people out there in the hinterlands had never voted for a Republican. That was where I also learned to bow out in the black precincts where I would get twenty votes and my opponent would get a thousand. I learned right then and there that if you're going to run for office, it's most difficult when those boxes, which many of us feel, by experience and observation, are bought and paid for by the Democrats, that the votes are really thrown to the Democrats regardless. That is a terrific obstacle to overcome. You can't make up 900 votes in another precincts. You have got to pick them up very heavily. So, it was a shock, but I resigned myself to the fact that I had lost, and that was it.

Incidentally, I ran against a Democrat who knew nothing from nothing. He didn't know the issues; he didn't know the answers. It was proof to me that the solid Democrat vote was a habit and had nothing to do, literally, with the candidates themselves.

Marcello: To refresh my memory, who was your opponent in that election?

Andujar: Bill Hilliard. He was a man who'd just been talked into running, and he had not informed himself, really, on the issues. He knew it, and I knew it. We never attacked each other personally, and we remained friends. After he beat me, it didn't bother me. I was a friend of his, and when I finally got elected to the Legislature, he was still serving there, and we were friendly the whole way through.

Marcello: Okay, so when did you decide to have another go at it, so to speak?

Andujar: Well, in 1971, of course, after the 1970 census, then we had redistricting of the Senate districts. When they looked at the Senatorial District Twelve, the Republican Party realized it really was a Republican district. Now it had been hand-tailored for Representative Mike Moncrief, a young Democrat here who picked the precincts pretty much that he wanted, and he was going to run for the Senate. He was, I think, somewhat surprised when he ended up with a strong Republican candidate.

There again, the party had to talk me into running. I said, "Look, I've got beat once, so why should I go through that again?" But they showed me the statistics and said, "Look, these precincts carried for Eisenhower, for John Tower, and for Nixon." They said, "A good campaigner really ought to have a good shot at this." So I did and . . .

Marcello: Now this would have been what year?

Andujar: 1972.

Marcello: 1972 was a good year to run, was it not?

Andujar: That's right. It turned out to be because it followed the Sharpstown bank scandal, where the Democrats were shown as utilizing the political process for personal gain in a very gross manner. I feel that Sharpstown really was my friend. Conversely, I was at the right place at the right time.

Marcello: I was also thinking of the national presidential election. This was the year when Nixon was running against McGovern, and McGovern didn't stand any chance at all against Nixon in '72.

Andujar: That's right. It was a Republican year, but a presidential race doesn't always help a race like a state senate race. People will vote for the president and then drop back. I thought that Sharpstown was helpful to me, and I must admit that the woman's movement was getting started, and women were more accepted as viable candidates.

I also feel that my work in the party helped me. I had

for years been trying to raise funds, trying to sell fifty-dollar tickets, hundred-dollar tickets, to Republican affairs to local businessmen who were more and more disenchanted with the Democrat Party. They knew that I was not just a housewife, that I had worked in the political arena and knew something, so I was able to raise money.

I think the fact I'm a doctor's wife was a great help to me because they knew me as a conservative. Doctors contributed. Everybody's friends contribute to him, but the fact that mine were doctors who were in a position not to contribute ten dollars or twenty-five dollars, but seventy-five or a hundred dollars, was very helpful to me. I think the fact that I'd been around so long and that they knew me and that my friends were in a position to contribute was a help, too.

Marcello: What kind of a district do you represent? If I were to ask you what is the pulse or feel or concerns of your district, how would you respond?

Andujar: I would say, generally, it's moderate-to-conservative. Within my district, I have a number of blacks and a few Mexican-Americans. I try to work with my black constituents in the legislation that they're interested in. I also serve them if they need help; I try to concern myself with their individual matters here in this office. I think that I'm a pretty good campaigner among them; I can meet with them, visit with them, and so on.

I have some black friends who have helped me through the years, too, so that my experience in 1970, where I was determined to work with the black people and not lose that bloc vote, I really think did help.

Then I think the businessmen saw me as a person who understood taxes and that you can tax a person out of business, that the tax burden can be so great that free enterprise cannot continue to expand and create jobs. Each time that I ran, I got greater and greater help from the community which is in business for themselves as opposed to the labor unions. Now my first year that I ran for the Senate in 1972 against Mike Moncrief as my opponent, I did run a different kind of race at that time.

Marcello: That was quite an upset, was it not, because Moncrief had name identification in that election, if nothing else.

Andujar: Oh, it was an unheard-of upset because he was a conservative Democrat. He had Establishment support--businessmen who supported Mike. Now the other technique that I've always used is: Don't make anybody mad. If people said to me, "Betty, I'm sorry, but we have to support Mike; we think he's a winner; we know his family," or something of that nature, I never said, "Well, you ought to know better; you ought to support a Republican." I always said, "I understand." Consequently, when I got elected, then those people were not mad, and I wasn't mad, and I was able to work with them.

But, in 1972, with McGovern running for president, I was able to go out to the University of Texas at Arlington and work with the students out there and say, "Look, you're supporting McGovern. Why in the world would you support a man like Mike Moncrief who is the apotheosis of the Establishment that you are against? If you have any political savvy at all, you should vote for me because I am the anti-Establishment candidate." That was the truth at that time.

I visited with labor unions, and they were most interested in keeping Mike Moncrief from being elected because they thought they'd never get rid of him. I made the outright offer to them. I said, "Try me. If you don't like me, then you can try to get rid of me in the next election." Sure enough, that's what they did. I tried to work with labor in . . . I'm not a person who's liberal enough for them, overall, and I did not know at that time that, if you try to work with these liberal groups, labor in particular, and teachers might be another group at the present time, trying to help them isn't enough. They want you body and soul. You can't just work with them on this issue and that issue on which you have common ground; they want a 100 percent labor representative. It was obvious that I would never be that. So after that first year, then they always have fought me since then, which I regret. I feel that essentially a good economy in the country is good for labor as well as

good for anybody else. But we have never been able to . . . I have never been able to understand labor unions who would rather put their boss out of business than not get the contract they want. They've done this in the news media and elsewhere. They will strike, and they've put newspapers in the East out of business, and they lost their jobs. This is the philosophy that I don't dig it at all.

Marcello: Awhile ago you mentioned that at the time you decided to run for office, the women's movement was coming into its own. How did you see your relationship to the women's movement then, and how has it evolved since your initial race?

Andujar: That's a very interesting question. I did make contact and was invited as a candidate to visit with some of the women's groups in Fort Worth who at that time were more active, really, than they are now. I could see immediately that they were far more liberal than I will ever be, but I believed them at that time when they said they wanted more women elected to office. I was busy getting myself elected and didn't pay very much attention to it. However, after I got in office, and when I ran for reelection, and since then, I do absolutely disagree with them when they say they want women elected to office because to the best of my knowledge they never have lifted a finger to help me, and I don't know that the women in that group ever voted for me.

I don't know. Personally, I don't go around asking people after the election, "Did you support me or didn't you?" because, first of all, they may not tell you the truth, but I have that feeling that they probably never even voted for me.

So I have taken exception to that slogan that they proclaim so widely. I said, "If you are honest, you would say, 'We want liberal women elected to office.'"

To tell you the truth, I had another experience that hadn't . . . it upset me then, but it hasn't had that much effect, but I will cite it to you as a historical note. I believe it was in, well, let's say, 1975, while the Legislature was in session, that the Dallas Association of University Women asked me to talk to them. Much against my inclination, I accepted the invitation because I really was surprised. It's a sacrifice for me, during a session, to go to another town, to take my time and make that trip and go over there and talk to that group, and they were not in my senatorial district. But out of respect to them, I accepted the invitation. They had not said anything to me about the subject that I would discuss, and I had assumed . . . most of the time I'm asked to talk about legislation that's under consideration at that time, and I was just going to tell them about the Legislature and so on. Well, about ten days later, I got a letter from a somewhat embarrassed

program chairman, I guess, saying that they were forced to withdraw the invitation because it had come to their attention that I didn't support their goals. Now, to me, this is amazing. University women are supposed to be educated, and I thought they were open-minded. Why they would shut me off of a program, it was incredible to me at the time. Of course, they knew that I was not only shocked but upset--not so much for myself, but I was embarrassed for them, that they would take such a step. Now I'm sure they found out that I didn't support the ERA.

In a way I think that my position has come to be the one that's been accepted publicly more than that far-out radical group which took over the ERA movement and made it so extreme that it was really unacceptable to some people. I think that the International Year of the Woman probably did more damage to the cause because, for the first time, it became pretty obvious that it had been captured by some very peculiar groups that were not in the mainstream.

Marcello: Let us talk about your position relative to the Equal Rights Amendment.

Andujar: All right.

Marcello: Again, what is your position, and why do you take such a position?

Andujar: Well, first of all, my experience proved to me that the wording of this constitutional amendment was so wide-open that nobody

knew what it really meant. It has always been promoted as a constitutional amendment to give women equal pay for equal work, but the wording of that constitutional amendment, which says that Congress shall enact the necessary legislation to enforce this constitutional amendment, taught me that nobody alive could tell you what Congress would do. But, more than that, and more importantly than that, the laws that we live under are not necessarily the statutes that are passed by Congress or by the Legislature. They are the interpretations of those statutes by the judiciary, and the judiciary is even more radical in some areas. Now by that I mean in geographical areas and philosophical areas, they are far apart from many, many legislators. They construe and twist the intention of the legislation to the point where we don't recognize the bill that we passed. I don't think it was ever the intention of anybody who drew up that constitutional amendment to say that you couldn't have a father-son banquet in an elementary school, but that actually did happen. It took President Ford himself to say, "This is ridiculous," and so these ideas do become ridiculous.

So it was my experience as a senator, knowing that it wasn't what people thought that they were voting for or working for, it was what in my mind I thought they were going to get--that it was far, far different and that they themselves would be shocked by the interpretation.

Now I am for equal pay for equal work. I am for equal opportunity for equally qualified women. I am not for opportunity just because you're a female. I think you must compete equally. I am not for firing a man in order to make a place for a woman. I think that the reverse of ERA can cause just as much trouble as the implementation of it because industry is confronted with this whole problem now of what almost amounts to quotas.

I know for an absolute fact that a situation occurred right here in Tarrant County where a large corporation had an opening for an engineer. Their computer told them that this person should be a female and should be black, if they really wanted to get the best applicant they could. I looked at this man, and I said, "What did you do?" because I felt that to find a black female engineer would be almost impossible. He said it was impossible. He said they hired a black woman, and she sits at one desk, and the engineer sits at the other desk and does the work. This is not my idea of equal opportunity.

Now the ERA amendment, also, of course, in due course, was defeated because many of these ideas . . . I was not worried, myself, about going to war or sharing the same bathroom. That was the least of my worries. Circumstances make a lot of difference, and there are places in life, lots of places, where you share the same bathroom, and that

didn't bother me a bit. Even in my wildest dreams, I couldn't believe the Supreme Court would say you'd only have one bathroom in our schools. I couldn't believe that, although there's always that possibility.

In any case, it finally ran its course over seven years, and when they came in and then acted like weepy women and asked for an extension of that time, they lost all credibility with me whatsoever because they are asking for equal treatment in employment and elsewhere, but they would not accept equal treatment with their amendment. So they asked for an extension, which I considered foul. They also will let a state who has refused to pass the ERA amendment come in and pass it but won't let them rescind it. This to me was a perfectly clear illustration that these women are not going to play fair. Don't con me, on the basis of equality and doing right, into doing something that's obviously wrong. So they lost me.

Marcello: While we're on subjects of this nature, Senator Andujar, maybe we also ought to talk about your position relative to abortion and right-to-life. Would you care to discuss your views on that subject?

Andujar: Well, yes, I will. I'm a doctor's wife, and the whole concept of abortion has been most difficult for me because for most of our life abortion was illegal. You just could not perform an abortion except to save the life of the mother.

But then we had a complete change in our civilization, our social approach, in the 1960's when we began to realize that the Pill and the public knowledge of contraceptives had released over us a tidal wave of sexual activity to a degree and at an age that we had never before contemplated or dreamed of. When you begin to realize that young girls in junior high school are sexually active, that they are pregnant, that they are having babies, you are simply forced to take a good look at the situation.

Oddly enough, right about that time--this was long before I ran for office--I was asked to serve on the board of Planned Parenthood, which I did. Of course, this was a terrible eye-opener for me to learn what was really going on in the world. I wasn't aware of it. I went through sort of a crisis, and I finally decided that if I had to choose between these pregnancies and the Pill, then I would have to endorse the Pill, that it wasn't my fault that the girl was already active and that I didn't encourage her to do it. We had, of course, black women who were having babies and had never had the opportunity to control their families before. I finally had to decide that, under our civilization at this time, I would go for the Pill.

Well, then right away, following that, you get into the subject of abortion because there are the people who didn't get the Pill, who are emotionally upset, who are

not in a position to have a baby. And then the Supreme Court decision came along which permitted legal abortions. I think in many ways I'm begging the issue. I have to face--I have to admit--that after a certain period perhaps abortion is murder.

But let's just discuss a little some of these aspects. First of all, you take the country of Japan. Japan would not be able to support its population whatsoever if they didn't control it. They would have to do what they did before. They would have to become militarized and try to militarily take additional territory in order to have a place for their population to live and raise food. Of course, abortion is the great means of control in a civilization like Japan.

Philosophically, I also see modern medicine with all of its wonders doing some very peculiar things. I see--and I have complained to my husband who is a medical physician and a pathologist--that for too long modern medicine has made it hard to die. You and I both know people who were in their seventies who fell and broke their hips, and in the old days they would have died. That was their time to die. We don't let people die anymore. We put them in a hospital; we save their lives. Maybe they are not very well, and maybe they don't do well after that, but maybe they live ten years. So with our modern miracles that God has let us

understand, we are prolonging life, but for what purpose, I ask many, many times. We are keeping bodies alive in hospitals that have no minds. We are taking from God the decision of life and death at that end of life because we insist on these supportive measures. So we're interfering with the life cycle at that end.

Now what are we doing at the other end? Right here in Fort Worth we have a neo-natal unit which I have visited. I refuse to be pinned as somebody who is heartless. I think perhaps I am more sympathetic with human beings in some ways than others because I don't think sheer survival is what God intended. Even in the animal kingdom, when you have a dog who gives birth to too many puppies, some of those puppies die, but those who survive are usually well-fed and able to survive. But in human life we are not paying attention to that anymore. We are keeping babies alive who are born at two-and-a-half pounds and who have all kinds of genetic defects, and who, in time, will grow and reproduce more children with genetic defects. We are asking people who are just financially able to keep going today, whose taxes and standard of living are just able to keep going in our civilization, and we are taxing them to support people who are going to have medical treatment and public taxes to keep them alive all their lives. So at the beginning of life, we are also interfering with the

natural life cycle.

In a word, I am pro-abortion. I think that we have to have it at this time. I don't like it--I'm not happy with it--but I have decided that I have to accept it.

Marcello: How do you feel about using public funds for abortion?

Andujar: I'm satisfied with it because we use public funds for all kinds of people who have physical disabilities and whom we have kept alive. If we're going to keep those alive, why shouldn't we use taxes for abortion? So I accept that, too.

Marcello: Let us move on and talk about your experiences in the Texas Legislature. At the time that you went to the Texas Senate in 1972, was Barbara Jordan there at that time?

Andujar: No. Interestingly enough, that was the year that Barbara got elected to the Congress.

Marcello: So you were the only woman senator at that time.

Andujar: Yes, and the interesting thing is that Texas has had one woman senator since the 1920's--not all the time, but most of the time. But we have never had two women at the same time. I really wish that I could see that change take place before I leave, that we would have two women, maybe three women.

Marcello: What sort of a reception did you receive from the men in the Senate when you went to Austin to take up legislative business? Was there an adjustment on both sides to be

made, even though perhaps Barbara Jordan had paved the way, so to speak?

Andujar: No, I think the women had paved the way because they were accustomed to having a woman in the Senate. I think that did make it easier for me. They were more accustomed to it than I was in being alone with all the men. Of course, the difference with me was that I was a Republican.

Now in the Legislature, of course, we have a body dominated by lawyers. I'm very distressed about it. In the Senate today, and most of the time, two-thirds of the membership are lawyers. So you have a body whose rules and comportment reflect almost very clearly what you would have in a courtroom procedure. You'd have an adversary position in the committee hearings and in handling a bill on the floor. It is a little difficult to come into one of those bodies without the background and training as a lawyer. I don't think that this is right. I don't think it's desirable for any group. Whether it would be teachers, clerks out of stores, lawyers, or public relations people, there shouldn't be two-thirds of anybody in the Legislature. Now I do say that we have to have lawyers there, but the density is too much, and I think that some of our troubles stem from that.

But in any case, here I was, literally, somebody who had never been on a city council, even. Fortunately, I

belonged to organizations, and I knew something about parliamentary procedure. Even though we don't observe Robert's Rules of Order, we have our own rules. There's similarity.

I also had some friends there. See, Ike Harris was a Republican; Walter Mengden was a Republican; I was a third Republican. Senator Tom Creighton from Mineral Wells was a conservative that I had met, and we had mutual friends. Those men, as well as other conservatives in the Senate, when they learned that I was a conservative, I just became part of the conservatives that act somewhat together in the Legislature. So I was accepted.

I was very flattered at the end of that first session, when one of the real well-known characters in the Senate came up to me, and he said, "Well, Betty, I've served under several women in the Senate." He said, "I will say that I believe I like you better than any of them." He said, "You conducted yourself right. You kept your mouth shut and learned." That was what I knew I had to do. That was the way it worked out, and I was very relieved that I was accepted in that way, and there was neither political nor sex discrimination against me. I was treated like just another senator, but neither did I get preferential treatment--I was just one of them.

Marcello: Refresh my memory. Was there a Woman's Caucus at that time.

in the Legislature? I know we had a Black Caucus and so on and so forth. I didn't know if there was a Woman's Caucus, and, if so, what part did you play in that?

Andujar: That Woman's Caucus was a shock to me, too. Sarah Weddington was probably the leader of it, and I do respect Sarah Weddington tremendously. I think she's very smart; she had the advantage of being a lawyer. Kay Bailey at that time was a Republican lawyer in the House, and both of them were my friends. But when I saw the tremendous number of statutes that they wanted to change, I just didn't feel I could go. I never told them, "Now, look, I can't support all this stuff," but just as the bills came along, they got killed in committee and so on. For example, I don't mind having a man hold a door open for me to go through it; I don't mind a man taking me to lunch and picking up the tab; and I don't mind if we are women and don't have to lift as heavy a load in government agencies and elsewhere. If the men can lift eighty pounds and a woman only has to lift sixty, that was all right with me. The same thing was true within the prison system. Women formerly got about two years less on a felony sentence than a man. That was all right with me, too, because the concept, I think, that brought it about was that, generally speaking, a woman was used as an accessory in most crimes rather than the mastermind. I think to a great extent that that is still

true, not necessarily totally. But, of course, all of those preferential things for women have pretty much been wiped out by now. But I was not "gung-ho" to do away with every advantage that women had.

Marcello: That was quite a diverse group, as I look back upon them. On the one hand, there was yourself, and you mentioned Kay Bailey; and then on the other hand, there were such people as Sarah Weddington, Chris Miller, Eddie Bernice Johnson, Wilhelmina Delco . . .

Andujar: That's right.

Marcello: It was quite a diverse group.

Andujar: But oddly enough, of course, the Senate and the House work such different schedules that it's very difficult to deal with the same thing at the same time. It is even difficult to meet. Now the women in the House meet regularly at a given time, but it occurs at a time when it's most difficult for me to go. I would try to run over there to their meeting while I was supposed to be in another meeting, and I found myself very torn between the two, with the result that in the end I pretty much tended to my Senate responsibilities.

Now there are women that I don't agree with at all, but we get along personally very well. Of course, that is the secret to getting along in the Legislature, anyway. I could cite you Senator Lloyd Doggett now, from Austin, who seldom agrees with me or me with him, but we can always

discuss bills and get along. We're pleasant to each other. Occasionally, on very rare instances, we . . . in fact, I think it was Lloyd who came up to me one time and said, "Betty, there must be something wrong." I said, "Well, Lloyd, what is it?" He said, "Well, we're voting together on this bill." But occasionally, for instance, in the 66th Session, I did support some of his amendments to the state bar bill. I supported his desire to have public members on the board, and I supported his desire for them to deposit their funds in the state treasury, even though we didn't win that. So with the women, we maintain a good liaison, but it's very difficult for the House and the Senate to really work closely together, just as a caucus, really. I believed, truthfully, that as a caucus the House holds their caucuses, and I really think that the Senate more or less holds theirs.

Now in the Senate, the chief caucus is the study group. The Democrat Study Group, which is a liberal study group . . . I think they meet regularly. They work together well, and I just simply wish the conservatives would do just as well as the liberals. I fault the conservatives in the Senate for their loose organization and the fact that we don't dedicate ourselves in an organized manner.

Marcello: Why do you think it is that the conservatives do not have a study group similar to the liberal study group in the Senate?

Andujar: Possibly, it's a leftover from former days when the conservatives literally did control the Senate. I think that they are possibly overconfident that they think that they can kill something on the floor or handle it on the floor, and they have been surprised more than once to find out they could not do so. I think that they are possibly just a little bit lazier, too. They won't take the time.

I have tried from the first month that I ever hit the Senate to try to get some of these men to meet together. Now we're a little bit more successful in having a few of them get together and discuss methods or something and then just, what you would say, pass the word around. But I think we ought to be a little bit better, and we may be forced to.

Marcello: What particular committee assignments did you seek when you went to the Senate?

Andujar: Everybody wants to be on the Appropriations Committee because that's the heart of the whole operation. Bill Hobby would never put me on it. In fact, while I am personally fond of Bill Hobby, and I feel that he has made a pretty good lieutenant governor, he has been very political in his approach to committee assignments. Now he has problems that he has to consider that I don't have to consider, but I cite the example particularly of Senator Ike Harris, who

was in the Senate before Hobby was ever elected lieutenant governor. Under any consideration of seniority, Ike Harris should be a committee chairman, and the lieutenant governor has never done that. He has permitted much younger men in seniority to have assignments, and I'm mad about it. He knows I'm mad about it, and I'm just waiting for the day, which I hope will be in the 67th Session, when he has to give Republicans more recognition in his committee assignments.

Marcello: So to which particular committees did he assign you?

Andujar: I got on State Affairs, which would be my second choice. I serve under Senator Bill Moore, who's one of the well-known characters there, and I really value that assignment and would hate to lose it. As an extension of that, I'm a vice-chairman of the Subcommittee on Nominations. Oddly enough, all nominations float through that committee without very much trouble. We have had some pretty wild moments in that subcommittee, too. Then I'm on the Human Resources Committee and Intergovernmental Relations. Intergovernmental Relations deals with anything dealing with counties, cities, or other levels of government, and we have some troubles, some very sticky problems, that come up in that committee from time to time, but usually not as difficult as the other two.

Marcello: I was talking to Representative "Gib" Lewis last week, and

he is on a similar committee in the House, Evidently, that particular Committee on Intergovernmental Relations can get quite hectic and busy at times.

Andujar: Oh, yes, it does, particularly where small areas don't want to be taken over by organized cities and so on. Oh, down in Houston, they have some very real problems of being surrounded by Houston, but they don't want to be taken in by Houston. It gets very heated, locally. In fact, all of the work is very interesting.

My feeling, though, is simply that we have too much government. In fact, I think that when you look at the budgets of the federal government and so on, you realize that we've generated far too much, for example, just in grants. It's so hard to even to kill off anything that isn't doing any good anymore because they can get a grant, and as long as you can get a grant from the federal government, then they can pay this secretary and keep the office open. I object to this tremendously. I do not understand why taxpayers don't realize that it's their own money. It doesn't matter whether you take it out of your change pocket or out of the folding money, it's still your money. The whole philosophy of government has been, you know, "let's get it from some other level of government." The most bitter lesson that I've learned in my experience in Austin, and by observation, is that the only way to control

the growth of government is to cut off their supply of money.

All during the 1970's I've been very fortunate, and the men tell me that I have been, that I have never had to vote for new taxes because Texas has been affluent. We've had a good economic climate, and due to inflation, which raises the cost of everything so that you get more money from the sales tax rolling in, we've always had a couple billion dollars waiting for us. But, conversely, we have proceeded to spend every penny of it.

I think this is the thing that has given the impetus to the concept of initiative and referendum. People literally have lost control of their government, and I think it's finally dawned on them that, unless they want to be swallowed up completely, and taxed out of existence, they're going to have to regain control. That's why, in my opinion, Proposition 13 was successful out in California. When it came down to losing your home or cutting back on the taxes, they finally cut back on the taxes. In other words, they cut off the income for the State of California.

Marcello: Now when you went into the 66th Legislative Session, you had a Republican governor. Compare and contrast the Briscoe style with the Clements style. Was that a good way to put it?

Andujar: It's an excellent way to put it because a great deal of it.

is personality and style. I went down there under Governor Briscoe, and I do want to say that he and Janie are fine people. I have always thought they were fine, Christian people, and I had good personal relations with them. In general, I was really a more friendly senator and helped Governor Briscoe more than some of his own Democrats. So Briscoe and I had really no difficulty getting along at all because he was essentially a conservative governor. Again, the Legislature didn't pay any attention to him, either, because from time to time he would propose a capital fund to save some money, and they just paid no attention to him.

The other interesting thing was that the liberals in the House and Senate gave the Democrat Governor Briscoe a good deal of trouble. I understand from other people that a new governor always has that period to go through where they test each other out, and there is tension between the legislative branch and the executive branch, particularly in Texas where our governor is not a strong governor. Our constitution doesn't give him the power to be the executive that we really do need in these days, in my opinion. I would support the executive amendments to our state constitution. When that constitution failed, I did support the increased powers for the governor.

But Governor Briscoe's first session was a disaster. I think it's generally agreed now that he probably was not

in good health at that time because he disappeared for long periods of time. Not only could the press not find him, but neither could the people who knew him and really wanted to make contact with him, and needed to make contact with him. I know that Governor Hobby and Speaker Clayton would need to speak to the governor, and sometimes a week or ten days would go by when they couldn't even find him. So this was very bad for that first session of the Legislature.

Marcello: Some people attribute a great deal of power to Mrs. Briscoe. What are your views toward that assertion?

Andujar: I have no personal knowledge of it. But I think that apparently, from what everybody observed and said, it was true. You may recall that for years Mrs. Briscoe wouldn't leave the governor's side. She wouldn't get ten feet away from him. Now I feel that some of this possibly was a health problem, but additionally it was interest and learning on her part, and I believe that she must have had a good deal of input and a great deal of influence in his administration the whole way through. Of course, the joke was that Dolph would rather be back on the ranch, but Janie loved Austin, and I think there was some truth in that. I think Janie was a more natural-born politician than Briscoe himself because he was always ducking out there. He didn't care much for the press. I think he was afraid of being misquoted or something, and they had a hard time finding him, setting up sessions

for interviews and so on.

So there is a great deal of difference in style because Clements is a man who is an extrovert.

Marcello: Let me back up a minute. In your wildest dreams, did you really expect the election of a Republican governor?

Andujar: No, I didn't expect it, but I will say that as that campaign wore on, that I got to feeling it was possible. Not even maybe probable, but possible. A couple of things were involved there that I think are very interesting, and I do think that Clements is grateful to and has shown his gratitude to Briscoe and the Briscoe supporters who moved over and support Bill Clements.

This was a clear choice between a conservative and a liberal. John Hill, the then attorney general, had spent the taxpayers' money, which is not new, and used all of his efforts as a consumerist and a liberal, building his springboard to the governorship. I think that the most surprised man in the world on election night was John Hill. But he was seen by people, not only around the state, but I think many people in the bureaucracy itself . . . I think John Hill would be surprised at the people who were afraid of him as a governor because he'd been pretty tough to work with as the attorney general. They knew that he would . . . they felt . . . now this is just my opinion, and I don't mean to say that I'm speaking for the bureaucracy, but I

think there was a feeling that there would be a great sweep of change and that many people who'd worked in the bureaucracy would be moved out and a liberal group would move in. I think that this is demonstrated by the absolute fact that on the day after election, there were people in John Hill's entourage who had made payments on or arrangements to buy homes to live in in Austin, and they had to hurry around and get themselves out of those commitments. I think that for once we had a clear choice between a real liberal and a conservative and that the people of Texas chose.

Now the other thing that I personally tried to help them with . . . I would say it was during September and, well, more into October, and I would have people come to me who probably had never voted for any Republican except a president in their lives, and they'd say, "Betty, do you think that Clements has a chance to win?" I said, "Listen, he not only has a chance, but quit talking that way. Don't raise a question that he can lose. You go back to your golf course or your church circle or your club or whatever it is, and you say, 'Look, we are supporting Bill Clements; we just cannot go for John Hill. And for the first time in our lives we're going to support a Republican candidate.'" I said, "You'd be surprised at the ripple effect." I said, "Say it out loud, and say it firmly." I said, "Some of

those people around the table are going to be people who've been considering this but were scared to mention it.

I also feel that Clements' own approach . . . I don't know whether you remember, but he kept saying, "We're going to win this thing. We're going to win." That is not only optimism; that's a real good campaign tool. I feel that that ploy or that confidence contributed to it, too.

He also had the money to do things that no other Republican candidate had ever been able to do.

Marcello: He spent a lot of money, and he had to spend a lot of money.

Andujar: That's right. It was the only possible way to win. My goodness, Democrats spend multi-millions of dollars running for office. What's wrong with a Republican doing the same thing?

Marcello: He also needed the name identification, and only through advertising, television spots, and so on did he get that name identification, and that costs money.

Andujar: It's tremendous. But before I get into that, let me add one other thing. His money enabled him to do something that I don't think the Republicans had ever done before. He deliberately set out to organize the rural counties. The Republicans would win in the metropolitan areas but always lose out in the counties. I think that the Briscoe people probably helped in that respect very greatly, and

they did try to go out and organize and meet with the people in every county in Texas. I have felt that that was an excellent thing for them to do, and it must have paid off, too.

Now you mentioned the media and the cost of running, and I'd kind of like to mention something in that respect as well. I take sort of a dim view of the hypocrisy of the media because on their editorial pages, oh, they wring their hands about how much it costs to run, and they belabor the point all the time. Yet they are the biggest contributors in many ways to the cost of running because right here in Fort Worth, the Star-Telegram charges a political candidate the highest possible rate to advertise in their paper, and we have to pay cash in advance. So in that case, where they're getting the last cent out of us as advertisers, why should their editors sit in there and "boo-hoo" about the cost of running for office? The same thing . . . I don't know the rates on television. I don't know what their political rates are, but I do know for a fact that that is true in this newspaper here, and I think it is in general. So there's a lot of hypocritical conversation that goes on in regard to politics.

Marcello: Also, of course, 1978 to some extent was the "year of the outsider," so to speak. To some extent, I guess we can say that Carter's victory was due to the fact that some people

considered him an outsider, not really a part of the Northeast, the Washington syndrome, and so on and so forth. I was thinking that perhaps this could have also been of some help to Governor Clements in that he was not associated in any way with Austin or any of the incumbents.

Andujar: It's quite possible that that is so. I do think the fact that John Hill's liberalism was well-known helped Clements and that businessmen in particular were afraid of it. Hill was the architect of what we called the consumer package of bills.

Now this is where liberals almost always beat conservatives, or Republicans, because they always get a good title. Now people don't look beneath the title to see what is involved. As it turned out, those consumer packages . . . and I was on the State Affairs Committee when John Hill came to testify before us on the deceptive trade practice act and the product liability, and at that time he was questioned about treble damages and what would happen to certain businesses. He said, "No honest business has anything to worry about. We are not going out after those men. We're going out after the ones who are deliberately deceiving the public and taking them for a ride."

Well, there again, John Hill didn't know what interpretation was going to be put on his own bill because the

treble damages that we intended were to be for people who were convicted of consciously deceiving the public or consciously foisting on the public a product that didn't function the way they said it did.

Well, the courts didn't interpret it that way. The courts interpreted it that if you got any kind of a judgment against you whatever, you were liable for treble damages. It was working a terrible hardship on business. I have letters from businessmen who said, "Look, I can't stay in business if this continues."

Of course, this brings up another concept that I think is very important. Again, we return to the trial lawyers who passed that bill. They themselves are the direct beneficiaries of it. They are the ones who sue. One of the main ones who supported that bill and wept over the changes that we made in the 66th Session, himself, has filed over eighty suits.

Of course, any lawyer who thinks that the claimant, plaintiff, really ought to get perhaps a quarter of a million dollars is going to file a \$2 million lawsuit. Now the juries that we have today, they are so out of touch with where money comes from. We have juries, I think, that think that Washington "just has money." They don't know where the money comes from. They think there are rich insurance companies that just have boodles

of money, and so instead of giving the plaintiff the quarter-million that he may really honestly need, they will award him possibly the \$2 million. So we have fantastic, unrealistic, inflationary awards being made of which the trial lawyers get at least one-third for themselves. So the trial lawyers probably represent the most significant group who are personally benefiting from the legislation that they pass and protect.

Marcello: What you're saying, in effect, then, is that you supported the modifications in that Consumer Protection Act of 1973 that was presented by Senator Meier in the last session of the Legislature.

Andujar: Absolutely, because I think liability is for real cases to try to make the plaintiff whole, in other words, to actually repair his damages, not for him to get rich and not for his lawyer to get rich. But we see more and more of this nowadays. Of course, that's another topic of discussion.

Marcello: We originally were talking about the Briscoe and Clements style. Let's talk about the Clements style, and let me ask this question. You mentioned awhile ago, and it is a fact, that the governor of Texas doesn't have a great deal of power as compared to the Legislature. This must have just bugged somebody like Clements.

Andujar: (Chuckle) I think it did, and we tried to help him with some of those things. I voted, when Governor Briscoe was there,

to give him some more powers of execution of the budget and so on. But I think we didn't finish on the style, so, of course, the style of Clements was entirely different. Here is a man who is an extrovert, who obviously enjoys his job, who is quite available to the press, and who speaks in what you would call "plain language." He doesn't barricade himself behind a bunch of long, formal, pseudo-statesman-like statements and so on.

I remember one that kind of tickled me. It had to do with some appointment in which, if the governor didn't take care of the problem, Justice Joe Greenhill would have to be confronted with the decision. I remember that Governor Clements said, "Well, Judge Greenhill didn't want that hot potato on his plate." It's this kind of off-the-cuff remark, I think, that makes people feel that this is a real man and not just some "politician" hiding behind those great phrases that they always use.

This is not to say that the public agrees with everything that he does, but I think they feel comfortable with him, and they feel that they can identify with him.

Marcello: Did he have to be educated politically to some extent in terms of receiving advice from people such as yourself and Senator Harris and Representative Agnich, in other words, some of the Republicans who had been in the Legislature for some time?

- Andujar: Absolutely. There's no question about it. Anymore than I could go in and run his company, Sedco, he had to have all kinds of advice, and a great effort was made, even before the inauguration, for him to meet with the leadership in the House and the Senate and get to know what you'd refer to as the "wheels" and so on. By the time he was sworn in, it was pretty well-accepted that some very well-known conservative leaders would at least work with him. They were not deliberately going to give him a hard time. I think that that's the way it turned out to be.
- Marcello: There were times when he did make some off-the-cuff statements that he did have to back off or back down somewhat.
- Andujar: Right.
- Marcello: I refer to the situation concerning the raising of the interest rates, and then also he had to do a little bit of backtracking with regard to the appropriations bill.
- Andujar: More recently, in regard to the damage done by the oil spill, too. This is the thing about him, though, that makes him human. I didn't agree with his statement in regard to the interest rate, and I was shocked that he took that position. There was no question about it, that the housing industry in Texas was going to come to a complete standstill if we didn't raise it. Incidentally, I feel that they didn't . . . it wasn't my idea, but I did say, from day one down there, "We don't have to raise the ceiling

to 12 percent. Why don't we give it a float so that it floats with the money market?" In the end, that's what they really did do. I think that in regard to raising the interest ceiling on mortgages, the problem was that Clements, as a first Republican governor, didn't want to be seen as going into office the first session and instantly raising interest rates. I think that it was this concept possibly. I never did discuss it with him because it healed itself before too long.

Marcello: Well, it is kind of one of those situations where you can't win. On the one hand, it can't be very popular to advocate raising interest rates; but on the other hand, if the interest rates aren't raised, like you pointed out awhile ago, housing starts would come to almost a standstill because money would be leaving the state.

Andujar: First of all, I kept asking myself, "What are we doing setting interest rates in the state constitution or by law, anyway?" That's not our business; we shouldn't be doing it. But secondly, here we come again to the public, which literally doesn't understand the economy or how it works. We have a group that's going to rise and scream and reelect themselves by running against higher interest rates, whereas, in fact, by doing so, they're driving business out of Texas, reducing the number of jobs available--particularly on the housing issue.

One realtor told me of a case where a man wanted to buy a \$150,000 house, and he could pay \$75,000 cash, but he had to get a loan for the rest of it, and there was no money available at 10 percent. He would have to pay more than 10 percent, which he was willing and able to pay. Why should I, as a legislator, sit in Austin and tell somebody in Mineral Wells that they can't have their new home that they've planned for fifteen years because I'm not going to raise the interest rates? That's up to the man in Mineral Wells to decide. If he finds that, instead of having a patio and a swimming pool, that he's going to have to pay a higher interest rate, but he still wants the house and he'll do without the pool and the patio, that's for him to decide, not for Betty Andujar to decide.

Marcello: So do you say, then, that the setting of interest rates should be something done by the local bank?

Andujar: By the market, because competition will always keep money as cheap as possible. The biggest enemy of cheap money is the federal government itself. Its inflationary spiral and its manipulation of the currency supply and so on is reprehensible and intrusive, and they know it and they love it.

Marcello: Let's talk about the appropriations bill because we've more or less touched that subject briefly. On the subject of appropriations, there were some difficulties between the

governor and the Senate. For example, the Senate, as usual, adopted the recommendations of the Legislative Budget Board, which called for spending of about a billion dollars more than the governor felt necessary. What position did you take in this particular matter between the Senate and the governor?

Andujar: I've always supported the governor in his concept that we don't need to spend as much money as we're spending. There is fat in the budget. My goodness, you could go out to almost any educational institution and shrink up their budget quite a bit. They don't want to do it. I'm not even talking about cutting salaries, but I'm talking about more effective use of their money. On college campuses they like monuments; they want buildings. They would rather have two new buildings than one good program that's going to . . . well, I shouldn't say they would prefer, but they want both. They love bricks and mortar, as you say.

There're lots of these things that we don't have to have right now, and we have overbuilt some campuses. Every senator in the state wanted a university in his senatorial district to the point where people are disgusted if they can't get just what they want within an hour's driving distance in regard to education. It is not possible to bring total high-class education to everybody on their home grounds. We have entirely too many branches of schools,

of the universities, and we have too many medical schools in the state, but everybody wants his.

In regard to the bureaucracy, I don't think there's any question that there're loads and loads of places where five people are doing the work of four people. I like his approach of not firing anybody, but to say, "Look, we just won't replace this position." Believe me, that office will function. The people there can just work a little more and talk less.

The whole feeling or the texture of government is set to a great extent by those at the top. I admire Governor Bill Hobby. I think that he is a man of integrity and honesty and isn't trying to manipulate anything for his personal gain, and I think that if you don't permit abuse of the public payroll or the public funds, people are going to do better the whole way down the line. In fact, it occurred in the Senate. We had to fire the Senate printer because he was stealing paper and things like that. I admired them when they didn't cover that up. They fired the guy.

It's the same way with Clements. He cut back his own staff, and with attrition nobody's going to lose a job, but we're going to reduce the number of employees. I agreed with him on that totally.

We have had cut-backs in some agencies, and no agency likes it because they like everything they can get. There

are loads of typewriters and desks and all kinds of supplies that they could use last year's model instead of getting the new model. It just hasn't been stylish to try to really "do" with what you can. I think that when people in Texas are as hard up as they are . . . we have senior citizens, people who are not making quite enough money to live on, so why should we gouge it out of them for the Legislature to live in luxury, or the bureaucracy? I just don't believe in it.

Marcello: One of the differences between the Senate appropriations bill with the governor was when it concerned pay raises for the public schoolteachers. What was your position on this particular matter?

Andujar: I supported the report of the Education Committee headed by Senator Oscar Mauzy, with whom I seldom agree. We don't vote the same way at all. But I will give credit to Mauzy in that respect. He stuck with what was possible, which was 5.5 percent. Now the teachers wouldn't admit that they had gotten quite a lot . . . I don't mean "wouldn't admit it," but it was never very much emphasized that they had gotten quite a bump the previous biennium.

Now here's a problem, of course, with public schoolteachers and any group, labor unions or whatever, in dealing with inflation, and that is that everybody is running as fast as he can to catch up with inflation, and hardly anybody's

trying to control inflation. We'll never get anywhere as long as we do that. Every round of raises beyond increased productivity is simply inflationary. The teachers, since they are affiliated with the National Education Association, are pure and simply a militant union. I don't mean all teachers, but I mean their legislative representatives are taught and must go ahead and make these demands.

Now the teachers' legislative demands are very unpopular with many people. First of all, they will never discuss the concept that they are part-time workers. Teachers are the only people that I know of that want to base their salary on a full-time year when they are only working three-quarters of the year. They also are now demanding a national level of income which has nothing to do with the cost of living in the place in which they live. You can't tell me that a person living in New York City who has to pay 8 percent sales tax, who has to pay a state income tax, who has to pay the inflation rate in New York City, has the same problems that a person in Mineral Wells has, but the teachers want the same salary. I just simply do not agree with it. I think that the place where you work has something to do with what your salary is, and the standard example is the difference between Fort Worth and Dallas. There's a great difference in salaries in corporate areas

because there's a difference in the standard of living. The teachers will not admit it, and won't discuss it.

I am willing to work with the teachers on their problems in regard to parents. I sense they have militant parents they have to deal with. I think that the State Board of Education and the local boards of education are scared to death to exercise sufficient disciplinary powers because students now have rights to go to court and sue, and they're doing it. I deplore it. I think it's been, in most respects, probably bad for the schools. I think parents have abdicated their responsibilities many times, and this is in the high-income area as well as the lower area. I think the fact of two parents working has made a lot of difference in the schools because the mother isn't at home to reinforce what that teacher says. I think the more teachers are militant, the less sympathy they get from the families. This is a tragedy for education. Additionally, when they get fringe benefits, they don't want to discuss the benefits; they just want to discuss the salary.

Then you have the competition between our state employees and our schoolteachers. Everytime one group gets a benefit, the other group wants the same. Whereas the state employees work a full year, just like most people do, and the teachers do not, still they want the same benefits. The teachers want to have, I believe, one day off a month--I

believe that's it--for personal affairs. I think that that's entirely too much because they also get a vacation time at Christmas and other times that most employees do not get. I have forgotten the figure, but everytime you close down the state for a holiday, it costs millions of dollars. But in addition to all the other time they get off, the teachers want this day a month off. Why should they have a day a month off? Why shouldn't they hire a substitute just the way everybody else has to do? Their demands are endless. If we paid them \$50,000 a year, NEA would be back demanding more. You may as well face it. Since they have become so militant and so political, it's very difficult to cope with.

You take Senator Tom Creighton from Mineral Wells, who just now announced that he's not seeking reelection. There's one of the most arch-conservatives in the entire Senate who has . . . you either respect him highly or hate his guts, depending on your viewpoint, but he has been a very outstanding committee chairman in the Senate. The teachers targetted him the last time to try to get rid of him because he didn't give them everything they wanted.

Of course, this is part of our problem, and the political process has been so distorted because we no longer have people voting for the general good and trying to get a representative of the general good. They're trying to vote

for somebody who's going to increase their salary, and the heck with everybody else. We are deeply involved in the whole concept of robbing Peter to pay Paul, and Peter's getting darn tired of being robbed.

Marcello: I think today it's also called special interest politics, is it not?

Andujar: Well, that's the general name for it, but that name has now gotten to be such a cliché that I'm not sure people even digest . . . of course, my special interest is your pressure group. It just depends on your viewpoint.

Fortunately, we have a "balance of terror" because, whatever your viewpoint is, you have a balance between the different viewpoints, and that is why politics is the art of compromise. The compromise with the teachers was that they took the 5.1 percent increase, but they got two more step increases. My position's very clear in regard to an organized militant group of that kind--you'll never satisfy them even if you gave them the whole treasury.

Marcello: From my own research, it seems like you really couldn't separate the appropriations bill, the school finance bill, and the tax relief bill in that 66th Session.

Andujar: You really couldn't because it all involved whatever the money available was. A \$21 billion budget, that's how much we had. It's just like mother baking a pie. If somebody gets a larger slice, somebody gets a smaller slice. There's

just no way around it. They were not going to pass any new tax bill to cover that. This is what is involved in every session, is who gets how much. That's what it's all about.

Marcello: Well, by constitutional mandate, you had to provide some measure of tax relief in this 66th Session, did you not?

Andujar: Yes, in regard to the ad valorem taxes. Of course, there, again, is an example where I differ from a lot of the other people in the Legislature. The tax relief bill that we came out with gives senior citizens and handicapped people an additional \$10,000 of ad valorem tax relief. I do not believe in class legislation of that nature. I'm very willing to give the senior citizens on a limited income, who are having a hard time, tax relief of that nature. And I was willing . . . didn't even feel that they had to bring in their income tax report to show us that they were needy or anything, that I thought they should apply for it. I thought that all they had to do was write in and tell the tax assessor that they wanted a senior citizen's exemption. Let them see that they got it; they know they had it. Instead of that, we have an overall, on a basis of age, exemption where you have people of great wealth who now will automatically get that exemption, and I don't believe in that sort of legislation. But it's done all the time.

Marcello: How did you feel about taxing agricultural and timber and

ranch land on the basis of its productive value rather than its market value?

Andujar: I think that was a necessity, and I always did support it because we were literally . . . there again, in their efforts to try to make the land speculators look like ogres and devils, they were literally about to tax the honest-to-goodness rancher off of his ranch, and he had to have some protection. So what we did was to come up with this concept that if he did at some time sell his ranch for a tremendous amount of money, then he would owe some back taxes on it. This was the way we tried to equalize that.

I know I had people come . . . another issue in regard to ranching and so on is this idea that people have to sell their ranches to speculators. I just looked at a couple of them and said, "What do you mean, you have to sell it? You don't have to sell at all. Stay on your land and continue to cultivate it." So this idea of trying to make the land speculators look like they were causing all the trouble just left me cold. There's nothing yet that says you have to sell your property and make a big profit. On timber . . . of course, we're totally dependent on timber for many, many things, and, again, you can tax that business out of existence, and it takes thirty years to grow a tree. You've got to constantly harvest what is mature and replant. So you have to give them some consideration, too.

Marcello: Of course, I guess the heart of that tax relief bill involved, I guess, what we would call a kick-back to the local school districts.

Andujar: It's exactly what it is. Sure it is.

Marcello: I think it was about \$430 million that would have to be shifted to the local school districts.

Andujar: Set aside, that is correct, because they had no advance warning that we were going to remove from the tax rolls all that money that the senior citizens would claim for exemption, and so we had to help them out on it.

Marcello: What will that mean to the future of education? In a sense, I guess what I'm referring to is having the state provide this money to the local school districts rather than having the local school districts raise it themselves.

Andujar: I'm opposed to increasing the amount of money that the state gives to the local districts because that becomes a centralized operation then, and then the local school district just becomes a minor appendage, you know, to pass out the money. I firmly and strongly believe in local control of the schools. This is not to say that they always please me with what they do, but, still in all, I'm always for local operation, and I wish that we could get back more local control even over the federal funds and so on that we discussed.

You go through changes of concept as to what you should

do, by the city council or by the school board, and I think we're having a somewhat slight return to a little more "back to basics." You know, these educationists get off on some pretty wild things.. We tore down the walls in a lot of schoolrooms and have these big, open areas. There are always children who can learn under given circumstances or almost any circumstances, but there are others who cannot. That casual situation is not good for some children, but, yet, we have to go ahead, and everybody has to adopt the new math, even though it isn't very applicable to ordinary life. It was designed primarily for people going into higher mathematics, but they forced it down clear into the elementary schools. Even the men who invented new math say it was never intended to be taught in the public schools.

Marcello: Another issue that came up before the 66th Legislature involved property tax reform, and what I'm referring to, of course, is the Peveto Bill or the "Son of Peveto Bill" or the "Grandson of Peveto Bill" or whatever you wish to call it.

Andujar: That's right.

Marcello: It failed to pass the Senate three times, and it passed this time. What are your feelings toward the Peveto Bill?

Andujar: I have never supported the Peveto Bill because there again you have centralization at the state level of something that's really a local level concern. I understand what brought

it about was the court decision that all of the income of the state should be available to educate all the children of the state. There was a disparity between the different levels. In Fort Worth a house of \$50,000 was producing far more income than a \$50,000 house out in West Texas, but that didn't bother me one bit. I think that people deal with their local appraisers, their local tax assessors, and that is their business. It's only the business of the state, in my opinion, to see that each child is guaranteed a basic education. I'm not even for the same education. I support local enrichment because I think that's just life. You're never going to have everything equal everywhere. If areas want to enrich their teachers' salaries and try to get better teachers, as long as every child in the state has been basically guaranteed an adequate teacher. This has been my approach, and I have never changed it.

Marcello: How did you feel about that aspect of the Peveto Bill that called for a single county-wide tax assessing unit?

Andujar: We could have had that by voluntary cooperation any time we wanted it, but since they didn't voluntarily do it . . . let's see, the school board piggy-backs the county tax assessor, I believe, and I really felt that it might have been better to have a pilot program somewhere and see how Dallas or some other entity did it. If it became desirable, then other people would adopt the same approach.

I simply don't like the centralization. They will take all the appraisers and assessors to Austin. They will be trained so that the appraisal will be uniform throughout the state, which is fine, and I don't oppose it. From there on out, of course, all the entities within the county will have to get together, and each one will have a fraction of a vote on how certain things shall be done, and I can see it becoming very sticky.

The local homeowner is going to be lost in the shuffle. That's going to be tough. Personally, my husband and I never succeeded in having the appraisal or assessment of our house lowered by the appeal board here in Fort Worth, but we always felt we could go down there and appear before them. Now it's going to be nearly impossible, and you . . . mainly just large landowners or corporate entities will probably be able to appeal down to Austin. So I felt that it was just removing a very local operation, and it will end up being controlled down in Austin rather than in individual counties.

Marcello: How was it that the Peveto Bill managed to pass the Senate this time, whereas it had failed three previous times? Do you have any views on this?

Andujar: I should have, but I don't have the details. They did change it. It went through several metamorphoses, and they did make some alterations.

Marcello: As I recall, one of the things that helped, I believe, was a provision that gave the local taxpayer the opportunity to appeal tax increases over a certain percent or something along that line.

Andujar: Or have a referendum on it. It was the tax referendum in which they could then hold the entity to a tax increase of a given amount. I think that that little amount of initiative really helped to sell it.

I particularly object to the concept, which will evolve, in my opinion, when they set up this board to train the appraisers. Ultimately, the executive director of that board is . . . even though he's only the hired executive director, and you have representatives on the Appraisal Board, anybody that knows anything knows that these executive directors ultimately become the power as long as they play along with the majority of their board. That executive director is going to be the appraiser for the entire state. He's going to have tremendous power. That was one of the main things that I objected to.

Marcello: Let's move on to another subject, and this is something that occurred near the end of the session, Senator Andujar. What are your thoughts concerning the so-called "Killer Bees?"

Andujar: Oh, mercy, we don't have time for that (chuckle)! Well, of course, they used a parliamentary procedure which, I think, is reprehensible. They didn't stay on the floor and filibuster,

which is permissible. They used up the taxpayers' time and money at a very crucial time, at the end of the session, where literally it did interfere with the business of the session. There's no question about it. It is also a demonstration that a minority can ruin the work of the majority. So I took a very dim view of it.

I have stated since then that the only nice thing about the whole operation was that while they were gone, we were convinced, those of us who remained, that they were off on somebody's ranch living it up high, you know, barbecues, drinks, and all that stuff; and when we found out that they were all rammed in together in a small room, I nearly died laughing because there are a few of those men that can't stand each other, and I don't know how they literally came out of that thing.

But the thing that I particularly resented--and I think Governor Hobby knows this--was that those of us who stuck with him, we stayed there and we tried to keep up a dignified appearance of the Senate ready and waiting to go back into the regular, routine business; but when they came back, he made no effort to chastise a single one of them. This set them up as heroes, which the press had already made them, as much due to the fact of their title. I told Hobby later, "If you had referred to them as 'Senate Scabs,' they would have been back on page thirty-two." But that

"Killer Bees" title was a killer.

It just sold like gangbusters, and the press loved it and enjoyed it. Additionally, the press is generally liberal, and those were liberal senators, and they just loved it. It's a sort of an incestuous relationship, actually.

But I think it was a tragedy for the Senate. I think that it really diminished the lieutenant governor's standing and, really, his control of the Senate.

Marcello: It was a tragedy in what way, so far as the Senate was concerned?

Andujar: In that it interfered with the total work of the entire Legislature. Nothing could operate while they were gone. They simply stood there and thumbed their nose at the 66th Legislature and the taxpayer who was paying for it. They didn't have the guts to stand in there and fight and filibuster and take the losses that they thought they were going to have. So it was a chicken, juvenile, childish thing to do. But they did it, and I'm just simply hoping that some of them get punished by the electorate for it.

Marcello: How did you feel about the split primary, which ostensibly was the reason for the walk-out of the "Killer Bees?"

Andujar: Well, "ostensible" is a good word because there were some of the men who became convinced that they were more worried about product liability than they were about the split

primary, but I came to the conclusion that as a Republican that it didn't matter to me either way, although I did, as national committeewoman, support the party position of the same-day primary. But I thought the separate date had a good deal going for it, particularly if we had been able to get the regional primary concept implemented with the other states. I thought it was a very interesting concept, and, of course, Governor Hobby devoted almost his entire energies to try and pass that bill in order to save a bunch of his conservative legislators because the Democrat conservatives are the ones who are in trouble next year with the same-day primary. People are going to come in the Republican primary and vote for our presidential nominees, leaving the conservative Democrats over there exposed to the possibility of being beat by liberal Democrats. Next year we'll probably see the final transition of power in the Texas Democrat Party from the conservatives to the total liberal wing.

Marcello: If that in fact does become the case, do you see more conservative Democrats switching parties, such as Senator Braecklein recently did?

Andujar: Absolutely. In fact, some of them should've switched in the past, except that, of course, they didn't know that they could be elected. If we elect some recent Democrats as Republicans, and they vote as Republicans . . . I think there

are many, many conservative Democrats who stuck in the party thinking that under Briscoe they could hang onto it, and I think they're totally disgusted now because John Hill is, in fact, the head of the Democrat Party at this time, in my personal opinion. I don't think Hobby has emerged, and neither has Mark White. Bob Bullock, I don't think, is acceptable to the average Democrat voter as the leader of his party, and I think that John Hill's kind of picked up the pieces.

Marcello: Now there is some talk that Governor Clements might call a special session of the Legislature, basically to settle the issue of initiative and referendum. As a state legislator, what is your feeling toward initiative and referendum?

Andujar: I have supported initiative and referendum because I think we brought it on ourselves. I think that any bunch of people who sat in Austin all during the 1970's and didn't save a nickel have really brought it on themselves because people want that ability primarily to control the rise in taxes. I do support it.

Marcello: Well, Senator Andujar, that exhausts my list of questions. Is there anything else relative to the 66th Session that you think we need to discuss and get as part of the record?

Andujar: Oh, I think I probably have emphasized it enough, but I think that the public probably does not realize the role of the trial lawyers in controlling legislation. They're

a small group. The public doesn't identify them, but they put hundreds of thousands of dollars into political races trying to elect another trial lawyer.

They are in control with the people that they can control around them. They can kill changes in our so-called consumer protection act. It is the greatest conflict of interest in the legislative process that I know of--to go down there and pass bills where you get rich quick at the expense of the other consumers or the public. This is one thing that I emphasize.

The other thing that I think is so terrible is that a people who believe in representative government don't understand the economic system and where the money comes from that they demand for their various programs.

Marcello: Senator Andujar, I want to thank you very much for having participated. You've said a lot of very interesting and important things, and I especially appreciated your being so candid. I'm sure that scholars will find your comments most valuable when they're available for research.

TAB KK

NORTH TEXAS STATE UNIVERSITY
ORAL HISTORY COLLECTION
NUMBER
490

Interview with
SENATOR GRANT JONES
August 21, 1979

Place of Interview: Abilene, Texas

Interviewer: Ronald E. Marcello

Terms of Use: open

Approved:


(Signature)

Date:

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Oral History Collection

Senator Grant Jones

Interviewer: Ronald E. Marcello

Place of Interview: Abilene, Texas

Date: August 21, 1979

Dr. Marcello: This is Ron Marcello interviewing Senator Grant Jones for the North Texas State University Oral History Collection. The interview is taking place on August 21, 1979, in Abilene, Texas. I'm interviewing Senator Jones in order to get his reminiscences and experiences and impressions while he was a member of the 66th Texas Legislature. More specifically, Senator Jones was chairman of the Senate Finance Committee during the 66th Session.

Senator Jones, describe the process by which you were selected as chairman of the Senate Finance Committee. I'm sure it goes back way beyond the 66th Session, and I think it's something we need to get as part of the record.

Senator Jones: Ron, the selection of me as chairman of the Senate Finance Committee came as quite a surprise. During my time in the House, I had always taken the position that I did not want to serve on the Appropriations Committee unless

the speaker was willing to assure me that I'd also serve on the conference committee, because I felt like I didn't want to work as hard as that committee assignment normally entailed and not be in on the final decision. I had pretty well taken the same attitude with Governor Hobby when I went to the Senate. I'd be delighted to serve on the Finance Committee, but I didn't want that assignment unless I was pretty well certain of being on the conference committee at the end. Consequently, I served on the Appropriations Committee during one special session under Rayford Price--but I'd never served under any other speaker--and was on the conference committee that time in the House.

So I guess the thing that triggered it was an unrelated event, and that was the fact that it was pretty obvious that A.M. Aikin was not going to serve continuously in the Senate. Then, the congressman who'd served in this area, Omar Burleson, had announced he was going to retire, and a number of my friends were kind enough to urge me to get into that race. In talking about it, I had some reservations. I think everybody would like to go to Congress, and, yet, trying to work with 434 other people where your actual area of effectiveness is pretty well limited to the committees on which you serve, and the committee assignments under the current organizational structure in Congress being

pretty well up to the various party caucuses, I felt that my opportunities, with attitudes and philosophies I've expressed over the years, would be pretty limited in that body. When the discussion came up, it was part of my decision-making process on whether or not to get into that race. I was visiting with Mr. Hobby . . . I don't remember what the time was. It was pretty early in the period after Omar had made his announcement. It might even have been before he actually made it as a public announcement; I'd heard some pretty reliable rumors that he was not going to run.

In talking with Mr. Hobby, he told me that he didn't know why he'd never been willing to make the commitment to put me on the conference committee, but that I would be on the conference committee if I stayed in the Senate. He intended to appoint me to the Budget Board during the interim, and I would be on the conference committee.

Marcello: Is that usually the way the procedure works? If you get on the Legislative Budget Board, your chances of getting on the conference committee are quite good, also?

Jones: Well, they should be because the Budget Board prepares the document going in, and then those persons who are on the Budget Board also serve on the Finance Committee. I would be a logical choice to choose those persons who had served

all the way through the appropriation process as the people who'd be in the process of making a final decision.

Also, at that time, Governor Hobby told me that he felt the chances were very good that Senator Aikin would not seek reelection, and if he did not, he hoped I'd be willing to take on the job as chairman of the Finance Committee. This is the first time that I've made the statement that I didn't ask for the job. It was offered to me, and I was highly flattered,

Marcello: Why did you decide to take it?

Jones: I have mentioned my reservations about going to Congress, and I guess there was no one available that I thought I would rather see making the decisions than me (chuckle). I felt I was as well prepared as any of the other members who might be eligible for the job.

Marcello: I assume that before you accepted the job you did understand the tremendous responsibilities and work that you were accepting at this point.

Jones: Oh, sure. But, as I said earlier, (chuckle) if you've got a job that involves decision-making, you want to be where the decisions are made. I've never wanted to be just a member of the Senate, or I didn't want to be just a member of the House. I wanted to be involved in the decision-making process, and as the fellow says, "There ain't no place where

the decisions are made more than they are when you're dealing with the money."

Marcello: This brings us, I think, to some extent up to the 66th Legislative Session. Again, as chairman of the Senate Finance Committee by this time, your work . . .

Jones: The fact that I was to be appointed as chairman of the Senate Finance Committee was not announced until after the session had convened. Really, I took the job with some degree of trepidation, because there had been a number of people who had served on the Finance Committee over the years, and I was fearful that, with my not having served there before, there would be a pretty high degree of resentment. It didn't work out that way. The proceedings went much more smoothly than I had reason to hope they would.

Marcello: Who would have been the logical successor to Senator Aikin? Would there have been a logical successor?

Jones: The logical successor would have been Don Adams, who'd served as vice-chairman the previous year. But in the meantime, Don had announced he was not going to run for reelection and then had subsequently resigned from the Senate. So there really was no chain of command that would have been a logical successor. I'm sure, had Don Adams stayed in the Senate, he would have been the successor, but he did resign.

Marcello: So while the Legislative Budget Board was holding its

meetings and its deliberations, there was really no official chairman of the Senate Finance Committee at that time. Or was A.M. Aikin still considered the chairman?

Jones: A.M. Aikin did not resign. He had announced he was not going to run for reelection, but he did not resign from the Senate. He did not resign, nor was he removed as chairman of the Senate Finance Committee. Automatically, he was a member by statute of the Legislative Budget Board, and he continued to serve.

I've often wondered why he did. I think if that time comes, as far as I'm concerned, I would probably resign at least as chairman of the Finance Committee so that the lieutenant governor could appoint someone who again would be going through the entire process. I've never questioned Senator Aikin as to why he did not resign it. Perhaps it would have been a delicate subject to raise with him. I felt, if I had been in his place, I probably would have resigned, at least as chairman of the Finance Committee, so that the lieutenant governor would have an opportunity of making an appointment so that person would be available to serve through the appropriate process.

Marcello: Were you on the Legislative Budget Board this last time?

Jones: Yes.

Marcello: Describe the process by which the Legislative Budget Board

went about formulating its budget for the next biennium.

Jones: Formulation of the budget is pretty well a continuing process. Within a few weeks now, the Legislative Budget Board staff will begin receiving initial requests for appropriations for the 67th Legislative Session. The hearing examiners with the Budget Board will examine those requests, and ultimately there will be prepared staff recommendations from the Legislative Budget Board in reference to each of the requests. Probably beginning in June or July of next year, the Legislative Budget Board will begin its meetings to review those staff recommendations in reference to budget requests from the various agencies. I hope we can get that process changed to a degree, because it's my feeling as a first-term member of the Budget Board that probably the legislative members did not have adequate time to review the staff recommendations. It may be that we don't need it, because you do go through an exhaustive hearing process once the Legislature's in session. I felt the opportunity for the preparation for the Legislative Budget Board consideration probably was not adequate, but I can assure you that there's adequate time (chuckle) and adequate discussion during the legislative process with the Finance Committee.

Marcello: How do you go about establishing priorities within the Legislative Budget Board in formulating that budget?

Jones: That varies from time to time, in part based on the membership of the Legislative Budget Board, but realistically it can't vary too far. We did something this time that's never been done before, and that was to include within the Legislative Budget Board recommendations a level of funding for teacher salaries. That had never been done before.

Obviously, you've got your priorities, and education stands well at the top. We did have some terrifically tough decisions that didn't come apparent, really, during the Legislative Budget Board level in reference to the budget request from the Department of Human Resources, because, had we not made some tough decisions that we did make, ultimately the cost of providing care to the elderly would have been a consuming thing. We made some decisions, then, on limitations of eligibility, particularly for nursing home care.

Marcello: I'm sure that the constitutional amendment adopted by the voters in November would have played some role in the formulation of the budget, too, would it not?

Jones: Well, actually, the principal part . . . I guess, the psychological fact that such an amendment was adopted obviously had a bearing, but this was after most of the Legislative Budget Board's decisions had been made. Psychologically, of course, that would have a bearing, but the

spending limitation was not effective until the Legislature acted on it. The ultimate way in which the Legislature acted provided that that limitation will be effective not in the 66th Session but in future sessions of the Legislature. We had a bill this session that set up the mechanism of the limitation. In fact, that was part of the House Bill 1060, which I was the Senate sponsor.

Marcello: I would also assume that in the formulation of a budget that the recommendations or the estimates of the comptroller played a very important role, did it not?

Jones: Ron, that's a very fine process that we have. Before I got into government, I had assumed that the so-called "pay-as-you-go" provision was a provision of long-standing in the state constitution. It was not; it was one that was adopted in the early 1940's. It's a very fine process. It works at its best when you have a comptroller who is looking at his job objectively and undertaking to do the best possible job as comptroller. He is in a position now that it's difficult to tell what his motivations are.

Marcello: You're referring to Mr. Bullock, of course.

Jones: I'm referring to Mr. Bullock. With a person of that type in the office, it holds some very strong dangers, as far as I'm concerned. If Mr. Bullock continues in that office, I'm afraid we're going to have to consider some changes, because

it's an awesome power. It holds a tremendous potential for abuse.

Marcello: What possible motivations do you perhaps attribute to Mr. Bullock? Again, you can't read his mind, but how would you speculate as to the origins of his conduct?

Jones: I have no way of trying to put a rational explanation on Mr. Bullock's actions. He takes off in various directions at various times. I'd hate to have the responsibility of trying to explain him.

Marcello: What perhaps disturbs you most about his actions?

Jones: It'd be difficult to put it on any one thing, I get the impression Mr. Bullock does not feel that he should be held accountable to the same restraints that are applied to other people in public life, and this bothers me because I think the restraints on a person in public life are more nearly in a fiduciary position, and you should act with a great deal more restraint in your public affairs than you would in your personal affairs. The fact that Mr. Bullock doesn't feel this degree of restraint is perhaps one of the things that bothers me.

Marcello: Do you perhaps see some political motivations here? In other words, is Mr. Bullock politically ambitious for higher office?

Jones: Oh, yes. Mr. Bullock is, I'm sure, planning to run for other offices. What they might be, I don't know. At this point,

he's probably planning on running for governor.

I think it's bad, and I always regret to see a person fulfilling his responsibilities in one office based on what he thinks that will do for him in either specifically seeking reelection or in running for another office. I've always felt a person was pretty well obligated to fulfill the responsibilities of the office in which he is serving at that time, as best suited the needs and aspirations of the people, rather than what it would do for that incumbent.

Marcello: Bullock goes back a long way in state government, I guess. It seems that the first time I remember hearing about him was during the administrations of Governor Smith. He may have even preceded Governor Smith for all I know, but I recall that's when his name first surfaced.

Jones: He first surfaced, probably, as a statewide figure as a secretary of state under Preston Smith. However, he had served in the House and had been involved in state government at various levels for a number of years, and, so far as I know, he has always been a pretty controversial character. I had met Bullock before he was working as secretary of state for Mr. Smith, but I had not known him prior to that time.

Marcello: I suspect that he received a great deal of taxpayer sympathy and support when he supposedly was cracking down on those

businesses that were delinquent with their sales taxes.

Was there more rhetoric than action here?

Jones: It was a combination. We had not had an aggressive enforcement of the tax law. There were many incidents in which Mr. Bullock went farther than law contemplated in that period of time in which he was building up his so-called "Bullock's Raiders" or, as one of my constituents referred to them, "Bullock's Bullies." It generated a great deal of constituent support for Mr. Bullock, because no one likes the idea of thinking, "I'm paying my taxes, but there are other people who owe them that are not paying them." He took an aggressive approach and apparently was . . . well, obviously was successful in collecting a great deal of money that perhaps otherwise would not have been paid into the state treasury. I don't know of anyone that faults Bullock on the end results of what he's done. There are a great many people who question the means by which he went about it and the motivations that were involved in those means.

Marcello: I would assume that, during the debates and deliberations in the Senate and House on the budget, you would have a great deal of contact--communication--with Mr. Bullock's office. Is that usually the case?

Jones: Yes, there was a good bit of interplay. My contacts were not so much directed at Mr. Bullock as they were at other

people of his office. Obviously, as in any other complicated operation, Mr. Bullock has to rely heavily on various types of staff people.

I was concerned in the early stages of the session over the fact that most of the economists I read indicated we were going to have a depression, but there was a great serious question as to when and how deep it would be. I felt compelled to raise a question as to whether or not we should pass a one-year appropriation bill, and I had the opportunity . . . Mr. Bullock had started something--which I was unaware at the time--in which he invited the people involved with economic forecasts for a number of our large corporations to come in and give their impressions in concert with Mr. Bullock's economists as to what economic predictions might be. I had the opportunity of sitting in on one of those sessions. It was an extremely interesting session. But I just hope that the economy is sufficiently firm that the money we spent will have tax revenues available to pay for it. I think it probably will.

Marcello: We're still depending upon oil and gas revenues plus the sales tax, I gather, are we not?

Jones: Yes, the oil and gas revenues obviously have increased, even though the production levels have begun to decline, because of the enhanced price for oil and gas. But I think we'll

have the income to pay for what we spend. Mr. Bullock said we would, anyway (chuckle).

Marcello: You mentioned the one-year budget a moment ago, and I did notice in doing my research that, at one point during the session, it was at least mentioned in the newspapers that you had discussed this as a future possibility with Lieutenant Governor Hobby, I think, among others.

Jones: Yes. It was an area that we discussed publicly, and you've actually got some dangers in a one-year spending bill, particularly when you're going into that year with a unexpended balance from the previous year. If you go into a budgetary process with an unexpended balance and you pass a bill to cover two years, you spread that unexpended balance over the two years. The danger in transferring the passage for the one-year appropriation is that you would incorporate all of the unexpended balance from the previous biennium into the first year and build up a spending level that your then current tax revenues would not support. So in your second year, you either have to raise taxes or make some serious cutbacks in your level of appropriation. That was one reason . . . now, I don't think I publicly expressed it, but I felt that if we were going to a one-year appropriation, probably it would have been better to do it in the way that John Connally and Preston Smith did it--in vetoing the

second year of the biennium. After the Legislature (chuckle) had spread the unexpended balance through the two years, then eliminate the second year.

Marcello: Would a one-year appropriation ultimately lead to annual sessions of the Legislature?

Jones: Not necessarily. My own reaction is . . . well, let me give you a little background. Most of the states across the country do use an annual session of the Legislature. They have a session during the odd-numbered years--just as we do--that's a general legislative session. Then, during the off year, they have normally a short, limited session that's devoted only to fiscal matters.

Frankly, I think Texas should go to this type of concept, and I voted for it in various constitutional proposals, but it's not one that's ever sold. The principal objection to it is that most people seem to feel that if you give the people who are interested in spending money two shots at the Legislature, they end up spending more money than they do at one shot every two years. It may be valid. The times that we've tried it in Texas have indicated it's not an altogether invalid apprehension.

The thing that bothers me is that with the dependence we have on the federal government now--the variability of their funding and with the variability of the economy--and

with state government being the biggest business in the state, it's ridiculous for the "board of directors" not to meet more than once every two years. I look on the Legislature as the "board of directors" for the state. We have during this last session--it'll be voted on in, I believe, 1980--provided a degree of budget execution authority that will take some of the pressure off. But my own reaction is, I'd still prefer to see an annual session of the Legislature with the new session being devoted solely to fiscal matters and matters perhaps that the governor would declare to be an emergency.

Marcello: You mentioned the role of the federal government awhile ago. Did I see figures that indicated that the federal contributions to the state would be somewhere around 25 percent of the budget? Is that correct?

Jones: Just about. Now, that's not an altogether valid figure, because a great deal of the money that we spend--federal money--is money that's in very narrow categorical grants. It's entirely possible the state would not spend that money if it had an opportunity of making a realistic review and consideration of alternatives of what the money would go for. This is one reason that there is considerable dialogue between the states and the federal government at this time in reference to what's referred to as "revenue-sharing."

The federal government probably will cut states out of revenue-sharing, but it's a mistake because each of the states is able to determine better their problems and wherein their priorities should lie than the federal government. The federal government takes the attitude, "We know best and therefore we will provide the money on a categorical basis. If you want to use it within these limited parameters, you're welcome to do so." But they don't give the states an opportunity to make a determination of wherein lie the problems for the people of that state. I think most everyone involved with state government takes the position that if the federal government is going to provide funds, they should provide them in a method that each of the states can determine wherein lie their problems and use what federal funds are available to best meet local needs.

Marcello: How does revenue-sharing enter into the formulation of the Legislative Budget Board's budget?

Jones: As a practical matter, probably . . . I don't know if we did it consciously, but I think you could make a very fine case saying that in the State of Texas, we put our revenue-sharing money . . . now, you mentioned 25 percent. Not nearly that figure was the amount we're talking about in reference to revenue-sharing funds that were available. It was a

considerably smaller fund. We're talking about total federal dollars. I think you can make a very good case to show that all the unallocated funds that we received--non-categorical funds--went into higher education in our budgetary process. If they terminate the state's participation, then we've got some tough decisions in reference particularly to higher education and how we will replace that funding.

Marcello: Of course, in this whole budget-making process for the 66th Legislature, that is, what we've talked about up to this time, the incoming governor really has virtually no input, does he?

Jones: As a practical matter, that was true several years ago. Presently, we have the Legislative Budget Board preparing a budget, and then we have the governor's office preparing a budget. At one time, I proposed that we abandon or terminate the governor's budgetary office, because it was so thoroughly ignored. I was convinced that my proposal was not a good one, because the governor does need that input from someone familiar with the process in his veto exercise. So I assume we'll continue having the Legislative Budget Board prepare a budget and the governor's office preparing a budget, and, in most instances, the budget submitted by the governor will be pretty generally ignored until such time as he has

the opportunity of making the vetoes.

Marcello: Shortly after the session got under way, of course, the Senate, I guess, took up the Legislative Budget Board's recommendations, which is the usual procedure, is it not?

Jones: Yes.

Marcello: Then, of course, the governor submitted his budget. I believe that the LBB's budget called for appropriations of about \$20.8 billion, and I believe the Clements plan totalled about \$19.8 billion. It seems to me there was about a billion dollars difference. What was it like working with a Republican governor and a governor of the personality of Mr. Clements?

Jones: Oh, I don't think many people were concerned with the fact that he was a Republican. I think he had some problems, obviously. I think those same problems would be there if anyone came in that had had no experience or background in state government. I know when I first went to the Legislature, I had some very wonderful ideas of changes that should be made, and, yet, the longer I stayed in state government and found out how things were done and why they were done that way, most of the romance went out of my proposed changes.

I think Mr. Clements has had much the same experience.. He talked in his campaign as a person with no background and no experience. He had some proposals that sounded very

meritorious until you understood the issue. Once you understand the issue, then a great deal of the romance goes out.

I think paramount in that is his support of the concept of initiative and referendum. I've been amazed . . . Proposition 13 captured people's imagination, and they looked at it, and Mr. Clements looked at it. He told me so in a conversation I was involved in with him one day. He felt the people looked on it as a way to hold government down, which is a complete misconception. No state has incorporated the concept of initiative and referendum in their constitution since the mid-1920's. It was not a conservative issue; it was basically a populist issue and was designed to require government to be more responsive to the wishes of the electorate. To be successful on an initiative and referendum idea, you've got to have a group of people dedicated to a single issue. It scares the dickens out of me, because you can't make significant changes in government without that change having ancillary effects. The people who are involved in a single-issue idea don't look at the ancillary effects.

I was in a meeting, oh, about a year ago, talking to some of the people who had been responsible for the passage of Proposition 13. They made no bones about it. They said,

"Proposition 13 as it's drafted is a horrible mistake, but it was the only play in town, and we ran with it. Had we had the opportunity of having input in the earlier stages, we would have done more about it." So often you get people who don't know "boo" about state government that see this as a problem, and they want to solve that problem with no consideration for the "ripple" effect.

I don't know that it's true, but I understand one of the House members either introduced or planned to introduce a proposal that would have made initiative and referendum part of the constitution; but at the same time, it would have repealed Article 3 of the Constitution, which would have abolished the Legislature (chuckle) and turn us into a true democracy. Last year--the year of Proposition 13--there were over 300 propositions on the ballot across the country. Rather than being as Mr. Clements sees the issue--a way of holding down state government--most of those issues called for either expanded governmental services or expanded spending of one type or another. It's a misunderstood issue; it's a dangerous issue, in my concept.

Marcello: It seems to me that one who is inexperienced in state government seems to have a tendency to generalize quite a bit.

Jones: Oh, I think that's generally true. I'll relate to you a story that occurred to me--years ago. One of my friends

with whom I'd grown up had been to what was then Texas A & M College and had graduated and gone to work for Anderson-Clayton. They had sent him up to Memphis, Texas, to one of their cotton oil mills. He had been there about six days on the job, when two schoolteachers from New York came through and wanted a tour through the plant. The plant superintendent assigned this young man to give them the tour. I said, "Well, what could you tell them about cotton oil milling with no more experience than that?" He said, "You'd be amazed what you can tell people if they don't know what you're talking about." (chuckle) I think people are able to talk more vociferously on items where they are unencumbered with the facts than they are when they do know what they're talking about. This is true for many of us in political life. If we're unencumbered with the facts or willing to ignore the facts, it makes the rhetoric much more flamboyant.

Marcello: I was kind of trying to set you up there, I think. From my research, evidently there was a press conference in which you, in effect, challenged Governor Clements to be specific as to where he could slash the budget by another billion dollars as he proposed to do.

Jones: Well, early on in the session, Governor Clements was making quite a play about the difference in his budgetary proposals,

and I think he characterized the Legislative Budget Board document as a letter to Santa Claus or something like that. It was just getting all kinds of headlines, and I felt like the Legislative Budget Board document--I still do--is a responsible document in spending proposals. I felt that if we didn't begin pointing out what was in our document and what would have to be done to try to come up with the spending proposal at the level Governor Clements was talking about and what the decisions would have to be . . . I went to Governor Hobby and told him that I thought it was time that we began responding, and he agreed with me. I think there were probably two or three press conferences in that early period. They were, to a degree, effective because after we'd been able to point out to the press what was involved in our proposal and the decisions that would have to be made to come back to the type of proposal that Mr. Clements was talking about, he was much less vociferous in his criticism. But I felt like we were on the verge of getting stampeded if we didn't respond.

Marcello: I guess there was quite a contrast between the style of Governor Briscoe and the style of Governor Clements.

Jones: Oh, yes!

Marcello: Perhaps it goes back to that stampeding that you were talking about awhile ago, to some extent.

Jones: I was very fond of Governor Briscoe, but it's extremely difficult to work for a person who's in a position of leadership that has difficulty making a decision. This was Mr. Briscoe's biggest problem. I don't know whether he simply didn't understand the issues or whether he was simply unwilling to make final decisions that would have to be made. I thought any criticism I'd have of Mr. Briscoe was the fact that he would not make a timely decision. My only public criticism of Mr. Briscoe to this point has been . . . I felt like he didn't play fairly with the Constitutional Convention, because I left that convention convinced that we had responded favorably to every recommendation Mr. Briscoe made. Then, after it was over, for him to come out in blanket opposition to the constitutional proposal is to me bordering on irresponsibility.

I felt like I guess . . . something I've tried to indicate earlier in this interview. If you have an opportunity to be involved in a decision-making process and don't take that opportunity, then you ought to be quiet, because you don't have a right to sit back and not participate in the give-and-take of the decision-making process and then criticize that which is finally decided.

Marcello: At the same time, Governor Clements was much, much more willing to use the press conference to, in effect, stampede the

Legislature.

Jones: (Chuckle) Yes, Governor Clements, I think . . . well, during his campaign, he painted himself into some corners that I suspect he probably wouldn't have painted himself into had he had experience and background to understand what he was doing. It's difficult frequently for a person to take those positions and then come out. He's not going to just say, "Well, I was wrong." It's extremely difficult for anyone to do that--particularly a person with Mr. Clements' personality. I think it's been interesting to see some of the gyrations he's gone through after he realized his early positions are not valid. The gyrations he'd go through to try to work out all this have been real interesting.

Marcello: How do you deal with a governor who threatens to veto the budget presented by the Legislature when it isn't in conformity with what he wants? In other words, he was threatening to veto that appropriations bill if a billion dollars were not cut out of it.

Jones: Yes. My reactions, and the premise that we pretty well operated under, was that we had the responsibility to come up with a budget for the operation of state government. We had the responsibility to come up with--perhaps I'm overusing the word responsible--a responsible document. Then, if the governor vetoed it, that's when the negotiations would start.

I hope the State of Texas never comes to the point that the governor's able to dictate what the Legislature will do. This is a system used in Louisiana to a large measure, and I think it's a poor system. I felt like it was our responsibility to come up with a proposal. If he wanted to veto the whole thing, then we'd start butting heads. But I didn't want to get into an issue-by-issue discussion with him until we had the opportunity of coming up with a complete budget.

Frankly, I think he was poorly advised on many of the things that he vetoed. He didn't discuss it with me. Obviously, he wasn't seeking my opinion, but I do wish--I've made this statement frequently--that I'd had the opportunity to visit with him as he was considering his vetoes to explain the rationale that was used in some of the decisions that were made. I think we did a better job than he did (chuckle).

Marcello: Well, from a personal standpoint, that's true because he vetoed our Oral History Collection's appropriation (chuckle). That's neither here nor there, of course.

Getting back to the budget again, when he comes out publicly in opposition to the appropriations bill presented by the Legislature, and then when he threatens to veto such a bill if it passes, are there conferences held between *legislators and the governor's staff to try to iron out*

some of these differences?

Jones: To some degree but not as much as it would appear. For instance, early on, the governor said that if there was a proposal, he would accept either a 5.1 pay increase for public school teachers or a continuation of their step system. He ultimately ameliorated himself to that level. He did say, "I will veto anything over 5.1," which was what finally passed. We would have passed a 7 percent increase for beginning teachers had he not made it clear to the conference committee that he was going to veto anything in excess of 5.1. But early on he was going to veto 5.1, you see, so there was a degree of discussion.

Marcello: Well, what happened to make the governor back down? He threatens to veto, and then later on he says that there is room for negotiations.

Jones: The governor's not an unintelligent person. He was reluctant to say publicly, "I was wrong." Obviously, he's a person who's been making decisions for a long time and can recognize where the level of resistance is on a decision.

I'd give him good marks as a governor, considering he went in with no experience, no background, in the state government. He's a person who will make a decision, which is a refreshing change, and I think overall he's done about as good a job as you can hope for.

Marcello: Was he accessible to you?

Jones: I'd say, in general, yes. I never sought many opportunities to visit with him.

Marcello: I guess most of the strategy in the Senate relative to the budget occurred between you, the members of your committee, and Lieutenant Governor Hobby.

Jones: That's right. I was really surprised that . . . I had thought Mr. Hobby would have brought more input into it than he exercised, but he didn't exercise the level of input that I would have expected . . . had expected him to. I didn't know whether to be flattered or scared (chuckle). He left a lot of the decisions to me that I would have thought he'd want to make.

Marcello: As the chairman of the Finance Committee, it was more or less your responsibility to guide the LBB's proposal through the Senate. You were pretty successful in fending off any amendments, were you not?

Jones: Yes. We ultimately passed the bill after it had come out of the Finance Committee with no changes from the Finance Committee. Now, there had been an amendment put on that on reconsideration was removed.

Marcello: Was this the one by Senator Truan?

Jones: No.

Marcello: Truan's amendment was tabled, I think.

Jones: Yes, that's right. The one that was adopted and subsequently reconsidered was by Senator Kothman, dealing with the building in San Antonio for an A & M-type operation. I was surprised at the number of members who'd committed to Kothman without really understanding what was involved in the issue. Do you want me to go on with that and discuss it?

Marcello: Yes,

Jones: Texas A & M has not only an agricultural extension service but an engineering extension service. The engineering extension service has been offering some learning opportunities in the San Antonio area much like . . . well, actually, for all practical purposes, it duplicates what would be offered by a junior college or TSTI. They have no business doing that. The thing had grown. The City of San Antonio had entered into some agreements to provide some land, and some other people had provided some land, and they were going to build a building. I think they wanted an appropriation of . . . I don't remember what the figure was, but I was able to keep it down in the Finance Committee, and when it got to the floor, it went on as an amendment. I was very happy the Senate was willing to reconsider and take it out.

It's been my feeling that you shouldn't offer a community a state facility that you're not willing to provide under some sort of form or provision across the state. Every

community in the state would love to have what they were proposing for the state to finance for basically a local operation. I was delighted to get it thrown off.

Marcello: To what do you attribute your success in guiding that bill through the Senate without any changes?

Jones: I don't take that much credit for guiding it through. It's really kind of a self-protective thing. I don't know whether you followed the House appropriation debate or not, but it gets pretty wild. I think the members of the Senate recognized that if "Joe Blow" gets his amendment on, then there's lots of pressure on me to provide some amendment for a constituency in my district, and that ultimately if we all get our licks in on it, it's going to be a bill that could not be certified. I don't take any credit for it going through without amendments. I think it's a self-protective thing and, I think, a wise and proper decision.

I was flattered that it happened this time. We did something this time in reference to the appropriation bill that's not been done since I was in the Senate. It used to be that we had very little opportunity for the members who were not on the Finance Committee to familiarize ourselves with what was in the bill. This time, before the bill was laid out, on my motion . . . it was not my original idea. I think it was probably Bill Meier's original idea. But

on my motion, the Senate convened itself into a committee of the whole, and in the committee of the whole, everybody can ask questions. It was simply laid out. Bill brought in the staff and said, "Here's the bill. What do you want to ask?" We had, oh, about an hour-and-a-half given-and-take on it.

Then we adjourned the committee of the whole, reconvened the Senate, and laid out the bill. There were a number of amendments that were offered; there were a number of amendments that were withdrawn after the discussion. But I suspect, had we not given the members that opportunity for discussion and give-and-take, we would have ended up with some amendments that would have been put on it.

I think it's a good procedure, because I always resented a bill being laid out with a mandate that there would be no amendments, period, and really no opportunity for much discussion on it. So probably in the next session, if I'm still chairman, we'll use the same procedure.

Marcello: As you see it, what were the major differences between the House and Senate versions of the appropriations bill?

Jones: Oh, gosh (chuckle), there were a number of differences. For instance, the House started off with putting a rider on the Legislative Budget Board proposal, reducing everything 5 percent with no review, no consideration, no anything. You

know, 5 percent with some agencies and some programs probably can be absorbed pretty realistically, but with some of your small agencies and smaller programs, a 5 percent across-the-board cut would, in effect, wipe them out. One of the early things in the conference committee was to agree to ignore that amendment until way down toward the end.

Incidentally, we did something this time which is most unusual. The conference committee ended up passing a bill which was less than the House version, was less than the Senate version, and was less than the Legislative Budget Board version. I'm not aware of that having occurred any time previously--at least not in my tenure in the Legislature.

Marcello: How do you attribute that coming about?

Jones: I think it was the realization that we have a tough economic situation, that we had some pressures for spending from the public school finance bill. We also had some pressures in reference to some retirement system requirements. It was pretty unusual.

Marcello: I think the final bill was \$20.2 billion or something like that.

Jones: I think so.

Marcello: Is it not true, also, that the LBB's bill called for an increase in spending over the next biennium of about 22 percent, but that percentage was considerably less than what had been

the case in previous appropriation bills?

Jones: Well, figure-wise, I believe it was less. Plus, in making that comparison, most people fail to take into consideration that we also put money in for teachers in the public school finance bill, which has not been there before. So the increases were not nearly as great as most people were indicating. Frankly, Governor Clements indicated it. His criticism came before he understood that there was new money in there that would not lend itself to a valid dollar-for-dollar comparison.

Marcello: Is there anything else relative to the appropriation bill that you would like to get as part of the record?

Jones: It was an interesting educational process (chuckle).

Marcello: Not only for Governor Clements but for you, also (chuckle)?

Jones: For me, also. However, I had been involved long enough that there weren't many surprises involved.

I'll tell you one thing that I do resent, and that is the way the news media treats the Legislature.. I'll give you an example of incomplete reporting. During the budgetary process, the people involved with the agricultural experiment station had been telling us that they had problems keeping their personnel because their people had the same requirements as the people teaching agriculture. Yet, the people teaching agriculture were making significantly more money. I really didn't get too concerned with it. Finally, in one of the

last days of the clean-up sessions of the Finance Committee, Senator Moore came in and moved that we put \$600,000 more into the exempt salary funds for the agricultural experiment station, and he gave this as his reasoning.

The young man who's examiner for the experiment station was not available at that moment, and the committee must have sat there for twenty-five or thirty minutes waiting until they could get him in. At which point, I raised the question, "Senator Moore contends that the personnel involved in the experiment station are the same type of personnel involved in teaching agriculture. Is this statement valid?" "Yes, sir, it is." I said, "Senator Moore says that the salary level is considerably different between the personnel involved in the experiment station and the people teaching agriculture. Is this a valid statement?" "Yes, sir, it is." I said, "What's the reason for this?" Well, it turned out that the experiment station about four or five years earlier had been subject to a suit by the Justice Department on employment practices, alleging discriminatory pay scales. In the resolution of that lawsuit, they had had to cut back a lot of salaries and redistribute their general appropriation of salaries. So, sure enough, it was a valid statement. We didn't feel like if we put \$600,000 in that it would have brought them up to the level that would have put them on

a comparative level. But we did move to put \$300,000 in.

I was real shocked a couple days later to pick up the paper and read a report: "The Legislature spends your money very flippantly during the final days of the Finance Committee meeting. Senator Moore moved that \$600,000 be put into the experiment station, but the committee cut it back only \$300,000." No explanation, no reasoning. It just made me sick.

Marcello: Who else was on the Finance Committee? Refresh my mind on this.

Jones: The Finance Committee is made up of thirteen members.

Marcello: You don't have to give me all thirteen of them (chuckle). You mentioned Senator Moore. Is Senator Schwartz on the Finance Committee this time?

Jones: Senator Schwartz is on the Finance Committee . . .

Marcello: Two very interesting personalities--Moore and Schwartz.

Jones: . . . Chet Brooks was there; Traeger's there. Santiesteban was vice-chairman. Bill Meier was a member. We had a new member this time--Peyton McKnight. Another new member was Raul Longoria. Chet Brooks has been a member for a long time; Pete Snelson has been a member for a long time; Tom Creighton's been a member for a long time. The people, I think, that had expected to be chairman probably are limited principally to Creighton, Snelson, Brooks. Probably

all three felt like they had a shot at being chairman.

Marcello: In your preliminary conferences with Hobby on the chairmanship of the committee, did he mention why any of these other people might have been eliminated?

Jones: No. (Chuckle) I didn't question Mr. Hobby's motives or reasoning. (Chuckle) I felt like that was his problem, not mine.

Marcello: I would assume that next to actually coming up with an appropriations bill, perhaps your second greatest task as chairman would have been keeping Moore and Schwartz apart.

Jones: It wasn't that much of a problem. Both of them had significant legislative loads themselves--not only in legislation they were carrying but also Moore is chairman of the State Affairs Committee, and Schwartz is chairman of Natural Resources, so they were (chuckle) frequently not there at the same time.

Marcello: (Chuckle) Much to your delight, probably.

Jones: Well, as I told you, it went more smoothly than I had anticipated, and both of them were willing to restrain themselves when I felt like it was necessary to ask them to--in most instances.

Marcello: Let's talk next about tax relief or House Bill 1060, as you mentioned awhile ago, since, of course, tax relief would have had to have originated in the House and then come over to the Senate. What was your response to HB 1060 when it came over to the Senate?

Jones: In the Senate, we had had a whole series of individual bills introduced implementing the various proposals. I think we had individual bills on everything that was included, and it was my feeling that probably we should treat them as individual bills. Also, I felt that the so-called tax relief--it was not state taxes, incidentally; it was local taxes dealing principally with the school districts--should have been treated in concert through the school finance bill. This had been the approach I had been urging, that we not incorporate that into the same bill implementing the other provisions.

The leadership of the House took the position that they didn't think they could pass a tax relief bill without a bill implementing the other portions or even a school finance bill without being able to demonstrate so-called tax relief. We had some pretty basic decisions to make. I don't think the . . . it was my feeling and finally the feeling that prevailed . . . I don't say it was mine solely. My attitude was that the state probably would not be in a position to make up the loss of income as a result of exemptions year in and year out. Ultimately, the tax base of each school district would reflect the loss of tax values as a result of the exemptions that were provided, and ultimately it would be incorporated into the public school finance bill. I think

this is what will be done. But, again, I guess through the insistence of the leadership of the House, we decided to go with the single bill of concept in reference to House Bill 1060.

It was rather interesting. We finally got House Bill 1060 out of conference committee, and the Senate was reluctant to adopt it because it didn't know what was in the school finance bill. We finally then passed the conference committee report on the school finance bill, but they were reluctant to adopt that, because they claimed we weren't aware of what was in the so-called tax relief bill.

Finally, I challenged the detractors to try to show us some way in which we'd have a motion that would pass both bills at the same time, but obviously there is no such provision. We ultimately passed both bills.

There were considerable differences in House Bill 1060 that the Senate passed and that which was ultimately passed by the House. It was my feeling that you couldn't realistically administer a bill that provided an exemption on two private passenger cars within a household, because you'd have an extreme difficulty, particularly when you were trying to exempt the two most valuable cars. We ultimately went back in and put an amendment on in Senate subcommittee that had the effect of amending the forced sale statute to provide that

private passenger cars not used for the production of income would be exempt. Then, under the constitutional amendment, it had the effect of exempting all personal private passenger cars, and this was the approach we were able to finally sell to get around the problem of having to try to exempt the two most valuable ones.

Another thing we did that . . . it was my feeling on the old-age exemption, particularly with the freeze in tax payments, that it was a terrible thing to do, because in so many of your rural areas you've got right now as many as 50 percent of your population over age sixty-five. What's happening to our demographics? Ultimately, you're going to have higher percentages than 50 percent over age sixty-five eligible for a tax freeze, and it's going to put an intolerable burden on the remainder of the taxpayers.

Marcello: You, of course, have reference to people who in their retirement years move from an urban area perhaps to a rural area or something of that nature?

Jones: No, just those people who are living there. I think it's ridiculous to provide--this is my own reaction; I'm perhaps a reactionary sort of fellow--an exemption based on age alone. I think no one has any objection to providing an exemption for a person who is in need, but to provide it on persons simply because they're over sixty-five, to me, is

not too realistic.

So we came out of the Senate committee with a provision that those persons over age sixty-five with an income less than \$10,000 would be eligible for the exemption. I was aware of the fact that we were going to have opposition to it. So we had a whole series of income levels backing up from that, but none of them stayed on. So we ended up, in effect, providing an exemption on all persons over age sixty-five, which is what the House has done.

I thought it was interesting. We only had one gentleman from an organization that's lobbying for the elderly who testified in reference to our proposal in committee. He personally recognized the validity of my position but said, "I can't voice it because it's not the position of my organization." But we just couldn't sell the concept. It was one of the disappointments of the session. That tax freeze ultimately is going to be something we'll rue.

Marcello: How did you feel about taxing farmland, ranchland, and timberland, on the basis of productivity rather than market value?

Jones: I have been a strong advocate of taxation of land that's truly devoted to agricultural purposes on its productive potential. The reason is that with the level of farm prices in general in this country, historically, you simply can't

produce the type of income that would be required to pay the taxes where you base your appraisal on market value. In your truly rural areas, as a practical matter, we've had a de facto productive potential appraisal system. No one's ever admitted it's happening, but it is. In some instances, a realistically applied productive potential appraisal is going to raise appraisals, because many of your rural areas simply haven't had a realistic tax enforcement effort.

In those areas, particularly where the land has value for purposes other than agriculture, we're losing a great deal of agricultural land. I think it's incumbent on us to do what we can to keep land in agricultural production, and I don't think anyone is interested in providing a windfall to land speculators. By the same token, those persons who were realistically involved in production of food and fiber, I think, should be taxed on that basis, because the prices they're getting for the products simply won't generate the level of tax payments that would be required under competitive true market appraisal systems.

Marcello: While we're on the subjects of the specifics of tax relief, how did you feel about omitting intangible property from tax rolls?

Jones: I thought we had to. For that matter, during the special session, I had such a proposal in the Senate. It was run

over pretty badly in the Economic Development Committee and didn't get it on. I visited with some folks in the House that were involved in the amendment process, and the House version came back with my language in it.

The reason I say that is that no state has been able to tax intangible values realistically, administer tax on intangibles under an ad valorem approach. It seemed to me that we were putting the tax assessor in a position of saying to him, "You've got to do something that realistically you cannot do." I felt it was absolutely necessary that we have the intangible exemption in the Constitution. Now, it does not prevent the Legislature from taxing intangibles, but it simply precludes the requirement that mandates intangibles being included in the tax base.

Marcello: Is there anything else relative to the tax relief bill that we need to talk about to get as part of the record then?

Jones: I think we've pretty well covered it.

Marcello: Like you mentioned awhile ago, whenever you were discussing tax relief, you had to keep in mind public school finance.

Jones: That's right.

Marcello: The two simply couldn't be separated.

Jones: Let me say one thing here. The term "tax relief" as used in there is something of a misnomer, because tax relief implies a reduction of taxes. You're not going to have tax

relief until you reduce the spending. It really was a tax favoritism for certain groups of people and certain types of property, but it didn't involve a reduction in spending and therefore no reduction in total tax dollars. It's something of a misnomer.

Marcello: You were just kind of shifting responsibilities as much as anything, were you not?

Jones: That's right. That's the reason I was so disappointed in (H.L.) the old-age approach. I doubt that Mr./Hunt really needed an exemption on his home, but if he were still alive he'd be eligible for it under the proposal that we passed.

Marcello: In terms of dollars and cents--maybe you haven't seen any figures on this--how much would the individual homeowner's taxes be reduced under everything that went into that bill?

Jones: Well, it's difficult to say how much the individual homeowner's tax would be reduced, because you've got such a varying level of tax effort across the state. So far as the average homeowner is concerned, it really wasn't that realistic a reduction. I don't have the exact figures. It'd be probably less than \$55 on an average across the state.

Marcello: Let's pick up public school finance because, like we mentioned awhile ago, it is very closely associated to the bill that we were just talking about.

Jones: Let me say at this point, Ron, that I did not serve on the

conference committee for the public school finance bill this time. From a time frame, I was involved in the 1060 conference committee; I was involved in the conference committee on the appropriation bill. From a time frame, it simply would not have been possible. I have in past sessions served on that conference committee but was not there this time.

Marcello: How closely would you have been working with Senator Mauzy on the public school finance bill?

Jones: Fairly closely. I didn't have the input on . . . I knew I wasn't going to be on the conference committee and really didn't have the opportunity at the time to be involved that heavily this time, but by the same token there was a comparison of notes, a review of the comptroller's estimates of what was proposed to be spent here and what might be available to spend somewhere else. There was a good bit of interplay.

Marcello: Now, at one point, you allegedly made the statement that this is the area where real tax relief could come, that is, if the cost of education could be reduced. Were you quoted accurately there in a general sense?

Jones: Well, obviously, if you're going to talk about tax relief, you've got to look at the areas where large sums of money are being spent. Education is a real tough issue in this

country, because I think most people feel that we're not getting a good buy for our tax dollars. Frankly, I think most people have the reaction . . . they're not as concerned with tax levels so much as they are with the values which those tax levels buy. I think we've got a lot of work to do in the area of education.

I was real shocked to find . . . serving in the Legislature is a continuing educational process. In teacher certification, we don't certify the individual teachers. We certify the schools that are teaching the teachers. (Chuckle) It seems ridiculous to me that we don't have some way of determining, "Is this person qualified to teach?" rather than, "Have they passed the required hours of a school certified to teach teachers?" I think someday we're going to have to take a more realistic look. We're going to have to make some very serious decisions in reference to the level of teachers' salaries. But before we do, we're going to have to have some way of determining that the people who are involved in the process of teaching are competent to demand the type of salary that they're seeking.

Marcello: Perhaps with the over-abundance of teachers, that might possibly come about either now or in future years.

Jones: We're going to have . . . I don't know whether you've followed it or not here . . . teacher organizations are becoming

increasingly militant, and it's about as direct a single-issue group as any that I know. We're in for interesting times, not only in government in general but education in particular.

Marcello: I've heard other legislators say that perhaps TSTA is the most powerful lobby in Austin. Would you go along with that as certainly being one of the more powerful ones?

Jones: Oh, I think historically this is very definitely true. I don't know that it's as true now as it has been in the past or as TSTA in its present stance hopes it will be in the future. Their affiliation with NEA has changed the character of the organization completely. NEA is really more nearly a union than a professional association, and they make no bones about this. TSTA in their last convention agreed that they would support the concept of collective bargaining, which they historically had not admitted they did. They preferred to call it "professional consultation." I assume they decided to drop the sham of that name and call it collective bargaining. That's what it is. We're going to have increased problems in the area of public school education, coming about in no small part from the increased militancy of the teacher organizations.

Now, my first years in the Legislature were very frustrating, because we had no voice in the area of education legislation other than TSTA. When Sturgeon was head of TSTA, we had

Dr. Edgar as head of TEA. Actually, I didn't think they were competing voices, because I think those two or some of their people would get together and decide what was going to be in the legislative program. In effect, TEA was simply a sounding board for TSTA.

That's changed. Two sessions ago was the first time it occurred. We had an independent input from the School Administrators Association; we had some independent input from the School Board Association; we had some independent input from TEA as well as TSTA. I think it's a very healthy change because, gosh, those days when I was in the House and trying to talk against some of the legislative proposals of TSTA, I was just a voice in the wilderness.

Marcello: Let's talk about property tax reform, and I guess here we talk about the Peveto bill or the "Son of Peveto" bill or the "Grandson of Peveto" bill or whatever it is. You were the Senate sponsor of that bill, were you not?

Jones: Yes.

Marcello: Had you always been in favor of some form of property tax reform similar to what Representative Peveto wanted?

Jones: Well, my exposure on property taxes, so far as a public official is concerned, goes back to the constitutional convention. During that convention, I served on the Finance Committee and, I guess, was in large measure responsible for

the ultimate article that came out in reference to state finance.

As a family, we had owned some land up in Crosby County, and I remember it always seemed utterly ridiculous to me that we had to go up there and argue with the county on appraisals and then argue with two separate school boards on basically the same land.

When we went into the Constitutional Convention, we were able to bring in from across the country and across the state people who were highly knowledgeable in property tax administration, not only as it was done in Texas but as it was done in other parts of the country. Early on, I developed the thesis that the appraisal function was not necessarily a non-divisible part of the assessing and collecting function.

We came out of the Constitutional Convention with the concept that there would be only one appraisal on each piece of property. It was drafted in such a way that there was some language in there which I wish hadn't been in there. It gave the impression that the whole thing was to be turned over to the county, for an example. It was never that intent, but the language was subject to that interpretation. That was where I first became identified with property tax legislation.

Then Peveto, at the convening of the next session, came

up with a bill that he drafted himself. It passed the House, and I sponsored it in the Senate. It failed passage in the Senate. Then both of us--Wayne as member of the House and me as member of the Senate--had been appointed as members of the Legislative Council. There was appointed a study committee of the Legislative Council to come up with a proposal for property tax reform. Wayne was appointed as chairman, and I was appointed as vice-chairman of that committee. We also had an advisory committee appointed then to be made up of people who were knowledgeable in the area of taxation. We had a very fine group of people, not only people involved in tax assessing and collecting at various levels but also people who were involved as taxpayers to give both sides of the fence reaction. Ron Patterson of the Legislative Council was the chief-of-staff of the operation. I don't know if you know Ron or not. He's a very fine person. He did a beautiful job.

Early on in the meeting of that committee, I raised the question, "Do we want to pass the bill that will require a constitutional amendment to be effective, or do we want to come up with a proposal that would fit within the confines of the existing constitution?" I guess one of the early decisions we made was that we better not rely on constitutional revision, so we undertook to pass a bill that would meet

the constitutional test. Oh, it was like so many ideas and concepts that required exposure before people ceased being afraid of it. There were some people that were in opposition to it--a very self-serving opposition. For instance, the people that make a very fine living off of doing appraisal work felt that if we had a realistic state system of appraisal, their volume of business would drop off. They were hiring lobbyists to come down and oppose it. I've never carried a bill in which there was more inaccurate information circulated, and it was a thick bill. It's hard to get people to read and understand a bill that thick. But I've never had a bill in which there was so much misinformation circulated as there was on that one. Trying to put out the fire was extremely difficult, but finally we passed it this session. There were a number of changes. For instance, one of the allegations was that we were trying to set up a statewide appraisal system. Well, this was not true. During the special session, you may remember, part of the constitutional amendment that was passed was a bill that . . . a concept I supported providing that there would be no statewide appraisal and that any . . .

Marcello: It is basically a county-wide appraisal system, is it not?

Jones: Yes, or an appraisal district whose boundaries are coterminous with the county. It's not necessarily related to the county.

During the Legislative Council committee work, after

we'd gotten pretty well along with the concepts we wanted to use, we raised a series of questions with the attorney general as to what we could or could not do constitutionally. One of the things he said we could not do is remove the county commissioner's court as a board of equalization. So ultimately we provided that the counties could come in. There will be a proposition voted on in November of '80 that will allow us to remove the county commissioner's court as a board of equalization. Realistically, I don't see how a county commissioner's court can refuse to join the appraisal district, because it would have to justify then how they maintained or why they maintained expense for a separate appraisal when it's already being done on every piece of property you're appraising. I think most of the counties will join it voluntarily.

Marcello: How do you explain that you were able to get it passed this time when it had failed three other times? Was it because of some of the changes that had been made in the original bill and subsequent bills?

Jones: Yes. Part of the pressure was taken off with our support of the constitutional amendment to preclude a statewide appraisal system. Like I said, It's difficult to get people to read bills. Some of them didn't believe us (chuckle) until we supported that amendment.

Another part of it was that ultimately we put a provision in the Senate version to allow a rollback. If the total tax income to a taxing entity goes up more than 5 percent, you can by referendum roll that increase back to not more than 5 percent. I think that generated some support.

It's funny. Each time you generate some support by an amendment, you also generate some additional opposition. Some of the school districts, particularly, were upset by that. I think probably the school districts were responsible for some of Mauzy's amendments, one of which required a 50 percent vote before the rollback could become effective. Well, that was an unrealistic level. In part at my urging, the House rolled that back to a 25 percent turnout, which is still pretty high--maybe unrealistically high.

Plus, we took out . . . the original bill had a provision for an administrative review and appeal provision. It was set up to be administered at the state level. This session we pulled that provision out, so it still requires judicial review only. It's the only source of change from the Appraisal Review Board.

Now, it's true the one-appraisal concept is probably the most significant apparent change in the bill, but property tax law in Texas was basically the same law that had been used since 1876. There was very little change in . . . I've often used the expression, "There are four versions of a

bill: the version the Legislature thinks we passed, the version the administrative people think we passed, the version the public thinks we passed, and finally the version the courts told us all we passed." Over the years, with various legislative enactments, various court decisions, the law on the property taxes in Texas has just become a jungle. You can have a given fact situation, and the law would be different if that fact situation were applied to county and state taxes or if it were counted as applied school taxes or if it were applied to municipal taxes--three complete different sets of bodies of law. Realistically, there was no opportunity for a taxpayer that was aggrieved by his taxes to appeal, because it required that the entire tax roll be tied up. Consequently, the courts were finding ways to work around providing a realistic right of appeal.

So the revised property tax code, although it does provide for a single appraisal, which I think is extremely important, also had a . . . it was necessary we pass something in this area to work out the ambiguities in the law. I think we did overall a good job.

Marcello: You mentioned awhile ago that this was a rather thick bill, and you seemed to indicate that it was two inches thick. What made it such a thick bill?

Jones: Any recodification of the law that deals with a major area

of the law is going to be thick. It simply started at the beginning of the law on property taxes and set forth a statement of the law and repealed everything, and that part of it that was kept was restated.

I've carried over the years three complete recodifications. The other two were involved in a continuing statutory revision program, because the law, as I mentioned earlier, changes over a period of time, and the Legislative Council has a program of recodifying periodically to straighten out the ambiguities in the law. I've carried two of those. In fact, I carried the first one, recodifying the business and commerce code.

The concept of your normal recodification as done in the statutory revision program is that you will reenact the law as best you can tell what the law is at that time without making any substantive changes. Now, the property tax code was not a recodification in that concept because it was our intent to make some substantive changes.

All of the recodifications are pretty thick, because to recodify requires a pretty big body of law.

(Chuckle) I remember one session I was carrying one of those things, and some fellow came up to me and said, "Jones, what is that 'doorstop bill' you've got?" I said,

"What do you mean, 'doorstop bill?'" He said, "I'm talking about that big, old, thick bill you're carrying around. It's so big I use it for a doorstop!" But all your recodifications are pretty thick.

Marcello: You mentioned that this bill was heavily lobbied. Can you expand upon that? Which particular lobbies and how was it lobbied?

Jones: Probably from a public point of view, the lobby that most identified in opposition to it was the real estate lobby. I really don't understand their attitude, but I guess they felt like any time you talk about reappraisal . . . it's unfortunate but most taxing entities have not been involved in a reappraisal program until they needed more money, and then they leave the tax rate the same but the increase values on the tax roll. Thus, a result of reappraisal would have the effect of increasing tax income. Just mentioning reappraisal, even though we did have a so-called "truth in taxation" concept in there, the fact that you're going to reappraise periodically was abhorrent to them. I think that was probably the main basis. They simply couldn't get into their minds the concept that you could have reappraisal without an automatic increase in tax dollars. The real estate lobby was the principle opponent. Plus, you know, there's nothing that will generate opposition more than

talking about taking away from someone an undeserved advantage he has over other people. A lot of people that realized they, for various reasons, weren't paying their fair share of the taxes in local communities obviously took a dim view of anything that would remove their advantage.

Marcello: What sort of help did you get from Governor Clements in passing this bill?

Jones: He was very helpful. The fact of the matter was, one of the votes for final passage would not have been there had it not been for Governor Clements. He liked particularly, I think, the concept of the referendum and rollback--the limitation on growth of tax income.

Marcello: Did we mention anything about the six-member state property tax board that this bill would set up?

Jones: Actually, the property tax board was proposed in an earlier session of the bill. I don't know whether you remember it in the last session of the Legislature--the 65th Session of the Legislature--but we passed the Texas School Property Tax Board, and they were doing the same things that were proposed for the state property tax board. So literally we picked up what had been called School Property Tax Board and simply broadened its responsibilities to include other types of tax entities. There will be no change there.

Marcello: Senator Jones, let's shift the subject rather drastically

away from financial aspects of the 66th Legislature. What are your views concerning the so-called "Killer Bees?"

Jones: I'm in my fifteenth year in the Legislature and have obviously been involved in lots of fights over those years. I've always felt that you fight your fight. If you win, you're lucky; if you don't, you dust yourself off and go to the next one. I think it was an immature, irresponsible action that they took. I've never had much admiration for folks who say, "If you're not willing to play the ballgame by my rules, you won't be allowed to play the ballgame." So I have no sympathy for them,

Marcello: How did the activities of the "Killer Bees" affect the business of the Legislature? Obviously, you didn't have a quorum as long as the "Killer Bees" were not there. Ultimately, how did it damage the business of the Legislature?

Jones: The "Killer Bees" claimed they were out in reference to the bill dealing with a separate presidential primary. I think it's interesting to note that those same people were also in basic opposition to a bill dealing with some amendments in the products liability law. I don't know whether they're using the presidential primary as a smoke screen in that their real objective was to prevent any realistic amendments in products liability or not, but I think you certainly can make a good point that the presidential primary was a smoke

screen.

Actually, several years ago Texas went to a four-year term for governor by a constitutional amendment. At that time, we specifically provided that the governor's term would expire in the middle of a presidential term rather than having a governor elected in presidential years. One reason I think that was a very important and fine decision is that it always irritates me to see the outcome of one election based upon issues that are not related to that election. We didn't want the governor of Texas elected on the basis of people's feelings in a presidential election.

The same thing is true here. If we have a presidential primary the same day that we have nominating primaries for state offices, you're going to put an unpleasant choice on a large number of people, particularly if you have Mr. Reagan and Mr. Connally on a Republican party presidential primary ballot and you've got the people that normally run for office on the Democratic party primary ballot that same day. Lots of people don't want to make a decision of whether to vote for Connally or Reagan or Bush or Ford or whoever else may be on the Republican ticket or to go over and vote for who they want for state senator, state representative, or sheriff. It's a tough decision, and I think it's particularly unfortunate that it comes this year, because the elections this year

are going to be the most important for the next ten years because it's a reapportionment session.

Marcello: Could this also have been perhaps one of the motivations of the "Killer Bees?"

Jones: Oh, that's the motivation they admit to. I think if you look at the political philosophy of those who were out, it's a credible allegation. It was basically your people who would like to see it turn over in the state government, because they are people who in large measure are not the ones that, as far as I can see, reflect the prevailing political philosophy in this state. So obviously they would like a change.

Marcello: As you look over the list of those senators who were the so-called "Killer Bees," most of them, I think you would say, would be classified as liberals, would they not?

Jones: Oh, that's a term I hate to use on them. I prefer to use "left wing," because historically your liberal was a person who was fighting against concentration of authority.

Marcello: You're using liberal in a classical sense, using a classical definition of liberalism.

Jones: That's right. So I prefer to refer to those folks as left-wingers.

Marcello: Senator Jones, is there anything else relative to the 66th Legislature that we need to talk about? For example, we

could talk about consumer legislation.

Jones: Yes, I think we ought to get into that area.

Marcello: The reason I didn't bring it up until now was because I wasn't sure exactly how involved you would have been with it, considering the other responsibilities that you would have had.

Jones: I didn't have the opportunity to get involved in it to a degree I normally would have because of committee responsibilities. But we had gotten, in the name of reform, carried away.

Marcello: This goes back to 1973 in the aftermath of Sharpstown, mainly?

Jones: Yes. We'd gotten carried away. It's difficult to get people to look at what is best in the long range for society and individuals. I talked about the left-winger and liberal philosophy awhile ago. I think incumbent in that philosophy is the fact that your true left-winger doesn't believe "Joe Blow" on the street has sense enough to take care of himself. Therefore, those of us who are better endowed have to do it for him. So consequently, we pass a series of restrictions and hedges around what can be provided for the consumer. We're in grave danger, and I think it's past the point that we've gone too far in trying to protect the consumer to the point that people are unwilling to expose themselves to the trials and tribulations of providing goods and services, or the cost

of providing those goods and services is so escalated by the regulatory process that it ceases to be a viable concept. You know, this whole thing permeates on into our society as a whole. We've got in a lot of our areas now the concept that poor old "Joe Blow" didn't have sense enough to know what was right and wrong, and, therefore, to punish him for his criminal activities is not right--it's our fault and we've got to save him from himself. I think we're in a real dangerous situation.

In this session of the Legislature, we undertook to pull back from some of the extreme positions we've taken in earlier sessions. I think I was in a committee hearing involving a part of the consumer deceptive trade practices amendments, and there was a fellow there involved in a small bank in Bryan. His bank had purchased a note from a fellow who was dealing in mobile homes. The mobile home dealer had a \$30 overcharge--a charge he was not allowed to make--in his note computation. The bank that bought that note ultimately had to pay \$18,000. Well, this is ridiculous! The charge should be related to the injury done to the person rather than the total price. We ended up passing a bill this session that provides an incentive from trying to screw people but, by the same token, doesn't provide a club for beating vendors over the head.

I don't know where we got into the concept that in any merchant-purchaser relationship, it's the merchant that's the scoundrel. It's not true. Most people in business are honorable people trying to do the right thing, and yet we've allowed the concept that anybody that's in business is automatically suspect to permeate our legislation in recent years. I think it was very healthy--the turn of events that was beginning to question that concept.

Marcello: So what you're saying is, then, that you wouldn't term this legislation as "anti-consumer legislation," but rather it was making that consumer-oriented legislation more realistic?

Jones: That's right. I think in earlier sessions we'd gotten completely carried away by some of your so-called consumer protection groups. Well, these are people who simply feel that they know better than "Joe Blow" what "Joe Blow" should have. I don't know of anybody that is elected a consumer spokesman. I'm a consumer but I can guarantee I don't appreciate the things Ralph Nader contends should be done in the name of consumerism. You've got some groups in Texas that get simply carried away too far. I think we did a very fine job as far as we went. We've got a number of other things we need to do in that field.

Marcello: Senator Meier carried several of these bills, did he not?

Jones: Yes. He's a good advocate.

Marcello: Some people attributed his carrying these bills to political ambitions on his part, that is, he was accused of currying favors from certain groups who possibly might benefit from these bills.

Jones: I don't know. I'm always reluctant to try to state what I feel is the motivation of anyone. I wouldn't comment on that.

Marcello: It is true that the Texas Trial Lawyers Association tried to block additional measures of this type, did they not?

Jones: Oh, yes, certainly. Do you remember the \$30 overcharge I mentioned earlier? One of the partners of Lloyd Doggett is very active in the field. Obviously, he doesn't want his bird nest on the ground upset. It's unfortunate that a lot of attorneys look on the license to practice law as a license to steal. (Chuckle) I was just literally shocked at some of the testimony on that bill of the abuses that had been carried forth in the name of "protecting the consumer!"

Marcello: Now, to which committee would these bills normally go? Would they go the State Affairs Committee? They did in the House, I think, did they not?

Jones: Yes. I believe they went to the Economic Development Committee in the Senate, as I remember. I'm not certain of that, but I believe that's right.

Marcello: Is there anything else relative to that consumer-oriented legislation that you would like to mention?

Jones: I mentioned products liability. The courts, through their interpretation of the law, changed the law as it relates to liability of a person involved in the production and distribution of goods and services to, in my opinion, an unrealistic point of view. You may remember that in the session before this one a main issue was so-called medical liability--medical malpractice. The same factors that created a crisis in the medical liability field are creating a crisis in products liability. We should have rectified some of those things, but this is one of the things that may have been the motivation of the "Killer Bees"--to preclude that type of reform.

Marcello: As you look back upon the 66th Legislature, what sort of grade would you give it? I guess what I'm doing is asking you to compare it or to contrast it with previous sessions in which you served.

Jones: Ron, every session of the Legislature develops a personality of its own. I think it would be very frustrating to try and sit down and compare one session to another so far as grading. I think this session was a much better session than the members of the press would have people believe because--I don't know why--most people involved in news gathering services represent a left-wing point of view. Obviously, they wouldn't like this session, because it was

trying to rectify some of the overstated positions that have been taken by other farther left sessions of the Legislature.

I think philosophically the membership of this session of the Legislature is probably more conservative or more mature than some of the other sessions I've been in . I know some of the people that came in after Sharpstown, after they've matured and had an opportunity to understand what they did, are somewhat embarrassed over some of the positions they supported in earlier days. See, at that time, the Senate had a fifteen out of thirty-one membership turnover, and the House representatives had almost a 50 percent turnover. So there's a lot of--particularly in the House--new people. Of the fifteen new ones in the Senate, I think eleven had gone directly from the House to the Senate, and one other had had previous experience in the House. It was quite a turnover. Again, I mention inexperience.

Marcello: I noticed this time again in a recent issue of Texas Monthly that you were selected as one of the "Ten Best Legislators." It can't hurt future campaigns any, I guess,

Jones: (Laughter) Maybe that depends on what people think of Texas Monthly.

Marcello: Well, that's probably true, too.

Jones: Historically, their philosophy is somewhat different from mine.

The former editor of our local newspaper--he's just retired--said, "Grant, you know if those people are saying nice things about you, you're bound to have earned them." (Laughter)

Marcello: I have one last question. When I came in the bank today for this interview, I noticed a Rolls Royce down front. That's not yours, is it?

Jones: No, sir (chuckle)! We have a new golf course and residential development south of town that's put on by some people that-- I don't know how it's gotten along; I'm not involved in it-- have that as their, I guess, demonstration car. No, I'm not related to the Rolls Royce (laughter).

Marcello: I just thought maybe that you were now living in the style or manner to which you had become accustomed in dealing with all this money in the State Legislature.

Jones: I tell you, Ron. Somebody asked me, "What does it feel like to be involved in the spending of \$20 billion?" My response is, "We not only don't get to touch that money; we don't even get to see it." (chuckle)

Marcello: It's almost like "funny money," is it not?

Jones: That's true. It's so unrelated to what you're talking in terms of in your own life that it does become a dislocation. There will never be a time when there's money enough available to fund all the causes for which good case can be made. That's one of the things that makes it so tough--having to

say "no" so frequently. I told my wife early on in the session that this is one session I'd come out of with no friends. She said, "What do you mean?" I said, "Well, everyone that is seeking an appropriation is going to be mad because they didn't get as much as they felt they were entitled to receive, and everybody else is going to think we spent too much money." A no-win session,

Marcello: Senator Jones, I want to thank you once again for having taken time to participate. As usual, you were most candid with your comments, and this is the sort of information that we're looking for. When you do release the interview for study by scholars, I think that they will find it most valuable.

Jones: Thank you. I enjoyed visiting with you, Ron.

TAB LL

NORTH TEXAS STATE UNIVERSITY
ORAL HISTORY COLLECTION
NUMBER
485

Interview with
SPEAKER BILL CLAYTON
August 27, 1979

Place of Interview: Austin, Texas

Interviewer: Ronald E. Marcello

Terms of Use: * Same as previous interviews

Approved:

Ronald E. Marcello
(Signature)

Date:

12-12-79

*Closed until Mr. Clayton
leaves public office

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UNIVERSITY IN THE CITY OF DENTON

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Oral History Collection

Speaker Bill Clayton

Interviewer: Ronald E. Marcello

Place of Interview: Austin, Texas

Date: August 27, 1979

Dr. Marcello: This is Ron Marcello interviewing Speaker Bill Clayton for the North Texas State University Oral History Collection. The interview is taking place on August 27, 1979, in Austin, Texas. I'm interviewing Speaker Clayton in order to get his reminiscences and experiences and impressions while he was the speaker of the House of Representatives during the 66th legislative session.

Mr. Speaker, let me ask you a few questions about the office of the speaker, first of all. Why did you decide to run for a third term, and, in a sense, break tradition? Not that tradition really means that much.

Speaker Clayton: (Chuckle) Well, I guess it's several things, really. We've enjoyed the service here in the office because we have, we felt, been able to do some things that we've seen a need for, particularly in modernization and continuing to try and make the House of Representatives a body that could act more efficiently in its deliberations. As you well know, in a biennial session, the work load

continues to grow, and it just takes some innovative ideas to get us to a point where we can complete a legislative session. I wanted to continue the implementation of some of the things that we'd started in our first two terms.

Marcello: What opposition did you get to your decision to run for a third term? Was there very much opposition?

Clayton: Certainly, I think it was probably disappointing to some who wanted to be speaker, and, naturally, I can understand that. Our friends that had supported us and continued to support us wanted us to run for a third term, and also want us to seek a fourth term.

Marcello: On the basis of the research that I've done, I gather that there wasn't too much opposition in the form of another speaker candidate this time around.

Clayton: There was, initially.

Marcello: Mr. Wilson had some ideas . . .

Clayton: Well, no, initially Representative "Buddy" Temple was making a race of it for me. Finally, his race petered out, and he realized that he just didn't have the support to go on through with it. I think, during the special session in July of '78, there had become a group who had supported "Buddy" Temple, and, knowing that he couldn't make it, sought to find some other candidate. They looked

at several different alternatives and couldn't get any takers, really, so at that point in time, instead of going with a candidate, they took on a study of the rules.

Marcello: Is this when we get into the "Sam Houston Caucus" and that sort of thing?

Clayton: This was what was known as the "Nifty Fifty" or the "Sam Houston Caucus" or whatever you want to call it (chuckle).

Marcello: But, again, to my knowledge, that movement did not get very much support.

Clayton: No. Really, what happened at the meetings that they held, there was a lot of curious people there who were my supporters which, naturally, swelled the number that was reported by the media. In the conclusion, when the session was over and they tried to keep the group together, it fell apart.

Marcello: Where do you go from here? In other words, when you feel that you've served your time as speaker of the House, do you see yourself perhaps aspiring to higher political office?

Clayton: I think, of course, right now our goal is to seek a fourth term as speaker of the House. Certainly, this should leave a record that probably will be a long time in being broken. After that, who knows? We'll have served twenty years in the Legislature at that point in time, and we feel that it'd be time to move from the legislative branch back home to the farm and retire. Either that, or move up; and we're

certainly looking at several opportunities that might be coming our way as far as moving up.

Marcello: The last time that we spoke, we had recently had the election of a Republican governor. How did having a Republican governor change your outlook toward the coming of the 66th Session? In other words, did you have to make any changes and so on from what the procedures had been under a Democratic governor?

Clayton: I expect it was probably more of a cautious approach, not really knowing what to expect. Then, at the same time, as far as the actual procedures of the legislative session, as to how we would handle--so far as the House is concerned--its business, that wasn't really a great lot of difference because, you know, in Texas the legislative branch is the most dominant branch of government, anyway.

Marcello: Philosophically, how much difference is there, or was there, between you and Governor Clements?

Clayton: On a philosophical basis, I doubt that there's very, very little difference. In fact, I expect we're both classified as pretty conservative and business-oriented.

Marcello: How would you compare or contrast Governor Clements' style with that of his predecessor, Governor Briscoe?

Clayton: I think they're quite different in style. In philosophy, I think they were quite similar. But Governor Briscoe chose

to play a rather sedate, quiet-type role as governor. Governor Clements, on the other hand, likes to be very vocal and colorful and out front--a lot of times shooting from the hip. I think this is basically the difference between the two.

Marcello: Awhile ago, you mentioned that, from time to time, Governor Clements had a tendency to "shoot from the hip." Do you attribute this more to political naiveté than perhaps anything else?

Clayton: I really don't know.

Marcello: Or is it just the personality of the man?

Clayton: I think, basically, it is probably his personality because, you know, anyone who has attained a stature in the business world that he has . . . you don't really do it by making brash decisions. I think a lot of this is just some of his personal traits. Some of the things that I know that he has said on numerous occasions to the press or to a group, once he's gone back and rethought it, he has looked at it from a different slant.

Marcello: From what I've observed, it seems as though the governor had to learn that running a government wasn't the same as running an oil company.

Clayton: He certainly did that because, I think, his first conception of government was: "Here we are. I'm the president of a

corporation, and the Legislature is the board of directors; and I'll give them what I want them to 'okay' and what I don't want them to 'okay.' " That just doesn't work! It didn't work, and I think he soon realized that the legislative branch of government was a co-equal or maybe even more important than a lot of the things that come from the executive branch of government.

Marcello: Ultimately, did you find him to be a fast learner, so to speak, and one who was willing to make the necessary compromises from time to time?

Clayton: Yes, I think he learned rather quickly. Of course, it was a totally new arena for him, although he had been on the Washington scene as an Assistant Secretary of Defense. I think he knew and learned that there was a compromising position that can be satisfactory. On several occasions, I know legislation that we wrote--where he once demanded a great deal more from that particular piece of legislation--came out quite watered down, in a compromised version, and he was satisfied with it.

Marcello: In terms of House organization, there didn't seem to be too many changes this time around. Is that an accurate observation to make? I'm referring now to committee chairmanships and things of that nature.

Clayton: We used basically most of those chairmen that returned. Now,

we did have a goodly number of new ones, but I think we had, also, from the list of old chairmen from the past session, about seven or eight or maybe even more that did not choose to run, or ran for something else. This left us an opening of ten or twelve chairmanships that we replaced with some new blood.

Marcello: Let's take a look at some of the aspects of Governor Clements' original program, and I'd like to get your reaction to them in terms of what it was at the time.

One of the things that he called for was a constitutional amendment to give the governor budget execution powers over state agencies. How did you feel about that?

Clayton: I've always been for that. I think the governor should have some budgetary execution powers because after the Legislature is out of the session--which is 140 days every two years, unless there's a need for a call session--the agencies pretty well have the run of their own. At times, there are programs where there could be a de-emphasis. As times change over a year-and-a-half period, there should be maybe some programs accelerated. There should be a lot of things happening in the way that agencies spend their money, and the governor is the most logical person--since he is a full-time executive officer in the state government--to oversee that function.

Marcello: How could you help him to get legislation of that type passed into law?

Clayton: This was another one of those that came out as a compromise, and it came out as such, having legislative involvement along with the executive. In other words, the speaker of the House and the lieutenant governor along with the governor . . .

Marcello: Ultimately, the seven-member Budget Execution Committee is established.

Clayton: . . . would have some say-so in it. In fact, the lieutenant governor, I believe, appoints two besides himself, I appoint two on the House side, and then the governor has his appointees. This committee, then, has a veto power over what the governor can do so far as budgetary matters go.

Marcello: Actually, when you look at that committee, it is dominated by the Legislature, is it not?

Clayton: Oh, yes, yes.

Marcello: (Chuckle) You weren't going to go that far as to give up those prerogatives.

Clayton: (Laughter).

Marcello: Another thing that he called for originally was an attrition policy in order to reduce the number of state employees by 25,000 over the next four years. What was your reaction to that?

Clayton: My reaction was certainly a need for an attrition program for the reduction in employees. I couldn't pinpoint an exact number, and I don't know that 25,000 was an exact number. I still don't know whether it was or not. But I do believe that state government had become too fat and needed leaning up some. I think that we will find that we'll get more efficiency now from the employees that remain on the job, and, I think, with a more efficient employee, certainly they also ought to be compensated for that.

Marcello: Essentially, the freeze, I guess, will take the form of no new hiring except where absolutely necessary. Is that correct?

Clayton: We placed in the appropriations bill a maximum number of employees for each agency. This is the first time that's ever been done in an appropriations bill, or at least in modern history. This means that even though you have "X" amount of dollars, and you may have some vacancies in non-filled positions, and you may come up to, say, the last three months of a year where you could employ a great number of people to help carry out a specific job or something, under the appropriations bill that can't be done. There is a maximum set on the number of employees, regardless of the amount of money that is available to be spent.

Marcello: Another one of his original programs called for what he

called a "true" system of zero-based budgeting in which state agencies would start from scratch. How do you feel about zero-based budgeting?

Clayton: Zero-based budgeting, if it's done properly, gives you the information about the programs of various state agencies that really helps in the preparation of a budget. I don't know, really, how much difference it would be in what he calls "true" zero-based budgeting than what we do now. If our agencies followed the examples as set forth by the Legislative Budget Board, they would indeed be doing zero-based budgeting because they're supposed to start from scratch to produce a program--what dollars it would take and the level of program that's delivered. I know probably what he's referring to is that some agencies don't do that. They look at, first, the delivery of services and then back off to the zero point. That's probably the reverse way to get to zero-based budgeting, and that may be what he's referring to.

Marcello: Something else that he called for was a billion-dollar tax cut for the people of Texas, and, I think, he was implying that the tax relief amendment approved by the voters in November had to be implemented. Now, how did you feel about a billion-dollar tax cut? In other words, did you feel that it was possible to give the citizens of Texas a billion-dollar

tax cut and still provide all the services that were necessary?

Clayton: I felt that a billion-dollar tax cut would have been excellent if we could have afforded it, but, on the other hand, I knew we couldn't afford a billion-dollar tax cut and keep services at a current level. With the inflationary factor that we've had in the last several years, particularly the last two years since the past budget had been written, we knew that we had a tremendous increase just to keep even. I think, really, the Legislative Budget Board did an excellent job in presenting to both the House and the Senate a document that reflected a very conservative budget when compared with the increases of the last several bienniums. I think the House and the Senate acted very favorably to that document in their deliberations. The House, for example, reported a bill out of committee that was even lower than what the budget recommendation was from the Legislative Budget Board. The Senate reported one out that was . . . I don't know whether it was lower or not, but it was right close to that level. When the conferees met and decided the final version of an appropriations bill, even that document produced by the conferees was even lower than that bill passed out by the House because the conferees, on most occasions, took the lower side of the two versions.

Marcello: From what I saw, the increase in state spending would have been about 22 percent over the next biennium. But, that was evidently considerably less than what it had been in previous sessions.

Clayton: In previous sessions, it's been running around 26 to 32 percent, and when you talk about 22 percent, that is a biannual figure. When you break it down to an annual figure, it's not just twenty-two divided by two--or an 11 percent increase. It actually figures less than an 11 percent increase.

Marcello: Of course, in terms of the appropriations bill, the Legislature again ran into some opposition from Governor Clements, who threatened to veto any bill that did not give the taxpayer the billion-dollar cut that he said was possible. In other words, what caused him ultimately to back down, which he did? What is the inside story on that?

Clayton: Again, I think it was the learning process. Having been in state government for three or four months and learning all this time, he found that there's just a whole lot more to government operation than one would think. He had to look at all the projections--what you call surplus and what you know is going to be needed for the delivery of services. I think the governor realized that he had just shot at an impossible goal when he said a billion dollars.

We didn't make the billion dollars; we came, I suppose, close to half a billion dollars. I thought all along that this was probably a pretty realistic figure. We had pegged \$450,000,000 in the special session in July to be set aside for reimbursement for the implementation of tax legislation, so far as lost revenue to school districts was concerned. We divvied that up in a way that I really didn't like particularly. We took about half of it and put it in direct reimbursement, and half of it was put in the school finance bill to compensate for that lost revenue. I had hoped that we could have put it all in direct reimbursement so there would have been no question about it. It is reimbursement, but the way it's formulated through the school finance bill, some could argue the point that "No, this is just another school finance bill."

Marcello: Why was it done this way, that is, putting half of it in terms of reimbursement and half of it in terms of the school finance bill? It wasn't exactly half, but almost.

Clayton: To pass it in the Senate.

Marcello: Can you elaborate on that?

Clayton: Well, the Senate disagreed with the House during the special session in July and did not want to set aside any funds for reimbursement--did not want to reimburse, in fact. Finally, the philosophy in reimbursement, I think, began

to catch hold over there, and we convinced the Senate that if we couldn't get some money set aside for reimbursement, the House would not pass the bill. There would be a deadlock in a special session with the possibility of coming back into another one--a tax relief session where the people were expecting something. It would have looked bad, I think, for us not to have produced. So, consequently, the Senate finally agreed to go along with setting aside this \$450,000,000 and leaving the language in the bill to where it did not specify how it went back to reimbursement. That's what the debate was about during the regular session, and, consequently, on a compromise position we did put part of it back through a school finance bill instead of direct reimbursement.

Marcello: From my research, it seems to me that you really can't separate the appropriations bill and the school finance bill and tax relief.

Clayton: You can't. They're all tied together. They certainly are.

Marcello: Obviously, the size and the scope of the school finance bill was going to be very much dependent upon what sort of tax relief was provided, and, then, of course, there's the overall appropriations bill that has to be taken into consideration.

Clayton: And for the first time in the appropriations bill, we dealt with teacher salaries, which was not in the school finance

bill. So, I mean, it was all tied together. There was no question about it.

Marcello: There were some problems here between the Legislature and the governor, also, in terms of teacher salaries, were there not?

Clayton: Oh, yes. He had first said that any salary above 5.1 percent would be vetoed, even if it included the automatic steps. I think, finally, we got the governor to realize--and it wasn't easy--that the steps had been put into law several years ago and that this was an automatic thing. The 5.1 percent was actually what the salary increase would be because the steps had already been granted by law. After, I guess, weeks of deliberation on this point, I think the governor finally decided, "Well, yes, okay. I'm still going to count it 5.1 because that's what I said, but we're going to grant it."

Marcello: How do you get the governor to compromise? In other words, the governor and the Legislature are at odds with regard to size of the appropriations bill. Is it a matter of you and Lieutenant Governor Hobby and perhaps certain committee chairmen conferring with the governor and trying to work out some sort of a compromise? How does this come about? How is it that the governor does have to back down?

Clayton: You've got part of it right. It's very simple. The lieutenant

governor and I have conferences with the governor, and we simply tell him what we can and what we can't do. Sometimes we have control over the things we can do, and sometimes we don't. If there are expectations that we can't meet, we just simply say so: "Look, Governor, we can't pass it that way. Let's back off and take a second look and see what we can do." Generally speaking, you have read a pretty good pulse of what your house is going to do; the lieutenant governor has a pretty good pulse of what the Senate will do. From that standpoint, we can get right down to the brass tacks of it: "Look, you want this much. The House will pass this much; the Senate will pass this much. Let's see if we can strike this happy medium and get with it."

Marcello: Is this basically what happened this time around?

Clayton: On the appropriations bill, I think, it was to a great extent. I think everybody knew that the Senate Finance Committee and the House Appropriations Committee were doing their dead level best to hold a "bare bones" budget without impairing services to our people. With that being done, and the governor having a budget man sitting in on most of the committee hearings, I think they began to realize that this was the case.

Marcello: What sort of feedback, do you suppose, was Governor Clements getting from his legislative liaisons? For example, former

Representative Kaster, I think, was in this particular position, and I believe there were one or two others. I can't think of their names offhand.

Clayton: Yes, former Representative Don Cavness and former Representative Hilary Doran assisted former Representative Jim Kaster as liaisons between the House and the Senate. I think them having had some legislative experience was a big help, too, because they could honestly say to the governor in staff meetings, "Now, Governor, we've been down the road, and we know what it's going to take to get such-and-such done." I think this was really an asset to the governor. I think the governor was very fortunate in having them help him as liaisons between the Legislature and his office.

Marcello: Let's talk a little bit more about the implementation of the tax relief amendment that the voters passed in November. What sort of a tax relief bill did you as speaker want to see come out of the House?

Clayton: I was glad to see the House bill provide for the full implementation so far as homestead exemptions are concerned--household homesteads--in other words, giving the additional \$10,000 to disabled and senior citizens. The senior citizens is a group that's been hit hard by inflation, and on fixed incomes it's been very difficult for them to make ends meet. I was glad to see that.

The open-space land evaluation portion of that bill was one that I was certainly interested in. A lot of the states have passed laws with open-space land being taxed on a productive basis, and Texas had tried it before, but this was our first real chance at it since the constitution had been changed by the people in November. I was pleased with the formal arrangement that we came up with to determine what productive value is. I think it will be good.

The question of intangibles that was included in that bill is one, I think, that was needed. But simply because of the fact that the constitutional mandates of taxing intangibles have never been carried out in our state, it was an impossible task, and there's no sense having language like that in a constitution if you can't go ahead and carry it out. We didn't exempt intangibles by the constitution; we simply did not make it mandatory to collect on intangibles by the constitution. We just left it blank and void, so if the Legislature ever found a way and a need to tax intangibles, they could by statute do so. There are certain categories of intangibles that we tax today, like, the rolling stock of railroads and the capital stock of banks. These would not change, so anything that was statutory in the way of taxation on intangibles still remains intact.

But I think this was a good balance, basically, for

the inner-urban areas to play off against the open-space productive part of that bill, along with the homestead residences which, in effect, are more suburbia. So, we really kind of had something for everybody, in effect.

Now, some of the enabling legislation was not really in dollar figures, and two parts of it had great significance. One was the truth-in-taxation portion of it, and the other portion was the limitation on spending. Now, those two, I think, will have an effect down through the years that will be quite significant.

Marcello: Awhile ago, you mentioned that there was a trade-off between the rural and the urban elements in this particular bill. On the one hand, I would assume that most of the rural elements wanted the taxation of farm, ranch, and timberland, in accordance with its productive value. And, then, on the other hand, you were mentioning that the urban areas were very much interested in the taxation of intangibles. What was the trade-off? I don't quite understand.

Clayton: The trade-off was simply this: "Look, we'll put these two items together. We'll give the rural people something by giving them a value on their open space based on productivity; we'll take the intangibles that it says "tax" in the constitution and wipe that out so that the urban areas will not have to worry about that."

Marcello: A major portion of this tax relief bill--and it's something that you alluded to awhile ago and we discussed--was the reimbursement to the local school districts for the tax revenue lost.

Clayton: This is actually the tax relief. You don't have a tax relief unless, somehow or another, you get the benefit back to the taxpayer. The only way that the taxpayer was going to get any relief . . . it would be difficult to rebate a sales tax and do it on an equitable basis; it would just be almost impossible. The state ad valorem property tax is not enough to mess with. So the only way to really give tax relief--and probably the most burdensome tax that we have is the property tax--is to give relief in property tax. By giving that relief, you take that from the local entities of government. Our school districts depend so heavily on the ad valorem property tax that if you take a great deal away from them, then to give the individual taxpayer relief, you have to make that up with monies that are surplus and collected in the treasury, and, thereby it's a "pass-through" that finally gets back to the taxpayer. That's the way that tax relief comes about.

Marcello: Is this tax relief a temporary thing? Is this something that will have to be decided upon during each legislative session, or how will it work?

Clayton: It will, and it won't. We only have a guarantee that it will be done for the next biennium because that's the monies we appropriated for. But at the same time, I can't believe that that the Legislature will ever leave its school districts in a situation that they're looking at bankruptcy. In other words, what I'm saying is, in succeeding Legislatures, school finance bills in some manner will compensate for, and take care of, any lost revenue. It may be--and there's a trend toward this--that the state will pick up a greater share of the cost of the total educational program.

Marcello: I guess what I was thinking of when I asked that question was, the state can't always be sure it's going to have those nice surpluses that it's had in past years.

Clayton: That's true. The thing about surpluses . . . and when you have enough surpluses to continue the operation of government, then you don't have to worry about taxes. When you go to worrying about taxes--and I've been through some tax sessions; they're not fun--then it's a different story. At that point in time, you either curtail services, limit government to a point to meet the income, or increase taxes.

Now, Texas, of course, has probably one of the lowest per capita tax burdens of any of the states. At the same time, our people don't like taxes. As long as we can continue our growth--if the economy stays good and job opportunities

prevail as they do today with the unemployment rate running very low--then, I think, we'll continue to have surpluses in our treasury. Once we become stagnant, then we've got problems like some of the older states in the Northeast.

Marcello: You've mentioned taxation, and let me ask you a question along these lines. Another one of the points in Governor Clements' original program called for a constitutional amendment prohibiting the imposition of a corporate income tax or a personal income tax for the state. How did you feel about that, and what was your reaction to it?

Clayton: Well, I'm against a personal or a corporate income tax, but a prohibition in a constitution against it--or requiring a two-thirds vote, I believe, is the way it was stated--really puts a majority in the hands of a minority, because, should you come along and really need a tax, and you get in a critical bind, you could take less than a majority and prohibit the implementation of a tax. I don't think you want to get government in the situation where a minority controls.

Marcello: There aren't too many tax bills, I guess, that get much more than a bare majority when they are passed.

Clayton: Let me tell you, it's difficult to get folks to want to vote on a tax bill (laughter), and rightly so.

Marcello: Let's talk about the property tax reform because I think that

was a very, very important aspect of this past Legislature. Finally, some form of the Peveto Bill got through the Legislature--whether we call it the Peveto Bill, "Son of Peveto," or "Grandson of Peveto" or whatever. Up until this time, it seemed to be the Senate that was the stumbling block. In fact, I guess, the House passed it on three other occasions.

Clayton: That's right.

Marcello: What was it that enabled the Peveto Bill to get through this time?

Clayton: You'll have to check this for accuracy, but I'm told that Senator Jones, who was the Senate author, looked around one morning and noted a couple of the major opponents of the bill off of the floor and found an opportune time to bring it up and had the votes to pass it at that time. Had those two particular senators been on the floor, I doubt seriously that we would have passed it this last session.

Marcello: Also, I understand there was a provision in that bill that made it more palatable this time. I'm referring to the part to allow the taxpayers to roll back tax increases if they were over 5 percent, assuming they could get a proper petition and all that sort of thing.

Clayton: This is correct. Not only that, but I think there was another factor that made it even more palatable, too, and that was

one of the provisions of the constitutional amendment that the people passed in November, stating that any taxes assessed or levied or appraised would have to be at a county level or less. In other words, there was always that fear in the Peveto Bill from its early conception that was talking about a "tax czar" in Austin who would have the authority to evaluate property and to assess. Certainly, with that fear erased and then with the other implication that you suggested, it did make it a lot more palatable.

Marcello: How do you feel about the single county-wide taxing entity?

Clayton: I always thought it ought to be that way. It seems to me to be ridiculous that you have five or six taxing entities with overlapping jurisdiction on a piece of property and every one of them appraising it, every one of them evaluating it and using different assessment ratios and all of this. It seems to me that the people ought to be well-apprised of what they're paying in taxes and what the value of a certain piece of property is. If it's \$10,000 for the city, it ought to be \$10,000 for the county, and it ought to be \$10,000 for the water district, and it ought to be \$10,000 for the hospital district or whatever type of district.

You know, the argument was that you're going to raise taxes. Well, I don't believe so, not if you have prudent people in office, because it doesn't make any different what

the value of a piece of property is or the total value of property in a district. It takes "X" amount of dollars to run a governmental entity. If the people are conscientious who run that entity, they'll apply whatever rate is necessary to bring in that amount of dollars and no more.

Marcello: I would assume that the old system would have been rather confusing to you as a farmer-rancher in private life.

Clayton: It was confusing in that a piece of property was in four or five different entities, and they all had different values, and they all had different assessment ratios, and they all had different rates. It was just a hard thing to keep up with. Now, under the Peveto Bill, we even do away with assessment ratios, and we'll come to a 100 percent market value times a rate--that's a simple figure that'll give you what you're going to be paying in taxes to a particular political subdivision--and the people won't be fooled. They can't be hoodwinked. A lot of times in the past, we've had political subdivisions that'll say, "Hey, we lowered your taxes." They may have lowered the rates and raised the assessment ratios, or it might have been just in the reverse.

Marcello: During this past session, there was a great deal of, I guess, what we could call consumer-oriented legislation that went through the Legislature. Some people call it anti-consumer legislation; other people say that it was simply making more

palatable some of the legislation that had been passed previously. Let's take, for example, the lifting of the ceiling on interest rates. Now, here again, the basis of the bill was to lift the 10 percent interest rate that the State of Texas had up to that time. How did you feel about the measure to increase the interest rate?

Clayton: I was for it. I think money is a commodity just like anything else, and if you believe in a free enterprise system, you should let commodities move on supply and demand. It's ridiculous to believe that when prime rates at some of your major banks are 12 percent, you can get mortgage money at 10 percent. It puts a stop to your building--your home construction and building. We have some areas in this state today that are critically short so far as homes are concerned. Harris County is a good example; the Midland-Odessa area is a good example; the Metroplex area is a good example. Housing is at a premium simply because of the fact that the building slow-down was caused because there was no mortgage money.

Marcello: The money was going out of the state.

Clayton: It was going out of the state. Hopefully, with this new law coming into effect--with the floating interest rate up to 12 percent--once again, we can begin to pick up on some of our home building. I hope so.

You see, this became an emotional issue as the session progressed because a lot of the consumer groups jumped on board and said, "Hey, if you raise interest rates, you're doing everybody a disservice." Well, that's not true. It's usually the people that are crying the loudest about doing a disservice that are the people that are not going to be borrowing the money, anyway. If a person is willing to pay to get that commodity, which, in this case, is money, then he should be able to give them that opportunity. If it's not available, I can see where it would be a whole lot more detrimental to them.

Marcello: Initially, Governor Clements declared that he would veto any bill raising the legal interest rate.

Clayton: Which was a surprise to me (chuckle).

Marcello: Once more, he backed down. Now, did you and Lieutenant Governor Hobby and other members of the Legislature have anything to do with a change in his position, or do you think, in this case, it was some of his advisors simply getting to him and showing him the light?

Clayton: I think that, in all probability, the announcement that the federal government was not going to be using the "Fanny Mae" bonds in Texas--they were not going to be buying any more; they were going out of the business, so far as Texas, until we changed the interest rate--probably had a great effect

on his decision. Surely, at that time, I know some of his advisors must have been telling him what would happen if, indeed, this came to be a reality.

Marcello: Why was it that a floating interest rate was decided upon? In other words, the interest rate can go as high as 12 percent; it doesn't have to go to 12 percent, but it can go that high.

Clayton: This is another one of those compromise issues because it was pegged at so much above . . . I forget what it was tied to, now. I'd have to go back and check it. I'm sorry. But if it never got to the 12 percent--and I think you were allowed 1½ percent above whatever this peg mark was--then interest rates would be below 12 percent. The argument was that in all probability it never would be as high as 12 percent. But since the legislative session has been over, interest rates have continued to climb, and I'm sure that it will be 12 percent.

Marcello: I gather that the legislation that was passed was temporary, was it not? You'll have to come back and address this again in the 67th Session.

Clayton: That's correct. It was a two-year bill, and we'll have an opportunity to measure the response of that piece of legislation to see whether it should be continued or done away with.

Marcello: There were several other pieces of legislation which, I think, for the most part were designed to change certain aspects

of the Consumer Protection Act of 1973. How did you feel about the proposals that were introduced to change certain aspects of that original Consumer Protection Act?

Clayton: I supported those issues because the Consumer Protection Act had been misinterpreted, I believe, by the courts to go way beyond what the original legislative intent was when the bill was first passed, I believe, in 1971. The courts had begun to award treble damages on a great number of cases where, in my opinion and in the opinion of a great number of people, treble damages should not have been the issue. That being the case, it became, then, a practice of negotiating a lot of these claims out of court. The businessman, the retailer, the manufacturer, or the merchandiser began to see that it was difficult to maintain a profit picture if he was going to have to be out and pay so many of these claims, and it really began to work a hardship.

For example, the real estate business was really concerned about this because, on several occasions, there had been some realtors who sold property--commercial or home property--and stated a certain square footage inside the property. They might have been off just a very few feet, but it was so close. Yet the courts said that it was a misrepresentation; it was fraud. And treble damages could be awarded in such an instance. Well, it almost made it impossible because two people can go

into a residence with a tape measure and come up with a different square footage.

The automobile dealers were another thing. There were a lot of treble damages cases filed on misrepresentation in the automobile industry. Some of them were legitimate, but many of them were not. It was felt that there ought to be a balance struck between the consumer and the businessman on this particular piece of legislation. I think the balance that was struck there in the 66th Legislature really will prove to be a workable law and still give those legitimate claims the benefit of treble damages.

Marcello: From my research, I think that you sent most of these particular bills to the State Affairs Committee. Why would they have been sent there? Is there any particular reason?

Clayton: Yes, because it covered a full range of the whole spectrum, so to speak; it affected everybody. The State Affairs Committee takes on those type obligations that affect the whole constituency--the state as a whole--and that legislation certainly did. We started, from the early part of the session until late in the session when these bills were passed, negotiating in the room next door to my office here. Through those negotiations, we worked out most of those problems between opposing groups. The bill that finally passed the House--the amended Senate bill that passed the House--was

actually a compromise version that everybody pretty well agreed on.

Marcello: I would assume that you got quite a reaction from the trial lawyers, in terms of the changes.

Clayton: The trial lawyers weren't really as concerned about the Deceptive Trade Practice Act as they were about another bill that we were negotiating at that time--all through the session--and that was Products Liability. They were deeply involved in that one, and we passed a bill in the House; the Senate failed to take it up. But this was one of their major concerns--that and rate reform in insurance.

Marcello: Even though the next subject doesn't have a direct bearing upon the House, I'll ask your views on it, anyway. What would you have done had you had a group of "Killer Bees" in the House of Representatives?

Clayton: Well, in the first place, we would have found them (chuckle), and we certainly would have had a call on our House. We almost had a walk-out. We observed several members trying to conduct a walk-out to break the quorum, and we put a call on the House immediately, went right ahead with our business. I just don't think that would happen in the House.

Marcello: On what particular piece of legislation did you find certain members trying to organize a walk-out?

Clayton: I don't recall right now, but it was on a late evening session.

I just don't quite recall right now what the legislation was, but I know that by their walking, it removed from the floor a goodly number of those who were opposed to the legislation we were considering, and it passed right easily after they left.

Marcello: Wouldn't it be much harder for dissidents in the House to organize a walk-out, such as the "Killer Bees" conducted?

Clayton: Yes, it would because it would take fifty-one.

Marcello: And it would certainly be pretty hard to hide fifty-one people in one place, or even to scatter them out. At least enough of them would be rounded up and brought back.

Clayton: That's the reason I said we'd find them (chuckle).

Marcello: What was your reaction to the tactics used by the "Killer Bees?" I'm again referring to your reaction as speaker of the House.

Clayton: I frankly think it was asinine. I think that the job of a member of the Legislature--be it senator or representative--is to be here to vote on the issues. The rules have not changed; they could have prevented the bill from coming up if they were concerned about it, had they all been in attendance. As I have visited across the state, I find the majority of the reaction similar to what I've expressed. The people are dissatisfied; they don't like it; they think it was a disgrace. And I think there are probably going to be some repercussions

to those senators running for reelection.

Marcello: How did you feel, and what was your position, relative to a split primary, which, of course, was the alleged issue that brought about the walk-out of the "Killer Bees?"

Clayton: I have for some time been for an early primary not only in Texas but in the entire Southwest--a regional-type concept--and as early as possible. This probably would require a split primary simply because of the fact that I don't think we'd want our state primaries anywhere close to the first of March.

My reason for an early presidential primary would be to de-emphasize a lot of the commitments that are given to places like New Hampshire that have early primaries. If you had a bloc of states in this area with early primaries, where you'd have as many as fifty or sixty electoral votes, I guarantee you'd have presidential candidates coming down here and getting concerned about the issues that we're concerned about in this region. This is the reason why I have been, and continue to be, supportive of an early primary, particularly if we could get several states to go along on the same date.

Marcello: The next general elections in Texas are going to be very important ones, are they not? The Legislature will be redistricting again, isn't that correct?

Clayton: That's correct, but, then, as far as that goes, they're all important (chuckle). But the emphasis certainly will be on drawing of lines in 1981 for congressional districts, senatorial districts, and legislative districts.

Marcello: There is in the air--and it's not official yet--rumor of a special session to deal with initiative and referendum. How do you feel about the type of initiative and referendum that Governor Clements desires?

Clayton: I don't think it's necessary, and I don't think our Founding Fathers believed that that would be a way to run a government. If people are interested in their government, and they participate in the process and the election of those who serve in the offices, then they'll get a representative form of government. And the representative form of government is, I think, the true way of doing things. You take a full-blown initiative and referendum state, and you get a lot of initiatives on the ballot that have never had the opportunity to be debated to find out what the impacts are on other issues. It may sound great; it may sound just like that's the panacea to everything. But unless you have a real opportunity to investigate and find out what impact it may have on another law or another segment of the economy, or if it could go through the amending process . . . but true initiative can't. So for those reason, I don't

think it's a good thing for our state. If you look around the states that have it and compare them to Texas, you'll find Texas is doing much better.

Marcello: Do you sense that your views are similar to those of the majority of the members of the House?

Clayton: I think so, because I believe that was pretty well stated through several votes that were taken during the last session on the issue. It fluctuated quite a bit, but never could they muster enough votes even to pass an indirect initiative-referendum.

Marcello: I assume, then, that you would be advising Governor Clements not to be holding a special session for the purpose of establishing initiative and referendum.

Clayton: I've not talked to him directly since the session was over about that particular issue, but I have stated in the press--and I'm sure he's had the opportunity to read it--that I don't think that a special session would produce anything different because you've got the same players and the same issues.

Marcello: Speaker Clayton, that exhausts my list of questions relative to the 66th Session of the Legislature. Is there anything else of importance that we haven't covered, and that you think we need to get as part of the record?

Clayton: You know, I've always kind of prided myself on being one

who has done a few things historically first, and certainly serving a third consecutive term as speaker has been one of those things. Just recently, we had the opportunity of being a part of another first, and that was due to a law that was passed six or eight years ago about succession in the event something would happen to the governor. That law provided that the governor . . . and then the lieutenant governor would succeed him, then the president pro tempore of the Senate, then the Speaker of the House. Well, this past week-and-a-half, we have been Acting Governor of the State since Governor Clements and Lieutenant Governor Hobby and President Pro Tempore of the Senate Bill Braecklein have all been out-of-state. So, this, again, is another first (chuckle). We continue to look for things like that that one of these days we can talk about with our grandchildren.

Marcello: You know, one of the things that keeps coming up in material that I read and in conversations with your colleagues is that you are a fair speaker, and I assume that they are talking in terms of committee assignments, legislation, and things of that nature. Is this something that you have consciously tried to do?

Clayton: Well, certainly, I think, everybody tries to be fair. I suppose this is just something that I believe in, something that I have practiced all my life--whether it be in the

Legislature or in business deals or wherever. I just think that this is a way that was meant to be.

Marcello: Even your enemies . . . enemies isn't a good word. Even your opponents make this point, I think: "Well, I don't like some of the things that he's done, but I've got to say that he's been fair." More and more, it seems like this is perhaps the thing that is becoming very, very characteristic of your tenure as speaker of the House.

Clayton: I think in a position of speaker of the House, you have to probably be more cautious of trying to make a greater effort than any other place because I could see where someone who wanted to be very dominant in making things happen a certain way, and not being fair, and who had a long tenure in the speakership could certainly exercise that type of control.

Marcello: And there have been speakers of that type in the past, and in the immediate or recent past.

Clayton: Well, this is true, and I suppose this is one reason that maybe I stay on guard a little more than ordinarily; however, like I said, I still believe that's just really a good way of life.

Marcello: Speaker Clayton, once more I want to thank you very much for having taken time to talk with me. You've been most candid as usual, and, of course, this is the sort of thing

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that we're looking for in these interviews. I hope we can
continue this series of interviews many more times.

Clayton: Mighty good.

TAB MM

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Interview with
REPRESENTATIVE FRED AGNICH
November 30, 1979

Place of Interview: Dallas, Texas

Interviewer: Ronald E. Marcello

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Approved:

Fred J. Agnich
(Signature)

Date:

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Oral History Collection
Representative Fred Agnich

Place of Interview: Dallas, Texas

Interviewer: Ronald E. Marcello

Date: November 30, 1979

Dr. Marcello: This is Ron Marcello interviewing Representative Fred Agnich for the North Texas State University Oral History Collection. The interview is taking place on November 30, 1979, in Dallas, Texas. I'm interviewing Representative Agnich in order to get his reminiscences and experiences and impressions while he was a member of the 66th Texas Legislature.

Mr. Agnich, this was a relatively different session in that you had a Republican governor. What did having a Republican governor mean to you as a Republican representative?

Mr. Agnich: Well, it meant a great deal, actually. I think the main difference that I detected was that I was consulted much more frequently by my Democrat colleagues than ever in the past. This is particularly true where a member would have some interest in a bill or a piece of legislation and was wanting to know what the governor's posture would be,

The second case was in appointments. I don't

suppose that hardly more than a day or two would go by in the whole session where I was not approached by someone recommending someone for an appointment. Surprisingly enough, most of the times their recommendations were not concerning Democrats. They recognized that under the rules of the game it was our turn now to appoint Republicans. But, many of them had friends, of course, or knew of people who were Republicans, and so they were recommending their appointment.

Marcello: I'd like to pursue both those points you mentioned in a little bit more detail in just a moment, but maybe I ought to ask this question first. What sort of a relationship did you have with Governor Clements?

Agnich: My relationship with the governor was quite close because we have been personal friends for some twenty years. He relied on my advice to a considerable degree, not only before the session but during the session. I think it was generally felt in the Legislature--in the House, particularly--that I was more, let us say, kind of a spokesman for the governor than any other individual. So, my relationship with him has always been excellent and never any problem at all in my getting to see the governor at any time. I didn't agree with everything the governor did, but, hell, I don't agree with myself most of the time--or some of the

time, anyway.

Marcello: Let's take this back one step farther, During the Republican gubernatorial primary when Mr. Hutchison squared off against Mr. Clements, who was your preference at that particular time?

Agnich: I stayed out of that simply because I had known Ray Hutchison, also, for a long time. I was instrumental in getting Ray into politics in the first place. I was the one that persuaded him and browbeat him and beat on him to run for the Legislature, and, of course, I knew his wife, Kay Bailey Hutchison. I've known her even longer. So, I was in a rather difficult situation. I personally felt that Clements, if he won the nomination, would have more of a chance of winning than Ray, though I think Ray would have made an excellent governor, also. I stayed out of that one.

Marcello: Did you have any particular preference, though, even though you did stay out of that primary?

Agnich: I'm not going to violate the sanctity of the ballot box (chuckle), so I'm not going to say who I voted for.

Marcello: I assume, however, that you would have been quite active in the Clements campaign after he did defeat Mr. Hutchison in the primary. You mentioned awhile ago that you believed that Governor Clements would have a better chance in the regular election if he had defeated Mr. Hutchison. Why

do you feel that way?

Agnich: Well, for two reasons. One was, I believe Governor Clements is a man of considerably greater financial means than Mr. Hutchison. That was an important factor. Secondly, I felt that Bill Clements would attract to his cause more Democrats than Ray Hutchison because in his years in working in the petroleum industry he had made just innumerable friends. I also knew that certainly Dolph Briscoe was not going to look with disfavor upon his candidacy. All these things were important, so for those reasons I felt that he would have a better chance of winning.

Marcello: You mentioned that he would have been in a better financial position. Any Republican candidate was going to have to spend a lot of money to get elected. Isn't that correct?

Agnich: Oh, absolutely. Sure, you had to. You're still facing the domination by the Democrats of most of the county courthouses across the state because that factor has always been one which tends to minimize the financial requirements of the Democrat candidate. However, that is beginning to disappear. I don't think it will be as true in the future.

Marcello: On the other hand, were you more delighted that Mr. Hill was running than Governor Briscoe? Did the Democratic candidate make any difference in that race?

Agnich: I really don't know. Of course, you always try to evaluate

those things. I would say that there're pluses and minuses both ways. If Briscoe had been the candidate, he would have been running against that business of having been in office too long, which had a lot to do with his defeat in the primary. Secondly, with Briscoe as the candidate, you would be utilizing the other side of the ideological split in the Democrat Party, and you would get a considerable number of liberals who would vote for Clements as being the lesser of two evils from their point of view. I really don't know. I think that in either case the result probably would have been the same.

Marcello: What role did Governor Briscoe play, if any, in that regular election in that contest between Clements and Hill?

Agnich: His own role personally was important in that he did not give any aid or comfort to Mr. Hill. Furthermore, in off-the-record conversations with many of his supporters--I'm informed, at least--he did say he would prefer Clements. Now, Janie Briscoe worked avidly for Mr. Clements. She really did. She went out in the line for him and worked just as hard as she could, and she was a factor in that race.

Marcello: What role did you personally play in the contest? How could you have been of help to Governor Clements?

Agnich: In a couple of ways. Of course, I contributed to his campaign. As a matter of fact, I'm still contributing. I

told the governor the other day, "I'm getting sick and tired of everytime I turn around, it costs me another \$5,000 to go to a cocktail party!" (chuckle) Aside from that, it was primarily advice on the stands he should take on particular issues. I particularly worked with him on budgetary matters because of my experience on the Appropriations Committee,

I was the one that first pointed out to him that the place in the budget where we were spending far too much money and money was being wasted was in the area of our institutions of higher education. I don't think there's any question. Anybody who looks at our system can see that this is the case. I further pointed out that I thought there was \$500 million too much being spent, and I believe it was a figure he used, too.

So, most of my help for him was not in the direct campaign itself. It was in a number of conversations and going over topics, going over positions that he should take-- that kind of advice.

Marcello: Did you find that he had a lot to learn politically?

Agnich: Oh, yes. One of his greatest strengths was also his greatest weakness in that politically he was rather naive. Somebody once said he was sort of like a bull in a china shop, but I guess that's true to a certain extent. On the other hand,

it was that very quality that attracted many of the voters.

Marcello: That is, the image of a non-politician, so to speak.

Agnich: That's right, and a guy who spoke his mind. You know, as a contrast to Dolph Briscoe, the contrast was rather dramatic. I think the people were ready for that kind of a change.

When the session first got under way, some of my Democrat colleagues came up to me and said, "You know, we kind of like your governor, but, god, Fred, can't you talk to him and tone him down a little bit? Geez, he opens his mouth sometimes, and he says things that aren't doing him or anybody any good!" I said, "Well, what you're trying to get me to do is to remove the very thing--the quality--that got him elected, the quality that keeps him high in the polls. You're asking me, in effect, to go out in the bullfight arena and take the meanest, toughest bull and cut his horns off. (Chuckle) You ought to be enough of a politician to understand that you can't do that! If you do, you do far more damage than what good you would do."

Marcello: You mentioned awhile ago that there obviously was a contrast between the Clements style and the Briscoe style. Could you elaborate on that?

Agnich: Oh, yes, sure. It's common knowledge that it was awfully hard to get to see Dolph Briscoe. The Democrats in the

Legislature had an awful time, I fared somewhat better than they did simply because Janie Briscoe and I had become good friends. If I wanted to see Dolph, I usually called up Janie and would come over, and she'd fix me a cup of coffee. It didn't much matter who was in the office, why, I got in. So, my relationship . . . I had no complaints. He most certainly did not spend any time cultivating any sort of relationship with the Legislature.

Marcello: It was almost a doctrine of non-interference in a sense, wasn't it?

Agnich: Well, I think maybe disinterest is perhaps a better word. I did not feel, nor did the majority of the members of the Legislature, that his staff was very good, either. They did things--their manner of approach and everything--that wasn't like . . . Briscoe was simply not a very warm person, nor someone that you can visit with easily on a friendly basis.

Clements is an entirely different kind of individual. I had told Governor Clements after he was elected--before the inauguration--that he ought to utilize the approach that Alan Shivers had used when he was governor, and that was, whenever a member of the Legislature wanted to see him--whatever he was doing, any way he could--he'd drop what he was doing and visit with that legislator. I said, "You

know, the members of the Legislature are like pussycats. If you want to hear them purr, you've got to stroke them once in awhile." He did do a great deal more of that than Briscoe, who could have done more than he did.

Marcello: I guess there's nothing that is better for a legislator's ego than to have that access to the governor.

Agnich: That's right. It's important to them. You see, you don't have to agree with the legislator, either. You can disagree with them as long as you listen to them. Furthermore, a lot of times a legislator will come under intense pressure from his home district to do something that he basically does not agree with. If he can get to see the governor, he can say, "Well, I went to the governor with it, and the governor turned me down." It gets the legislator off the hook (chuckle), so to speak, with his people back home because he did talk to the governor about it. Now, he might not have been as enthusiastic in talking to the governor (chuckle) as he could have been, but at least that took care of it.

Marcello: It would seem to me that you would want a smooth relationship between the governor's office and the Legislature if, for no other reason, than the Texas form of government is a legislative form of government, is it not?

Agnich: That's right. It sure is. For a governor to be really effective in Texas, he has to cultivate friends and allies

in the Legislature.

Now, one of the things that he did right was in his selection of his legislative staff, Jim Kaster was someone that I immediately recommended when Briscoe started looking. I said, "You've got one man that you ought to appoint. He's a Democrat, but he's a conservative Democrat. He was my deskmate for a couple of terms. He's respected in the Legislature. I don't think he has any enemies. I just don't think you could do better." So he did appoint Jim Kaster to that job.

In the process of doing that, particularly in budgetary matters, we had a lot of input from Democrat members of the Appropriations Committee who felt as I did, and as the governor did, about the necessity for paring down on expenditures. Some of them . . . I'm not even here going to say who they are, because a lot of people were not aware that that went on. But we had some staunch allies to help. You have to remember that the budget of the State of Texas is over \$22 billion for the biennium, and that is a tremendous operation.

I've been on the Appropriations Committee for ten years, and I'm just now really beginning to understand how it works. You can't expect someone--a new governor--to come into office, particularly if he's never been in state government before,

and really know what in the hell he's doing with respect to the budget. He has got to rely completely on someone else in his first term. Now, in the next session, why, it's going to be a different ballgame because he has already gotten a good grasp of that budget and how it works. So, it was extremely important that he get input, not only from myself but from the other members of the Appropriations Committee,

Incidentally, one of the effects of having Clements as governor was that I was appointed to the Appropriations conference committee and, I believe, the only Republican in either House that has ever served in that position. That was directly because of Clements, of his saying to both Hobby and Clayton, "I need a representative on the conference committee," So, in effect, I was the governor's representative on that. It was to the advantage of both the speaker and lieutenant governor that that be the case because, with Clements having a representative, then that representative could tell the governor, in effect, "That little project there . . . don't veto that because Mr. Clayton really sets great store by it," or, "Lieutenant Governor Hobby has a great deal of interest in that area, so let's leave those alone." It's a matter of trading back and forth, and in return for that kind of treatment, there were other things

. . . the speaker and the lieutenant governor would sort of indicate, "Well, we wouldn't feel too badly if the governor really cut that one."

Marcello: You mentioned something that maybe we need to pursue just a little bit farther, too--the idea of compromising, giving and taking, and trading. It seemed to me from my research that this is one of the things that Governor Clements had to learn how to do. Is that a fair observation to make?

Agnich: Yes, he had to learn a little of the art of compromise, but you want to remember that he ran a large business enterprise as a service company. Now, when you're in business of running a service company--I was for many years--you've got to negotiate contracts all the time, and you have to compromise your position because you're not going to get everything you want. I think that, having run a service company, he did have much more experience in the art of compromise than he would, for instance, if he were running IBM or The Texas Company or something like that where you're not compromising to that extent.

He was not as hardheaded as you might think. He changed his position on a couple of things, one of them to my utter disgust and I really told him about it (chuckle). But he did change his position in a number of areas when, after examination, at least to him, he felt that he could see

where he had not been right.

Marcello: Yes, I think there were several cases where he did have to change his position, as you mentioned earlier. Let us get back now to a statement that you made earlier, almost at the very beginning of this interview. You mentioned that you were in the peculiar position now--as a Republican--whereby Democrats would come to you for advice on appointments and also for help concerning the passage of legislation.

Agnich: Or the vetoing of it.

Marcello: Or the vetoing of legislation. Can you give me any examples of some of the more important pieces of legislation where they actually came to you for help and your influence with the governor?

Agnich: Yes, I can certainly speak of two of them. They both were cases where the governor changed his position. The first of these was on the so-called usury law--the mortgage rate. If you'll remember, at the start of the session, he said that he was opposed to that, that he would not be able to support it. Well, a number of my Democrat colleagues came to me and said, "Look, we've just got to get that limit raised because in my district my people are really suffering. They simply can't get loans to buy homes, and the limit is outmoded." Many of them were opposed to having any limit

at all--as I am, as a matter of fact. I think it's wrong. I think you ought to let the marketplace prevail. I had several conversations with the governor about it. What really triggered the change was the FHA cut off all loans because they couldn't operate under that system. Of course, though he still didn't like it, he was presented with this fact of life, and he had to change his position, which he did. We didn't enact the right kind of a law. We're going to have to go back and raise it again. Personally, I hope we do away with the limit entirely.

The second case was the question of the Bar Association. The Texas Bar Association has operated, in my opinion, rather deviously over the years, claiming it was a state agency when it was to its benefit to be a state agency, but disclaiming that status when it was to its advantage to disclaim it. I was thoroughly--and still am--disgusted with the State Bar Association, as were a great many members of the Legislature. It was a hot fight, and I did everything I could to get Governor Clements to veto that bill. He said originally that he would veto the bill unless it contained certain provisions in it--which were not put in it. So that was a changed position. I objected strenuously to his vote because in working with some of the other members of the House, and in getting some votes that I needed on

some issues, I also agreed to do everything I could to get the governor to veto that Bar bill. The fact that he didn't veto it certainly did not help my position in the Legislature a bit (chuckle), and I don't know what they're going to do with me when we come back (chuckle), but I guess I'll survive. Those were two of them. There would be a number of things. We had one case where the governor's veto was overridden on a local game law--Bennie Bock's thing. Now, Bennie Bock and I have worked together particularly closely in the Legislature and in this session more than any other because he was appointed chairman of Environmental Affairs. He had never served on that committee and was simply not familiar with game laws. I had carried most of it, so we were just as close as could be. It was a rather embarrassing situation because I was not aware that Governor Clements was going to veto that bill. Now, I knew his position about local game laws, which is the same as mine. I just don't think we ought to have them. But I was not consulted, and if I had been, I would have said, "Governor, for God's sake, pick somebody else's bill! Don't take on Bennie Bock!"

When he vetoed it, then I had to get up and try to prevent the override of the veto. In the first vote, I did succeed, as a matter of fact. Then the speaker put on some pressure, and we lost enough votes where it was overridden.

Some of the members felt that I had put the governor up to it--I had not--but Bennie Bock didn't. Bennie understood the situation, and we're still close friends. It was sort of almost an embarrassing situation in which I found myself having to fight against a bill of a very good friend and a close colleague. I told the governor afterwards, "For God's sake, next time tell me before you do something like that!" (chuckle)

Marcello: Now, you also mentioned that from time to time your Democratic colleagues would consult you with regard to appointments that they would like the governor to consider. Can you give me some examples in this area?

Agnich: I'll have to think and see whether I could.

Marcello: This is, I guess, one of the few real powers that the governor has in Texas, is it not?

Agnich: That's right. That, and the line item veto. Well, I remember Bennie Bock coming to me and making a strong recommendation for an appointment of a Republican from his district. I remember his name was Marvin Seely. He was anxious to get him appointed to the Parks and Wildlife Commission. I did go to Tobin Armstrong and to the governor on it. Marvin happened to be a good, close friend of mine, but I also understood some of the political implications of such an appointment. We settled on a different individual

for that position, I agreed with the governor on that selection, and I so told Bennie that I had to agree reluctantly. There were a number of others.

Marcello: I assume you didn't recommend the appointment of any dead men, did you (chuckle)?

Agnich: No, I sure didn't. No dead men (chuckle), although that's not as surprising as it might seem because, I guess, in a four-year term, I don't know how many thousands of appointments are made. You're going to make some mistakes in that process-- not only dead men, but sometimes you might appoint somebody that's in jail or something of that kind (chuckle). Staff work is extremely important.

Marcello: You mentioned previously that you were on the Appropriations Committee once again. I would assume that, as a Republican and as a member of the Appropriations Committee this time around, that activity probably consumed most of your time in the Legislature.

Agnich: Almost all of it, yes. Here again was where having a Republican governor made a great deal of difference. I had many members come to me and say, "Look, for God's sake, don't let the governor veto this item," or some other item. Sometimes I would intercede in their behalf; other times I would say, "No, I'm sorry. If I've got my way, he's going to veto that because I just don't think it's the right kind

of an appropriation." That was one of the differences. In cases I did intercede and stop the vetoing of an item that might otherwise have been vetoed.

One of them was with the college in the district of the vice-chairman of the Appropriations Committee. He was a good, close friend, extremely conservative. He and I worked together just trying to cut expenditures all over, and I felt that he had displayed a great deal of forbearance in asking for appropriations in his own district. I felt it would be both politically and, for that matter, morally not right to veto those particular items which didn't amount to too much money. So that generally was the way we worked.

We did a lot of other things, too. The Legislature will always appropriate the total funds that it has available to it. Now, one of the tricks in keeping the budget within reason or saving money--if you have some input to the governor--is that on items that you have already discussed with the governor and you know he's going to veto them, then you do everything you can to put as many millions of dollars into that item as possible. See, when you do that, you prevent their being spent somewhere else, and therefore you have a much greater impact. If you look at some of my votes, people would be surprised: "You're supposed to be the guardian of the treasury. Why did you vote for all those millions?"

Well, because I knew they were going to get vetoed, obviously. You do that in the conference committee, not in the full committee.

Marcello: At the very beginning of the session, the governor was hoping to get somewhere in the neighborhood of a \$1 billion dollar cut in appropriations. Did you personally feel that a cut of a billion dollars was possible?

Agnich: Let me say it this way: It was possible in the sense that you could cut a billion dollars out of the budget and not hurt the services that the state is rendering in any way. It was not possible from a political point of view. I just didn't think that we'd be able to isolate enough items out of that bill that he could get at.

You know, the Legislature is pretty adept at the way they handle line items. For instance, they may have some salaries which are way out of line, let's say, for university presidents. But, you see, you lump all of those together with all of the salaries. In order to get at those salaries, the governor would have to just eliminate everybody's salary, and that, of course, would mean a special session, and you'd go back through it again without any assurance that the end result would be any different.

Part of the art is to try to so structure the bill that you leave enough things out in the open for the governor to

get at. We did have working arrangements with a lot of the Democrats, as I said, Certainly the speaker of the House, in particular, was helpful in getting some items left as line items that could be vetoed because he felt that they were not really required. Of course, that kind of process gets him off the hook, you see, because he didn't stop it. All he did was make sure that the bill was structured in such a way that Clements could get at it.

Marcello: You keep mentioning line items. I assume that your feeling is that this is one area where there's always room for a great deal of slashing.

Agnich: There are two situations where you could save money. One is by reducing the amount of money appropriated in a certain place. The other is by cutting it off entirely. With the line item veto thing, you can only cut it out entirely; you cannot reduce it. The governor in his power cannot reduce an expenditure, nor can he increase one, period. The only thing he can do is cut it all out or approve it all. This is one of the real weaknesses, I think, in our form of government. There ought to be some procedure where perhaps within some limits the governor could reduce expenditures where he felt they were unnecessarily high.

Marcello: What sort of a relationship did you develop with Speaker Clayton as a result of a Republican governor? I guess

what I'm saying in effect is, did your status vis-a-vis Speaker Clayton perhaps go up somewhat?

Agnich: Oh, yes. There would be a number of times when I'd confer with the speaker about some legislation, seeking to find out whether a piece of legislation could be amended so as to not incur the veto. Nobody really likes to have a bill vetoed or have a veto overridden. In other words, you'd like to try to avoid that situation. That's true on both sides. So, if there's some reasonable middle ground somewhere that you can find, well, then it's to both sides' benefit to try to work in that direction. There were a lot of cases where that occurred, and I spent a great deal of time with the speaker, much more than I had in previous sessions.

Well, for one thing, being on the conference committee where you really write the appropriations bill, anyway, the House conferees would visit with the speaker almost daily, generally before we went into the Conference Committee meeting, for the purpose of determining what our bargaining position was. You want to remember that the House and the Senate--the conferees--are really butting heads. The Senate has a position and the House has a position, and then it's a question of seeing whether or not there can be some middle ground. I remember one case where there wasn't any middle ground. The House was absolutely adamant, and we held our

position: "There just isn't any way. Now, if you insist, we're not going to have a conference committee report, and we're going to be in special session!" That went on until about four days before the end of the session when the Senate finally saw the wisdom of our ways (chuckle) and agreed to this particular thing.

Marcello: In the writing of the appropriations bill, does the House Appropriations Committee usually start with the recommendation of the Legislative Budget Board? Is that usually where you start?

Agnich: That's always where you start. I remember at the start of the session, a rather irate Republican called me and said, "Wasn't that a terrible thing that the Appropriations Committee did to the governor?" I said, "What do you mean?" He said, "Well, I understand that they got the governor's budget, and they threw it in the wastepaper basket!"

Marcello: Which is standard procedure, is it not?

Agnich: Yes. I said, "They didn't treat him any worse than they treated Briscoe or anybody before." (Chuckle) I said, "That's always what you do. You take the governor's budget, and you throw it in the wastepaper basket." (chuckle) This time, however, I did utilize that budget a good deal more.

Marcello: One of the areas of controversy, in terms of what the governor wanted and what the Legislature seemed to have

wanted, was in the area of teacher pay raises which, of course, would be a part of that overall appropriations bill. Evidently, there were some problems here. How did you feel on this issue?

Agnich: Your premise is not quite correct. The bulk of the Legislature felt just exactly like the governor did, but they were susceptible to pressures from teacher groups within their district, depending upon the district. They did not want to be in the position of alienating the teachers. What finally evolved was that the governor got his way by and large, and the members of the House protected themselves by saying, "Look, if we'd tried anything else, you wouldn't have got any raise because the governor was adamant about it. The only way we could get you anything was to agree to the compromise--7.4 percent," or whatever it was.

The governor's position on that was like many members of the Legislature, and that is that teacher salaries ought not to be raised drastically until we are able to install some kind of a merit system and to do something about the evils of tenure. We're all concerned about the quality of the teachers, and there isn't any question . . . you go across this state and look how many incompetent teachers we have. Good teachers will tell you this. Until the time comes when we can establish some accountability, they're

not going to get big increases.

I remember talking to a group of teachers, and I said, "If we could do that, I'd vote for a minimum salary of \$20,000 for teachers because I think a good teacher merits that kind of money. But I'm damned if I'm going to put in a great, big salary increase that has nothing to do with merit and lets those incompetents get the same kind of money as a good teacher!" You do irreparable harm when you do that because a good teacher gets to feeling, "Well, why should I be doing all this work and worrying about it? I'm not going to get any more than somebody over here who doesn't even know the subject that he or she is supposed to teach."

The Legislature has come a long way than when I first came in. When I first came in, if you spoke against the teacher's pay raise or an appropriation for education, you were against education. Not anymore, though. There's now that awareness that the people, in fact, are demanding that there be accountability because we're spending too much money. Not only that, but the people are not getting their money's worth because we look at the end product. We look at the SAT test scores, and it's obvious.

Marcello: It's also true, is it not, that the organized teacher groups are some of the more powerful, or certainly the most active, lobbies in Austin?

Agnich: I would think yes.

Marcello: TSTA . . .

Agnich: TSTA is probably the most vocal and the most powerful lobby in the state, and they utilize every known form of lobbying. We talk about special interests . . . that's the biggest special interest group we have.

I've had a long-running fight with them. My fight is, they seem--to me, at least--to be much more concerned with the teacher and the fringe benefits than they are with the students or for the people who are paying for that education. I think that's going to rebound to their detriment. I think it's one of the reasons they didn't get that big salary increase.

Marcello: This is one of the things I seem to have noticed in past legislative sessions when the Legislature was trying to address itself to the whole business concerning the Rodriguez decision. The only thing one really ever heard teachers talk about was a pay raise rather than the implementation of that Rodriguez decision.

Agnich: Yes, they weren't really concerned about the Rodriguez decision. They just wanted to get a pay increase. The other thing is that every time . . . see, TSTA not only pushes for bigger salaries, but it pushes for ever bigger, greater, more expanded, new programs that hire more and more and more teachers.

Each one of these becomes the lobby group within itself, and the TSTA will carry the flag for all of them whether it should be done or not. If they had any sense, they should be the ones who ought to raise the question about whether we need a new program or not. If they were to do that and come out and help defeat unneeded new programs, there would be more money available to pay teachers. I think they're concerned as much with the number of teachers as they are with the salaries they receive.

Marcello: You mentioned awhile ago that you were a member of the House conference committee concerning the appropriations bill. When you and your colleagues got together with your cohorts in the Senate, what seemed to be some of the areas of difference between the House and the Senate bills? Do you recall?

Agnich: There were a number of areas in which we had differing opinions. One classic fight, and I referred to it earlier, was that the Public Utility Commission had entered into a contract for the construction of an office building to house its operations south of the Colorado River. Well, in looking at that thing, we received some complaints from some employees. They were complaining because they did not want to move south of the river. The location was bad from their point of view. In the process, some of them alerted us to what was hanky-panky, beyond any question, in the

granting of the contract. The building was, as you may remember, about 75 percent finished. The Senate's position was that we were morally bound to go ahead and complete that because the state had signed the contract. The House's position was that every contract that the state ever signs has a clause in it which gives the state the right to cancel that contract if it wishes. Secondly, none of us were about to have our position, or that of the House, placed behind, and in effect giving consent to, something that we felt was not only unethical but very likely illegal. We absolutely refused to bend. I was adamant--I would not go--and the speaker was adamant. We just butted heads on that thing the whole time, and finally reluctantly the Senate gave in. Now, I don't know what kind of pressures the senators were under, but the approach they took was that moral obligation of the state to fulfill a contract.

There would be any number of items. In particular, the Senate was much more prone to grant sums for construction of buildings at universities. Every senator has got to have a four-year college in his district. We don't have enough to go around to all the representatives, but each senator got one, you see (chuckle). So he's going to bleed and die for that particular school, whether they need the damn thing or not. We were just arguing unmercifully and browbeating

and going back and forth. Most of the time, we'd have to give a little bit, but we'd make them cut some of it out. Or sometimes in a couple of cases, I'd say, "Oh, that's not big enough," and added another \$10 million on it, knowing that Clements was going to cut it, anyway (chuckle).

Those are the main areas in which we disagreed. From a philosophical point of view, the main difference was in the treatment of higher education. Other than that, there'd be just individual items like that PUC building. There were some cases where the Senate . . . and I voted with the Senate on some occasions. I told the speaker, "That's one thing I'm not going to stick with you on because I think it's wrong,"

You ought to remember, though, that you don't take a vote and take the majority of the ten members. You see, you have to have a majority on the House side and a majority on the Senate side. So, even though I would side with the Senate and make the vote 6-4, it still wouldn't pass. The speaker knew that, so it was all right if I wanted to vote the other way (chuckle) if he had enough votes to hold it.

Marcello: Being a member of the Appropriations Committee and spending so much time on that appropriations bill, what procedure do you use in terms of voting for other legislation? Do you have to rely on the advice of your colleagues whose

judgment you trust, whose confidence you have?

Agnich: You do that in any event. Of all the myriad of items that we consider--4,000 pieces of legislation--there is no way that any individual can be competent in all fields that are covered. You look to those people in the Legislature who have established an expertise in a certain field. Most of the members of the House will look to me if it's fish or game legislation because I know it better than anyone else. I may look to someone else on a matter of a legal question--something of that kind. Yes, everybody in that Legislature knows who can be trusted and the few that cannot.

Other than that, my approach is a simple one: The longer I serve, the more I am convinced that fully 90 percent of the legislation we do pass is either bad or not needed. So, when in doubt, I vote "no." That's my advice to a new member. I say, "If you don't know it, if you don't know anybody whose opinion you trust, just vote 'no.' You can't get in trouble voting 'no,' but you sure can voting 'yes.'" Witness Sharpstown.

I killed one piece of legislation. I got up and I used the parliamentary procedure on a rules thing. I addressed the Legislature and pointed out to them the dangers of allowing the suspension of the rules to occur late in the session. I pointed out the Sharpstown case. I told them

the story about the time in the company I was running, we had operations in Turkish Thrace, which is European Turkey. It's bordered on the north by Bulgaria, and I learned right away to send some Turks ahead to tell the natives that we were not Bulgarians because the Turks there . . . whenever they saw a stranger, they shot him first, then inquired what he was. It was a far greater sin not to shoot a Bulgarian than it was to shoot an innocent person. I said, "You better watch out for this bill because it might be a Bulgarian." I killed it; it was a bad bill. A member or two were going to get fat off of this bill fast, so we killed it that way. You get a feeling after awhile for legislation.

Another rule of thumb is, almost always vote against any piece of legislation that consists of more than eight pages (chuckle). That's the truth because there's going to be something bad in it (chuckle).

Marcello: Somebody's trying to hide something or put some "zinger" in there someplace.

Agnich: (Chuckle) Yes, there's something in there you haven't figured out yet, so just vote against it. All the members tease me all the time. They claim that, since I've been in the House, I've worn out two dozen red lights and have never worn out a green light yet (chuckle).

Marcello: But you still haven't had your pet bill passed yet, that is,

for every bill that's passed, a bill has to be taken off the books.

Agnich: Or repealed, yes. It's the people themselves that do that. How many times have you heard somebody say, "Why doesn't the government do something about it?" Well, everytime you ask that question, you're asking for bigger, more complicated government. Everytime you try to cure some little bit of inequity--in other words, in that search for that utopian society--you usually do more damage than what you're trying to cure. You're much better off . . . you're going to have abuses. We're not a perfect race, and we do not live in a perfect society. We never will. You're much better off to have some inequities than you are to have a totally regimented society because you do much greater damage that way. It's a hard point to get across to the voter, but nevertheless it is true.

Marcello: Intertwined with the appropriations bill would be the whole subject of tax relief. Now, there was a certain amount of constitutionally mandated tax relief the Appropriations Committee would have had to have considered this time. Isn't that correct?

Agnich: Yes, but that tax relief amendment . . . I'm not sure whether that did any good or not, really. It was one that I reluctantly voted for when we first considered it. But there

are so many loopholes in it, and, quite frankly, I think in the Appropriations and in the conference committees, that may have been mentioned casually three or four times, but no one would pay any attention to it. There are so many loopholes in it that we could spend all the money we had available to us and not violate the provisions of that so-called limitation on taxes.

The only way that you can cut a budget significantly is by some sort of a Proposition 13 approach. The reason is very simple: If you were to conduct a statewide referendum, asking people if they'd be in favor of cutting expenditures of our state government by a billion dollars, I guarantee it would pass with 75 to 90 percent of the votes. But, if you ask them if they'd be in favor of not constructing a new medical school in that university where they live . . . oh, no! They won't want to do that. So, you see, each individual member is under that kind of pressure. In order for him to live to be reelected, he's got to get that thing approved. How does he do it? He goes to one of his colleagues who has a project that is equally undesirable and say, "I'll vote for that no-good dog of yours if you'll vote for my lemon." It's why, for instance, in national politics over the last, or more than, twenty years this country has almost always elected a Republican or very narrowly elected a

Democrat--except in one case when LBJ in the aftermath of the Kennedy assassination, which is something different. At the same time, the Congress has been overwhelmingly Democrat. Why? Because when they vote for the President, they are voting on the overall picture. They're all against big government; they don't want all this spending; they're against a lot of welfare. But in that home district, they're not going to turn out their congressman because he got them a new post office--it doesn't matter if it's needed--or he kept that defunct air base from closing (chuckle). So they're going to put him back. "He's a good ol' boy; I don't like the way he votes sometimes, but he teaches Sunday school in my church." (chuckle) So that's the reason. There's no way you can cut it, except by the kind of the thing like California had--some kind of a Proposition 13 thing. Then you can do it.

Marcello: I see the Peveto Bill finally passed the Legislature this time.

Agnich: Yes, and I consistently worked with Wayne on that bill and always voted for it. I voted with Wayne all the way down the line because I felt that that was at least one step into some more adequate method of taxation. It didn't go as far as I would have liked, but at least it establishes for the first time that you'll have a common assessor in the county. Unlike we've had in the past, where your house is worth

\$40,000 for the school district, but it's only worth \$20,000 for the county and maybe three times that for some other taxing entity . . . , it's the same house; it hasn't moved, you know (chuckle). You can see where two identical houses--one in East Texas, one in West Texas--might be valued differently. That makes sense because of the different economic circumstances surrounding it, but that same house hasn't moved. It ought to have the same evaluation. That's all essentially we did.

Marcello: How do you explain the bill passing this time and failing in previous sessions? Obviously, it's the Senate that has in the past killed this bill,

Agnich: That's right.

Marcello: How do you explain it getting through this time?

Agnich: I really don't know what possessed the Senate to--for a change--exercise some wisdom. I love to needle the Senate, you know (chuckle). It's great sport. When new members . . . sometimes we have these joint sessions when the Senate comes in the House chamber, and I'm always hollering to the new members, "For God's sake, when the Senate comes in, lock your desk!" (chuckle) The Senate has a different world over there. I don't really know what sort of . . . most of their decisions are made before they vote on the floor. That's all cut and dried. What sort of maneuvering went

on to get that thing passed this time, I don't know.

Marcello: I think the governor was quite active in his support of the Peveto Bill, was he not?

Agnich: Yes, he was and that probably helped some, too.

Marcello: There were also some modifications made in some of the consumer bills that had been passed, I guess, back in 1973. Of course, I'm referring to the Consumer Protection Act of 1973.

Agnich: That's right.

Marcello: What was your reaction to the proposals to make modifications in that original bill of 1973?

Agnich: Oh, I favored them all the way. As a matter of fact, I have a long record of undying opposition in voting against all consumer protection bills because my experience has been, not only in Texas but across the nation, that they invariably result in higher costs to the consumer. They do not protect him.

I voted against the Public Utilities Commission. I took a lot of flak. I fought that thing all the way because I knew what was going to happen. In every case of that kind that I've ever seen, the commission winds up being the voice of the industry itself. It always does. (Chuckle) You're worse off than you were before.

If you look at the contribution that Ralph Nader has

made to inflation in this country, it's absolutely unbelievable! Everytime you put more restrictions on this kind of thing or that kind of thing--you can't do this, you've got to do that--there's just an ungodly amount of paperwork that's got to be done. Somebody has to pay for that! Who pays for it? The consumer pays for it! He'd be a lot better off if he did not have those things and exercise some judgment in the type of products that he bought. Use the marketplace and let it prevail, and you'll be all right.

Marcello: Evidently, the trial lawyers were adamant in their opposition to modifications in that Consumer Protection Act.

Agnich: Oh, sure! The trial lawyers like all that stuff because the more paperwork you have, the more business they have. Any time you add a new regulation, it's always so worded that nobody knows what the hell it means, so you've got to go to court to find out what the interpretation of that is. The trial lawyers love it!

It's sort of like the . . . you know, in our income tax, if you took away all deductions except the individual personal one and had a maximum rate of about 16 or 18 percent, you would take in about half again as much money for the government, and you would not stifle incentive and initiative. Being in business as I have, I wouldn't have to . . . I could look at the merits of the business proposition instead of

having as my first question, "What are the tax consequences? How many damn tax lawyers do I have to hire? How many CPA's?" That kind of stuff inures to the benefit of that group.

We've got too many damn lawyers now. I've observed-- and it's an absolute fact--that if you can have a small town that only has one lawyer and another lawyer moves in, in a year's time each of them will have more business individually than that one lawyer had before the second one moved in (chuckle). They generate business. I'm just totally opposed to consumer legislation. I think it's bad; I think it's hurt this country. I'm not going to change. I'll vote against it everytime I get a chance.

Marcello: My next question has to do with something outside the realm of the House, but I'll ask you anyway. What was your reaction to the activities of the "Killer Bees" over in the Senate?

Agnich: I was sorry that they came back because, as far as I was concerned, I felt they should have stayed gone. The state would have been better off (chuckle). Beyond a question, Hobby was wrong in what he was trying to do--I'll agree with that--but it so happens that the "Killer Bees," as far as I'm concerned, have nothing in common with me. They're totally opposed to most of the things in which I believe. They're the way-gone liberal element and the big spenders and the kind that want more and more government regulations,

and I oppose that. So, for that reason, I would have been very happy if they never came back.

Marcello: There was some talk that the split primary was not really the motivation for their walking out. Rather, it was to kill those modifications in the consumer protection legislation.

Agnich: That's right, sure. They just used that excuse.

Marcello: How did you feel about the split primary?

Agnich: I was totally opposed to the split primary. The reason that the Democrats could not agree--and I knew they would not--was that the liberal Democrats there for a long time wanted to control the Democrat Party in Texas. They feel that--and I agree with them--that there ought to be a realignment of the parties and that the Democrats should be the voice of the liberal element and the Republicans the voice of the conservative element. Well, the so-called conservative Democrats really worry about the primary because they recognize that, under the present situation, there's going to be a wholesale migration of conservative Democrats into the Republican party and voting in the Republican primary. Therefore, if they represent a district which is evenly divided or where the margin of the conservatives is a slight, small one, then you see the possibility existing. Enough of the conservatives would move over to vote in the Republican

primary, and, therefore, the liberal would win the Democrat primary. That's what the fight was about--entirely. The liberals saw this as a chance to elect a lot more liberals; the conservatives saw that they might go down to defeat. From a Republican point of view, and obviously from a partisan point of view, I welcome the primary on the regular date because it's going to mean far greater numbers voting in our primary than ever before.

I think the time is now here for a realignment of the parties. It would have happened five years ago, I think, had it not been for Watergate because, at that time, you may recall I was instrumental in getting Rayford Price as speaker of the House to change parties. We had that all set up, and then Watergate totally destroyed it. We're beginning to see Democrat officeholders here in Dallas County, particularly, changing parties.

Marcello: How do you interpret this?

Agnich: There're a number of reasons for it. One of them in Dallas, particularly . . . if you'll remember in the last election, the Republican candidates for judges did very well, indeed, on a county-wide basis. That, of course, showed that Dallas County is ready to vote Republican county-wide. Secondly, many of the Democrat officeholders are basically akin in their thinking to the principles of the Republican Party.

They feel more at home with the Republican Party. So you combine the two things--the possibility of being defeated if they remain as a Democrat and, more important, being able to move in a group where they belong. You recently had two members of the House move over . . . or a member of the House and a member of the Senate. There will be two more county judges next week who are going to change parties officially. I think you're going to see more conservative Democrat precinct chairmen move over. As a matter of fact, at the last county meeting, we elected two new Republican precinct chairmen who had been Democrat precinct chairmen. You're going to see more and more of that. It's the disenchantment with their national party and the realization that they're now in the process of losing control of the state party.

Marcello: Is it not true that the Legislature this time is more perhaps conservative, at least than it was the last time?

Agnich: That's right. Yes, I think so. I think it's also true both in the Senate and the House. Thank God, we were able to keep our forces pretty intact, mostly in the defeating of legislation.

Marcello: What changes do you see perhaps in the Clements style going into the 67th Legislature?

Agnich: I think that he's learned a lot in the time he's been there.

I think you will see that he will not be as apt to get himself set in concrete on an issue as much as you saw before, because he now understands that if you do that, it makes it awfully hard to move if you've got those concrete boots on. Secondly, I think--and I hope--that from now on when he does take a position, that he will stick by that position and not change it. I think you'll see him being much more on the offense with budgetary matters rather than being so defensive, as he had to be last time. Now that he's got his budgetary group in place, he's understanding the process and just is better equipped to do it. I think that's going to be the main difference.

Marcello: Mr. Agnich, is there any personal legislation that you had passed this past session of the Legislature that you would like to talk about?

Agnich: I really didn't carry much because when you're on that Appropriations spot . . . but I did pass several pieces. One of them went through without any problem, and no one paid much attention to it, but it is quite a change. In the past, if you have a runaway child who left your home, there was nothing you could do to get that child back unless the child could be found in the street. You could not go into . . . you might know where the child is, but . . . no way. What developed . . . I had a distraught father call me about

his fourteen-year-old daughter who had run away from home and was living with a known dope pusher. Well, I got to checking that, and I checked with the Dallas police, and they told me that they had had great concern because a lot of these so-called runaways were being used for either drug purposes or child prostitution or child pornography. There ought to be some way in which, if they knew where the child was, they could go in there and get that child. So that simply was what the act did. It said that it was an offense--a felony, not a misdemeanor--for anyone to have criminal knowledge . . . in other words, to knowingly harbor a runaway child without the consent of the child's parents--a minor. As a matter of fact, it's in effect, and there already has been shown a considerable number of arrests made. If a child runs away and parents know where their child is, and that child's away from home without the consent of the parent and in a situation that they consider bad for their child, then they have legal remedy to get them back. I think it will do a great deal of good.

Oh, I've had a few other minor parks and wildlife stuff, but nothing of any major importance.

Marcello: Well, Mr. Agnich, that exhausts my list of questions. I want to thank you very much once again for having participated. As usual, you were candid, and, of course, that's the sort

of thing we're looking for in these interviews,

Agnich: Thank you. I always enjoy it. As far as being candid is concerned, I learned long ago in politics that you say what you think. You're not going to get in trouble with the voters or anybody else if you do that. In fact, they mostly appreciate it.

TAB NN

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TAB 00

Texas House Democrats (@TexasHDC), X (Aug. 14, 2025, 2:01 P.M.), <https://perma.cc/CL5H-4S9D>



TAB PP

Beto O'Rourke says his political org. donated more than \$1M during first special session

By Steven Ardary | Published August 16, 2025 11:52am CDT | Texas | FOX 7 Austin | ➔

The Brief

- Former representative Beto O'Rourke's political group donated more than \$1 million during the first special session.
- The donations went to the Texas Legislative Black Caucus, the Texas House Democratic Caucus and the Mexican American Legislative Caucus, Powered by People said.
- Attorney General Ken Paxton has called for O'Rourke to be jailed over fundraising efforts he says helped Democrats that left the Texas to break quorum.

EL PASO, Texas - More than \$1 million was donated by former congressman [Beto O'Rourke](#)'s political organization during the Texas legislature's first special session, O'Rourke said Saturday.

The announcement comes as O'Rourke and Powered by People are under fire from Texas Attorney General [Ken Paxton](#), who has opened investigations into the organization and its fundraising for Democrats who left the state to shut down the special session.

Where were the donations sent?

In a release from Powered by People, the organization said it donated more than \$1 million to the Texas Legislative Black Caucus, the Texas House Democratic Caucus and the Mexican American Legislative Caucus during the special session.

The release did not specifically mention any donations going directly to the dozens of House Democrats that left the state on Aug. 3, effectively grinding the session to a halt in an attempt to block the Texas legislature from voting on redrawn congressional maps meant to give Republican five additional seats in Congress.

What they're saying: "Texas Democrats have brought the fight that this nation so badly needs," O'Rourke said.

The release states more than 55,000 people made donations to the organization since July 21, when the first special session started.

Paxton responds to O'Rourke's announcement

Paxton on Friday responded to O'Rourke's fundraising announcement with an amended filing in a Tarrant County district court asking the judge to revoke the charter of Powered by People.

What they're saying: "Robert and his unlawful influence scheme, Powered by People, have deceived donors, bought off Texas politicians, and unlawfully assisted runaway Democrats in avoiding arrest," Paxton said. "As much as Robert and the sell-out Democrats might wish to ignore them, we do have laws that must be followed. I have asked the court to enforce its previous TRO, throw Beto behind bars, and revoke Powered by People's charter for its unlawful conduct. There must be consequences."

That amended temporary restraining order was signed by a judge Saturday.

"In Texas, lawless actions have consequences, and Beto's finding that out the hard way," said Attorney General Paxton. "His fraudulent attempt to pad the pockets of the rogue cowards abandoning Texas has been stopped, and now the court has rightly frozen his ability to continue to send money outside of Texas. The cabal of Democrats who have colluded together to scam Texans and derail our Legislature will face the full force of the law, starting with Robert Francis O'Rourke."

The modified order prevents Powered by People and any organization that partners with it from moving funds outside of the state.

Paxton calls on O'Rourke to be jailed over fundraising

Paxton on Tuesday called for O'Rourke's arrest claiming he violated a court order to stop fundraising efforts for Democrats.

Paxton claimed O'Rourke violated the temporary restraining order at a rally in Fort Worth on Aug. 9 when he told the crowd, "there are no refs in this game, f-- the rules."

What they're saying: "Given Robert Francis's vulgar disdain for the rule of law and immense personal wealth, imprisonment is absolutely necessary to persuade him to obey the lawful restraining order issued by the Tarrant County court," Paxton said about the rally.

Paxton's motion also points to social media posts made by O'Rourke after the order was signed that show more solicitation for donations.

One such post is a reply to Paxton's announcement that the order was signed.

DR-00094

"Actually, you didn't. Still here, still raising and rallying to stop the steal of 5 congressional seats in Texas," the post reads.

Texas Democrats leave the state

Texas House Democrats left the state on Aug. 3 in response to a Republican effort to redraw the state's congressional maps ahead of the midterm elections in the hopes of adding five Republican seats to the U.S. House of Representatives.

Since Aug. 4, the House has been unable to call a quorum and conduct business.

Paxton has [petitioned the Texas Supreme Court to remove some Democrats that left the state.](#)

Gov. Greg Abbott has also petitioned the court to remove Democratic House leader Rep. Gene Wu from office.

The Texas Supreme Court granted a request for an expedited brief and review period on whether Democrats who left the state and broke quorum can be expelled from their seats.

Special session 1 adjourns Sine Die, special session 2 begins

On Friday, both chambers of the Texas legislature adjourned sine die after the House again failed to reach a quorum.

Gov. Abbott [immediately announced a second session to start Friday afternoon.](#)

The Source: Information on donations made by Powered by People comes from a release from PxP. Information on Paxton's call to jail O'Rourke comes from court filings and a release from the attorney general's office. Backstory on Democrats leaving the state comes from previous FOX 7 reporting.

Texas

Texas Politics

Beto O'Rourke

Ken Paxton

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QR.00396

TAB QQ

Beto O'Rourke (@BetoORourke), X (Aug. 16, 2025, 10:45 A.M.), <https://perma.cc/K5AC-6B27>



TAB RR

Adam Schwager, *Texas House Democratic Leader Gene Wu Lists Demands for Returning to Austin*, KXAN (Aug. 14, 2025) <https://www.kxan.com/video/texas-house-democratic-leader-gene-wu-lists-demands-for-returning-to-austin/10984031/>

TAB SS



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Governor Abbott Announces Special Session #2

August 15, 2025 | Austin, Texas | [Press Release](#)

Governor Greg Abbott today issued a proclamation identifying 19 agenda items for Special Session #2 that begins at 12:00 PM today, Friday, August 15.

"Delinquent House Democrats ran away from their responsibility to pass crucial legislation to benefit the lives of Texans," said Governor Abbott. "Because of their dereliction of duty, Texas families and communities impacted by the catastrophic Fourth of July flooding have been delayed critical resources for relief and recovery. Numerous other bills to cut property taxes, support human trafficking survivors, eliminate the STAAR test, establish commonsense THC regulations, and many others have all been brought to a halt because Democrats refuse to show up for work. We will not back down from this fight. That's why I am calling them back today to finish the job. I will continue to use all necessary tools to ensure Texas delivers results for Texans."

The Special Session agenda items include:

CAMP SAFETY: Legislation to ensure and enhance youth camp safety.

FLOOD WARNING SYSTEMS: Legislation to improve early warning systems and other preparedness infrastructure in flood-prone areas throughout Texas.

QR.00399

FLOOD EMERGENCY COMMUNICATIONS: Legislation to strengthen emergency communications and other response infrastructure in flood-prone areas throughout Texas.

RELIEF FUNDING FOR HILL COUNTRY FLOODS: Legislation to provide relief funding for response to and recovery from the storms which began in early July 2025, including local match funding for jurisdictions eligible for FEMA public assistance.

NATURAL DISASTER PREPARATION & RECOVERY: Legislation to evaluate and streamline rules and regulations to speed preparedness for and recovery from natural disasters.

ELIMINATE STAAR TEST: Legislation to eliminate the STAAR test and replace it with effective tools to assess student progress and ensure school district accountability.

CUT PROPERTY TAXES: Legislation reducing the property tax burden on Texans and legislation imposing spending limits on entities authorized to impose property taxes.

PROTECT CHILDREN FROM THC: Legislation making it a crime to provide hemp-derived products to children under 21 years of age.

REGULATE HEMP-DERIVED PRODUCTS: Legislation to comprehensively regulate hemp-derived products, including limiting potency, restricting synthetically modified compounds, and establishing enforcement mechanisms, all without banning lawful hemp-derived products.

PROTECT UNBORN CHILDREN: Legislation further protecting unborn children and their mothers from the harm of abortion.

BAN TAXPAYER-FUNDED LOBBYING: Legislation prohibiting taxpayer-funded lobbying, including the use of tax dollars to hire lobbyists and payment of tax dollars to associations that lobby the Legislature.

PROTECT HUMAN TRAFFICKING VICTIMS: Legislation, similar to Senate Bill No. 1278 from the 89th Legislature, Regular Session, that protects victims of human trafficking from criminal liability for non-violent acts closely tied to their

own victimization.

POLICE PERSONNEL RECORDS: Legislation that protects law enforcement officers from public disclosure of unsubstantiated complaints in personnel files.

PROTECT WOMEN’S SPACES: Legislation protecting women’s privacy in sex-segregated spaces.

ATTORNEY GENERAL ELECTION POWERS: Legislation that strengthens the Attorney General’s authority to investigate and prosecute state election crimes.

REDISTRICTING: Legislation that provides a congressional redistricting plan.

TITLE THEFT & DEED FRAUD: Legislation, similar to Senate Bill No. 648 from the 89th Legislature, Regular Session, that provides strengthened protections against title theft and deed fraud.

WATER PROJECT INCENTIVES: Legislation, similar to Senate Bill No. 1253 from the 89th Legislature, Regular Session, that authorizes political subdivisions to reduce impact fees for builders who include water conservation and efficiency measures.

STATE JUDICIAL DEPARTMENT: Legislation, similar to Senate Bill No. 2878 from the 89th Legislature, Regular Session, relating to the operation and administration of the Judicial Department of state government.

[View the Governor's special session proclamation.](#)

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TAB TT



Texas Gov. Greg Abbott immediately calls second special session for redistricting

The state Legislature has been locked in a standoff over a push to notch more seats for Republicans in next year's midterms.



Texas Gov. Greg Abbott listens as President Donald Trump speaks in Kerrville, Texas, on July 11, 2025. | Jacquelyn Martin/AP

By **LIZ CRAMPTON**

08/15/2025 12:20 PM EDT

Updated: 08/15/2025 01:32 PM EDT



Texas Gov. Greg Abbott immediately called another special session to pass a new congressional map, after the first attempt failed due to Texas Democrats leaving the state to deny Republicans the ability to carve out additional GOP seats.

When Speaker Dustin Burrows gaveled into the second special session, which began just two hours after the first one wrapped, he announced that the chamber yet again did not meet quorum, thanks to Democrats remaining out of state to protest the redraw. President Donald Trump ordered Texas Republicans to extract five more seats in Congress to increase the odds that Republicans retain the House in the midterms.

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Abbott's [proclamation was largely the same](#) as the first one, which lays out 19 agenda items, including redistricting and disaster relief for Central Texas flood victims.

“Delinquent House Democrats ran away from their responsibility to pass crucial legislation to benefit the lives of Texans,” the Republican governor [said in a statement](#). “We will not back down from this fight. That’s why I am calling them back today to finish the job.”

Most Texas Democrats on the lam are stationed in Illinois but the stalemate appears to be winding down, with the [House Democratic Caucus setting conditions](#) for their return.

Burrows said he expects the House will reach quorum on Monday — and sent members in attendance home for the weekend. But he warned out-of-state Democrats that if they returned to Texas before session resumes next week, they would be subject to civil arrest by state law enforcement.

“Those who have refused to make quorum, I’m sure you’re missing home,” Burrows said. “Do not think you have permission to return to Texas and enjoy a peaceful weekend before finally showing up to work.”

FILED UNDER: TEXAS, REDISTRICTING, GREG ABBOTT

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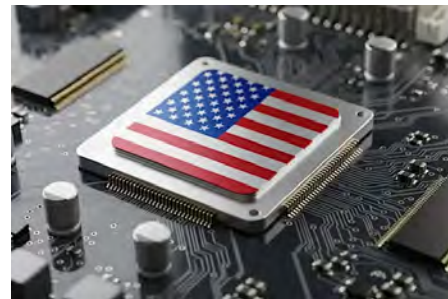
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TAB UU

REDISTRICTING TEXAS 2025

Texas House Democrats return to Capitol, ending walkout over redistricting plan

After two weeks out of state, Democratic lawmakers returned to Austin, paving the way for Republicans to pass their proposed congressional map.

BY **KAYLA GUO** AUG. 18, 2025 10 AM CENTRAL

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Sign up for [The Brief](#), The Texas Tribune's daily newsletter that keeps readers up to speed on the most essential Texas news.

The Texas House on Monday gavelled in with a quorum for the first time in two weeks as Democratic lawmakers returned to Austin, ending a walkout over a GOP mid-decade redistricting plan and paving the way for the map's passage.

“We killed the corrupt special session, withstood unprecedented surveillance and intimidation and rallied Democrats nationwide to join this existential fight for fair representation — reshaping the entire 2026 landscape,” Rep. [Gene Wu](#) of Houston, chair of the House Democratic Caucus, said in a statement.

Over 50 Democratic lawmakers [left Texas](#) earlier this month for Illinois and elsewhere in a [bid to stall passage](#) of a congressional map that was demanded by President Donald Trump just four years after Republicans last redrew the state's lines, and that is designed to give the GOP five additional U.S. House seats in next year's midterm election.

In an [unprecedented response](#), Republican state leaders issued civil arrest warrants, moved to extradite absent members from Illinois, launched investigations and sought to declare at least one Democrat's seat vacant. The Legislature ended the first special session early on Friday because of the walkout, with Gov. [Greg Abbott promptly calling](#) a second overtime session with virtually the same agenda as the first one.

“The House has been through a tumultuous two weeks, but this institution long predates us. It will long outlast each of us,” Speaker [Dustin Burrows](#), R-Lubbock, said from the dais on the House floor. “We are done waiting. We have a quorum. Now is the time for action.”

The return of around two dozen Democrats Monday means that the House, which needs 100 out of 150 members present to function, can move quickly to adopt the map. Attendance on the floor over the past two weeks hovered around 95 members, with a handful of Democrats, mostly from conservative-leaning districts, electing to stay in Austin.

Though Democrats won't have the votes to defeat the map on the floor, they framed their protest as a victory for sinking the first special session and building a national appetite among blue state leaders for their own partisan redistricting efforts in retaliation to Texas' plan. And they said that the end of the walkout only marked the next phase of their plan to fight the map in court.

"We're returning to Texas more dangerous to Republicans' plans than when we left," Wu said, adding in an interview Monday that the walkout had given lawmakers time to evaluate the legal challenge they could bring against the map, with the goal of defeating the proposal in court before next year's midterms. "Our return allows us to build the legal record necessary to defeat this racist map in court, take our message to communities across the state and country and inspire legislators across the country how to fight these undemocratic redistricting schemes in their own statehouses."

California unveiled a new congressional map Friday that would give Democrats up to five new U.S. House seats, which state voters would have to adopt in a November special election.

Some Democratic lawmakers declined to return with the rest of the caucus, arguing that continuing to deny the House a quorum was the primary tool the minority party had to fight back.

"I've said since day one that I'm committed to this fight, and I cannot in good conscience join the quorum that is expected today," Rep. [Trey Martinez Fischer](#), D-San Antonio, said in a statement from Illinois. "Texas redistricting is not a fair fight. We have a lot to be proud of in raising the national alarm about this unjust power grab, but we cannot forget the communities of color who will suffer from these racist, targeted maps."

Democratic lawmakers who walked out and returned to Austin will be subject to an around-the-clock escort by the Texas Department of Public Safety, Burrows said, announcing that members would be accompanied by state troopers once the House adjourned Monday. He added that lawmakers would be responsible for any costs incurred in trying to ensure their attendance.

One Democratic lawmaker, Rep. Nicole Collier of Fort Worth, refused the police escort, meaning she will remain locked in the Capitol building until the House reconvenes Wednesday

morning.

“I refuse to sign away my dignity as a duly elected representative just so Republicans can control my movements and monitor me with police escorts,” Collier said in a statement. “When I press that button to vote, I know these maps will harm my constituents — I won’t just go along quietly with their intimidation or their discrimination.”

Republicans were already moving to advance Texas’ map before Democrats returned, with a Senate committee approving the plan again on Sunday and a House panel set to consider the map Monday. [Burrows](#) promised last week to complete all items on Abbott’s agenda, “and even some more,” by Labor Day weekend.

“The Democrats did a really good job of getting Republicans united,” Rep. [Tony Tinderholt](#), R-Arlington, said Monday, adding that he expected to see all 18 items on Abbott’s agenda passed by the end of the 30-day session. “So thanks to them for that.”

Republican lawmakers commended Burrows’ handling of the quorum break, noting that the walkout had only ensured the GOP would move full steam ahead on every priority on the agenda, including contentious items such as a crackdown on abortion pills and a bill requiring transgender people use bathrooms aligned with their sex assigned at birth in school and government buildings.

“We’re picking up right where we left off,” Rep. [Tom Oliverson](#) of Cypress, chair of the House Republican Caucus, said Monday. “Nothing’s off the table. There are no deals to be made. If they had any leverage at the start of the last special session, it’s all gone.”

In a letter of support, Democratic National Committee Chair Ken Martin thanked Texas Democrats for their efforts and vowed to continue the fight nationally.

“Others will now pick up the torch so you can focus your attention on continuing this fight in Texas and in the courts,” Martin said. “Fights like this are long and arduous, but they are truly righteous and part of what makes America great. The DNC will always be your partner in the fight for what’s right — now and forever.”

*More all-star speakers confirmed for The Texas Tribune Festival, Nov. 13–15! This year’s lineup just got even more exciting with the addition of State Rep. **Caroline Fairly**, R-Amarillo; former United States Attorney General **Eric Holder**; **Abby Phillip**, anchor of “CNN NewsNight”; **Aaron Reitz**, 2026 Republican candidate for Texas Attorney General; and State Rep. **James Talarico**, D-Austin. [Get your tickets today!](#)*

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Gene Wu (@GeneforTexas), X (Aug. 3, 2025, 5:46 P.M.),
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