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Senator Don Adams

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Abstract:

Nancy Beck Young interviews former Democratic Senator Don Adams about Texas politics during his tenures in the state House and the Senate. He begins his reflections by recalling the Constitutional Conventions which started shortly after the Sharpstown scandal. The Senator compliments numerous peers that had inspired him, as well as several who were difficult to deal with. Adams also discusses his role on several Congressional Committees and details the most important bills he helped architect and pass.

Senator Adams discusses the transformation of Texas politics from a nearly one-party Democratic state during his time to the nearly one-party Republican state of today. He criticizes some of today's Republican Party state policies, such as their neglect of the "Rainy Day Fund," opting not to pay down certain debts, and their lack of funding for public and higher education.

NY: I'm Nancy Beck Young and I'm here today, August 5th, 2016 with Senator Don Adams, and we're going to have a little conversation about Texas political history in the late 60s onward. And so, we were chatting before we started rolling, Senator Adams, and we were talking a little bit about Lyndon Johnson. So, if you could just go back and revisit that conversation about Lyndon and we're just going to start with that.

DA: Well, the first thing I said to you was when I was a little boy, Lyndon was running for the Senate. I lived- I'm from Jasper- and whoever was handling his political business in Jasper got everybody they could in Jasper to the fairgrounds and we waited and we waited and we waited, and we heard this helicopter coming in. And the helicopter hovered right over the crowd and Lyndon leaned out and waved his hat at the crowd, and he helicoptered on off. That was as much time as he was going to spend in Jasper. I asked you if you had read the Caro books, and they really- Caro really appears to dislike Lyndon Johnson through the first several books. The last book, he sort of moderates himself about it but the first book, there's a man named Posh Oltorf that's dead now, he lived in Marlin, he was Bill Hobby's cousin. Bill Hobby and I were in the Senate together and he was one of my best friends. And Posh told- he was very close- he was a member of the House and then he became a lobbyist for Brown and Root, and he was very close to Lyndon and every need Lyndon had, Posh Oltorf and Brown and Root furnished it. And so, in the process of Caro interviewing him, Posh told every girlfriend Lyndon had and every contact they made pretty much what they did. Ms. Johnson was furious with Bill Hobby, and she would call Bill Hobby on the phone and just give him a hard time about his cousin spilling the beans on Lyndon. And so, the second book, the bean-spiller was mine and Ramona Adams' cousin, Edward Clark, who was very, he was very close to Lyndon. He told everything he knew; he

represented Lyndon in an election contest with Coke Stevenson, and he told everything he knew about that election. Where Lyndon was elected was box 13 out of Jim Wells County, I believe, and that they all voted alphabetically. That's the way the voting sign-in sheets were. All the voters were voting alphabetically and a lot of them were out of the graveyard. I had lunch with Edward one time after that and I said, "Well, Edward," I said, "was box 13 the only thing you had in reserve?" "No, sir," he says, "we had"- he was from St. Augustine, Texas- he says, "No, sir, we had a box in St. Augustine that we had kept out for about a week in case we needed it, but we didn't need it." (laughs) I asked Edward one time, I said, "Edward have you read those Caro books?" "Yes, I have." I said, "Well, what did you think of them?" He said, "White trash. Nothing but white trash." (laughs) Edward Clark was a very interesting person, he- St. Augustine is just north of Jasper- he was a first assistant- he ran for District Attorney over there and got beat, and then he became Jimmy Allred's first Assistant Attorney General when Jimmy Allred was Attorney General. And when Jimmy Allred was elected governor, Ed was appointed Secretary of State, and the story goes that Edward would walk up the front steps of the Capitol he said, "I got everything I need in this briefcase: I got The Bible, a .45, and a fifth of whiskey." He had everything he needed to be Secretary of State. (laughs)

NY: It certainly sounds that way. Well, let me come back and ask you a bigger question about Lyndon Johnson. How would you characterize his legacy for the state of Texas?

DA: Well, Of course, Lyndon was such a powerful man as the majority leader of the Senate, and he was the majority leader in his first term which is highly unusual for a freshman Senator- even though he may have been there five or six years- to become majority leader. But he was instrumental in the Rural Electrification Program. He was instrumental in developing that and

seeing that it was properly funded and seeing that people in Texas had access to it. That was, really, one of the important things that he did when he was a Senator for Texas. Of course, it was for the whole country, but we're talking about Texas and, you know, if you go to Jasper County- Jasper County's a long, narrow county; Highway 96 runs north and south through it. Before the Rural Electrification Program, you could go for miles and never see a light at night, and now you can go for miles and there are lights all out in those roads because of the Rural Electrification Program. The other most important thing I think he did for Texas is he is principally responsible for the Highland Lakes; that's Buchanan, Lake LBJ, Lake Marble Falls, Lake Austin, Lake Travis and Lady Bird Lake. He got the money to build those dams. Actually- and I'm not sure where I read this- but Brown and Root was building the dam on Lake LBJ and the government ran out of money, and Brown and Root was close to bankruptcy because they were halfway through with this dam and they had all that capital invested in it and they couldn't finish it. And Lyndon was in Congress and he went to President Roosevelt, and talked President Roosevelt into allocating the money to finish that damn which really saved Brown & Root. But the important thing he did for Texas was the impounding of that water and the electricity it generates. So, you know, Lyndon did a lot of things. Of course, I think the most important thing he did, unfortunately, was overshadowed by the Vietnam War, is the Civil Rights legislation. That was the most important thing he did as President of the United States. It wouldn't have passed without him. All the southern Senators, you know, there are some tapes that you can buy at the library to listen to his conversations with Stennis and other big-time rural Senators- "Senator, I got to have you on this. I know your people don't want it, but I got that. Your President needs you!"

NY: You've got him down. You've got him down. You can also listen to the tapes for free on the internet.

DA: Oh, can you?

NY: Yes, you can.

DA: What, do you call up the library?

NY: Well, I can explain it to you when we're through with this. It's complicated.

DA: Okay.

NY: It's easy if you know what you're doing.

DA: Okay.

NY: But, yeah, you can listen to them for free. So, one more Lyndon Johnson question and then I'll move on. What would you say his legacy is for party alignment or party realignment, certainly in Texas and maybe in the nation? Because in Lyndon Johnson's day, Texas was one-party Democratic and most folks considered themselves "Yellow Dog Democrats," as in, they'd sooner vote for a yellow dog than a Republican.

DA: As am I.

NY: Yeah. Myself included. But that's not true anymore.

DA: No.

NY: So... Do you see Lyndon Johnson's legacy as playing a role in any of that or is it so much after his time?

DA: Well, there's no question, but his passage of the Civil Rights bill lost the South for the Democrats. Still, the South is Republican because of that. However- and, as a matter of fact- in one of the Caro books, he turned to somebody- I don't know who it was- that was standing there when the bill passed the Congress, and he said, "Well, we've lost the South for the generation." Well, he was wrong; we lost the south for 2 or 3 generations. Of course, his importance, politically, in Texas besides the things that he did for Texas with his power as majority leader is he pretty much elected John Kennedy president. Which, of course, led to his taking over the presidency. I think the Civil Rights bill probably influenced Texas elections for Republicans.

NY: Okay, okay, thank you, thank you. What else would you say has played a role in this shift of Texas from a one-party Democratic state to- there was a brief period of-

DA: To a one-party Republican state. (laughs)

NY: One-party Republican state with a *brief* period of time in the late 70s, early 80s where there were office holders for both parties at the state level? What other factors, do you think?

DA: Well, I have given a lot of thought to that and I think probably one of the main things that happened is that when Governor Briscoe was- of course, prior to Governor Briscoe, the governors were the head of the Democratic Party. And they controlled the appointments, they controlled... that was- it's not a very powerful office, but it is a powerful bully pulpit- and the governors controlled the party. And they would not let the party get too far out of line from the way the people thought. Well, when Governor Briscoe was defeated and that little fella from Dallas was elected- I can't recall his name right now... Republican. The party didn't really didn't have a strong leader and I remember- and this is not widely known- I remember getting a call from a lawyer in Houston named Steve Oaks and he said, "Senator, can you meet with me and

Bill Hobby and Mack Wallace,” who was Chairman of the Railroad Commission, “and Bob Armstrong,” who was the Land Commissioner, “up in Governor Hobby’s office? We need to talk about how control of the party- who succeeds the governor.” And so, we met up there and it was a fairly unanimous decision that Steve Oaks, who had been Bill Hobby’s campaign manager in his first campaign, would become the party chair. Well, when we left that meeting, Bob Armstrong spilled the beans to the press about all of the things that had gone on in that meeting, and it pretty well destroyed that effort. And a man from Sherman became party Chair. And he was someone that would exclude people if they weren’t “Yellow Dog Democrats” like we are instead of including people, trying to draw them into the party. And he was a disaster, and he was a- I have purposefully forgotten his name...

NY: Sometimes that helps.

DA: Yes. I hope they didn’t put a stone at his grave.

NY: (laughs) What role did the changing population demographics play in-

DA: Well, of course, that played, too because as we became more industrialized, people came out of the northeast, came out of the Rust Belt that were managers of corporations and they were Republicans up there. And they came down here and they were Republicans, and that certainly helped, particularly when you had the head of the Democratic Party was shoving people out that weren’t solid Democrats. Then you had the influx of people from the Rust Belt and the northeast and the central part of the United States. That’s what I think. I’ve tried to give a lot of thought to that because it happened on my watch.

NY: Yes. Well, others, others agree with you, certainly, on that.

DA: Do they?

NY: Yes, they do. Yes, they do. That is very important in the shift of politics in the state.

DA: Well, what is interesting to me now, Nancy- and I don't have an answer to this, I hope I live long enough to understand this- but people who the repub- Let's just take East Texas. The average person in East Texas' needs and wants and desires and ambitions do not line up with the Republican Party at all. But they are absolutely solid Republicans now. You ask them, "Well, what interest does the Republican Party represent to you," and they don't answer that. They just- I really wanna know sometimes how people can turn their back on their own personal interests to something that is absolutely against their interest.

NY: Well, that is a crucially important question. It is a crucially important-

DA: If you find the answer, would you let me know?

NY: I will.

DA: Okay. (laughs)

NY: I'll write a book about my answer.

DA: Okay, good! (laughs)

NY: I'll write it in a book if I find out that answer. Let's talk a little bit about the governance of the state, and I'm particularly interested in the fact that we're still operating off of a constitution written after the-

DA: 18, what, 1887?

NY: Yeah.

DA: 1886, somewhere around there.

NY: -that provides for a part-time legislature. Is that a good idea in the early 21st century?

DA: No. No. When the budget of the state of Texas is, what, north of \$100,000,000 and the legislature is trying to budget it for a two year ensuing period is ridiculous. I mean, they have to try to anticipate and, of course, you've seen over the years that when they did not have an opportunity to do it on an annual basis, they left a lot of things behind. A lot of programs that needed to be funded were not funded correctly. So, no, it- the biannual legislative session is archaic, but- let's see- in my tenure, we tried to change that three different times, and even tried to do it where there was a 60-day session in even numbered years just for the budget and then the regular sessions were in odd-numbered years. And people just wouldn't have any of it. They did not want- they just want the legislature out there.

NY: Well, one of the big efforts to change it, of course, was the series of constitutional conventions.

DA: The Con-Con.

NY: The Con-Con, yes, yes.

DA: I was there.

NY: Yes, yes. Well, talk about it. Talk about Con-Con.

DA: Well, it's... The Constitutional Convention started off on a very divided note between the House and the Senate. The Senate, especially me, thought that Bill Hobby should be the chair of that convention. And, of course, Price Daniel, Jr., who was Speaker of the House, thought he

should be Chair. John Hill was the Attorney General and as I recall, I think- Price Daniel and John Hill were close friends- he asked John Hill if the fact that Governor Hobby was part of the Executive Department, could he serve as Chairman of the Convention? And John Hill said, "No!" And that angered the Senate. So, we started off with the Senate kind of being very negative, particularly about Price, Jr. I was very negative about Price, Jr.

NY: So, let me ask a real quick aside here: why such negativity towards Price, Jr.?

DA: Weak; he was weak. He had "demagogued" the reform movement in 1973. He really did- We needed reform. We were coming off the Sharpstown scandal, which was awful.

NY: And we're going to go back and talk about that in a minute.

DA: (laughs) Okay. And he introduced- He had the House pass several bills, and the Senate quickly, in the first few weeks of the legislative session which is not constitutional. You can suspend that part of the constitution, but the constitution says that the first 30 days of the session is to be spent introducing bills, the next 30 days is to be held with committee hearings on those bills, and the rest of the session is considering the bills on the floor. And to breach any of those first two deadlines, you have to have a 4/5ths majority of the House to suspend the rules- or the Senate. And he just suspended all the constitutional rules and sent all that stuff over without much thought, and Bill Hobby is a thoughtful person. And, hopefully, the Senate was the thoughtful body. We did not rush those bills out; we sent them to committee, we had hearings on them, as a matter of fact, I challenged the constitutionality of one of them and introduced my own constitutional amendment to permit that part of his program to pass in a constitutional manner. Even got John Hill to say it was unconstitutional, the way they passed it, which surprised me- which is another story. But anyway- and they wouldn't pass my bill. I passed it

through the Senate and they wouldn't pass my bill. They wanted their bill, which was unconstitutional. So, they- you know, Price was pretty rough on the Senate, pretty rough on Governor Hobby 'cause we didn't rush those bills back. We were having hearings like you're supposed to do. So, that pretty much tore it with me and Price, Jr. I'll tell you a story that is a private story. I got so aggravated at him that when we would have the constitutional meeting on the floor of the House. I would just kind of get up and give Price a hard time. And I was enjoying it. I got a call from Governor Hobby, would I come over to his office? And he said, "Don," he said, "Price, Jr.'s been over here and he asked me to ask you to quit giving him such a hard time every day." And I said, "Well, Governor Hobby, what are you asking me?" He said, "You want a cup of coffee?" (laughs) But the constitutional convention produced some good work. We got down toward the end, Nancy, and Glen Neighbors, who was a member of the House from when Brownwood and I were rooming together. That's the first time I had not taken my family to Austin, 'cause I thought the thing wouldn't last 30 days, and sure enough it lasted 6, 7 months. And we were sitting around in our apartment one night and we said, "You know, we've been pretty (unknown) over this thing, and we're spending a bunch of money and, you know, this may come back to bite us in an election. So, maybe we ought to try to put something on the ballot." So, he and I went in Price's office and we said, "Okay, Price, we're going to help you. We're from the other side, but we're going to help you. What do you want? We will try to help you pass any document that you want." And we voted on 7 or 8 documents, which was a bad strategy anyway. It just balkanized people. So, I said, "Pick the one out that you want and we'll work forward and try to pass it." And he picked one out that had the Right to Work in it; I was surprised. I really didn't have any strong feelings about the Right to Work one way or the other, but the labor unions had very strong feelings about it and he ran that out on the floor and we

couldn't pass it. We lacked one vote passing it. We went back to his office about 8 to 10 hours before the thing was adjourning by virtue of the constitution and he said, "What are we going to do?" I said, "You just need to call for the vote and you just need to stand up there and keep the vote open as long as you have to." And he kept the vote open. I will say this for the little fella, he kept the vote open for 6 or 7 hours while we worked the floor, and we got within 1 vote of passing it. But the time expired, the constitutional convention expired. An interesting thing that was important about that, politically, is the AFL-CIO president kept trying to see Price, and Price and the labor movement were friends, and close. But he refused to see Harry Hubbard; he just wouldn't see him because Harry Hubbard was going to ask him to take that out and Price had already committed himself to it, and he wouldn't see Harry Hubbard. That resulted in the AFL-CIO being a big player in Mark White's election to the Attorney General's office, because they were so angry at Price, Jr.- who was running against Mark for Attorney General; anyway, that's just sort of an aside. You won't read that in one of your books.

NY: But it's important to know.

DA: (laughs) Well, maybe for me and you, but nobody else- and Mark White.

NY: Yes, yes, certainly, certainly because without Mark White being elected Attorney General we-

DA: He would've never been Governor, no.

NY: Right, right, right, right, right. And all those football players. Those poor football players.

DA: (laughs) Yeah.

NY: Okay, did Doc Briscoe have a role in Con-Con?

DA: He was opposed to it.

NY: Yeah, yeah, that's what I've read. What were his concerns?

DA: He just doesn't like the idea of changing the constitution. He thought we were doing fine under the constitution. He never talked to me about it.

NY: Okay.

DA: And he really never did meddle in the convention.

NY: Okay.

DA: It was after the convention, then in the next session of the legislature, Governor Hobby and whoever was Speaker of the House passed the document that the Con-Con produced and put it on the ballot. And that's when Governor Briscoe surfaced and opposed it and campaigned against it, adoption of it.

NY: And, if you had to offer your assessment of why it got voted down on the ballot, what would you say were the main factors in the defeat?

DA: Annual sessions of the legislature, changing the way legislators are paid; I think that probably was the death, now, to it. Then there were special interests here, there, and yonder that didn't like one little section or something and they just decided it was easier to kill the whole thing.

NY: Sure, sure, sure, sure. Okay, that's very helpful. Your main role in the Senate, if I understand correctly, was running the Senate Administration Committee, and serving as a floor lieutenant, if you will, for Governor Hobby. Can you- First, did I leave anything out?

DA: No. (laughs)

NY: Okay, okay. Can you talk about running the Senate Administration Committee, and then can you talk about being Hobby's lieutenant?

DA: The Administration Committee in the Senate handles all of the internal workings of the Senate, all of the internal expenditures of the Senate, and it's not a high-profile committee. But it's a very powerful committee because it does deal with what a member can spend on staff and whatever else he wants or she wants. The other most important part of it is that the administration committee that handles the Local and Consent Calendar. Most of the Senate business is spent is passed in the Local and Consent Calendar, so the Chairman of that committee has got almost unilateral yes or no as to whether or not you get your bill on the Local and Consent Calendar. And, of course, that gives you some credibility with the rest of the Senate that want to pass their bills their bills that way. And, so it, that was principally the duties I had as chairman of that committee. Normally, the chairman of that committee is someone who's really close to the Lieutenant Governor. The Lieutenant Governor and I were both very much of a stickler about what got onto that Local and Consent Calendar. We did not want something like the Sharpstown bills passed without debate in the Senate; preferably not passed at all, but certainly not passed on the Local and Consent Calendar. So, I had an aide that was a lawyer and his whole function in life was to be sure that there were not any dead bodies in those bills that we put on the calendar. Being Bill Hobby's lieutenant- that's a good word for it- was a very interesting thing for me. I'll just give you a couple examples. I really ended up as a negotiator on Commerce Committees. A Commerce Committee is when the House and the Senate have not agreed on a bill and they both have agreed to send it to a Commerce Committee made up of five

Senators and five House members, and they negotiate the bill and try to work the differences out and take it back and vote it to the governor for law. The first time I realized what he was doing to me was- I guess it was in 1973- he had created a Select Committee on medical malpractice insurance. The insurance premiums were just going through the roof and this Select Committee was supposed to come up with legislation that would help stabilize the insurance market for medical malpractice. Then Page Keeton, who was a tremendous law scholar and was Dean of the law school at the University of Texas, was the Chair of the committee, and they produced a very good bill. Senator "Babe" Schwartz from Galveston and Senator Ray Farabee introduced the bill, and somewhere along the way, Senator Schwartz got angry at the doctors. And I remember Senator Schwartz standing on the floor of the Senate, and he said, "Here's that medical malpractice bill right here and if you want to pass it, it's here in my wastebasket." And he threw it in the wastebasket. Well, Senator Farabee picked it up and- he was another co-author- and he passed it through the Senate. And the funny story about that was, I sat right in front of Farabee- he was a freshman Senator at the time- and Babe Schwartz gets up and he's trying to make the doctors look bad and- "Senator Farabee, how much money do gynecologists make?" And Farabee looked down at me and he said, "Hell, I don't know how much they make." I said, "Tell him \$30,000 a year," which was probably a tenth of what they made. And he said, "\$30,000 a year!" And Schwartz just blew up, he got so angry at the answer. Anyway, Farabee passed the bill over to the House and the trial lawyers who had a lot of interest in that bill, tagged it with some amendments that Farabee didn't like. So, it comes back to the Senate and Farabee announces that he's not going to pick the bill up now. So, Hobby just walks over to my desk and he says, "I want you to be on this Commerce Committee, on this medical malpractice bill, and I want you to move to Senate to conference." So, I got up and moved to Senate to conference, and

it went to conference, he appointed the Commerce Committee, and it was very apparent once the Congress Committee was appointed there were two people there on that committee that would've been friendly to the trial lawyers, there were two people who two people on that committee who were friendly to the doctors, and me. So, I was the swing vote. But we did, we worked it out and we passed a- I passed the bill; it doesn't have my name on it, but I passed it because I was Chairman of the Commerce Committee. The other interesting time that he did that to me, Charles Wilson held my seat before I had it. I ran after Charles ran for the Congress. And Charles Wilson had made a career out of kicking utilities around. The telephone- they're good enemies, you know? They're not very popular. (laughs) Every politician needs a good enemy, and he would kick the utilities around and he would damn them and he would demagogue about them. So, when I got to the Senate, I knew that any time- I didn't know anything about utility regulations- I knew that any time a utility regulation bill came by, I was a bowl of yes-mode. I didn't care what was in it. I was not going to have to explain to all those people "Shorty" Wilson had inoculated against utilities why I didn't vote for it. So, you know, this utility bill that Bill Moore introduced. This utility bill, it got on the floor and it was heavily in favor- it heavily favored utilities; or that was what was said. And Bill Moore passed it through the Senate, I voted for it. It got to the House, they substantially changed it to where it highly favored the consumer, and sent it back. Moore then takes the bill, like Schwartz did and said, "I'm not going to pass this. If you want to pass it, it's in my wastebasket!" And he throws it in the wastebasket. Well, Bill just walked by my desk and he said, "I want you to serve as Chairman of Congress Committee on the utility bill." And I said, "Sure." And so, whenever the motion was made to send it to the Conference Committee, which passed, and the Senate adjourned, the press, which sat on the left side of the Senate chamber if you're facing the (unknown), there's a table down

there where all of the state press sits. That table just emptied out and just pressed me to the brass rail. I couldn't get away. And I said, "What do you people want?" And they said, "Well, you're the swing vote on this utility bill!" I said, "Oh, my gosh," and I went back and I said, "Hobby, I don't know the first thing about utility regulations." He said, "I'll take care of that." So, he brought a man from Houston by the name of Joe Foy who was a very fine lawyer and he was a very fine utility lawyer. He was president of Houston Natural Gas. I sat back in the Louisiana Governor's office 3 or 4 days while he just stuffed the law into my head. So, we went out and we negotiated; I was able to negotiate as the swing vote. I was able to negotiate a bill that could pass and I went to the Texas Municipal League and got their input, and I went to Public Citizen and got their input, and other consumer groups so that they had an opportunity to oppose things that should be or not should be in the bill, and we brought it out. Actually, what I did was that I had a Chief of Staff who was a graduate of Rice University with an electrical engineering degree with honors and a graduate of MIT with some kind of engineering degree with honors and he was a lawyer. And I took him and somebody from the consumer side- an aide to a Senator- and I literally locked them in a room and I said, "You all don't come out until you have written a bill that I can pass." And I had given them my input into what I wanted, and the lobbyists could not get in there and they couldn't get out. We would bring them lunch and shove it under the door.

NY: Pizza.

DA: (laughs) Yeah. A funny thing about that whole thing: Governor Hobby asked me to come by his office one evening. And I went by there, and Joe Foy was sitting there, as the President of Houston Natural Gas, and a lawyer from Houston named Brown, who's still here, still alive. And he was a really serious force with the electric utility down here. It's changed names so many

times, I don't know what it is now. And there were a couple of other people... Oh, there was a guy that was the head of Dallas Power & Light was there; later became head of Brown & Root. And they couldn't see, they didn't know what was in that building and they were really upset about it. Governor Hobby was sitting behind his desk and had this little smile on his face, and he just sort of threw me out there in the middle of the room like red meat and they started in on me. Every issue they raised is something that Joe Foy had taught me, and so I would just regurgitate Joe Foy's law back to all of these high-class, big shot electric utility people, and Hobby just sat over there and smiled. He never said a word. Anyway, we brought the bill out and we passed it. It doesn't have my name on it, but I wrote that bill- I supervised the writing of that bill- and passed it and created the Public Utility Commission. That's just a couple of examples.

NY: Yeah, yeah, yeah. And good examples at that. So, you've made reference to Sharpstown a couple of times, and we need to go back and have a conversation about that unpleasant episode.

DA: It was; it was unpleasant and unfortunate. Well, I was in the House at that time and was running for the Senate, and Governor Smith called us in the session- No... I was running for reelection and then Governor Smith called us into session, and he submitted what later became known as "The Sharpstown Bills." Well, Frank Sharp had a bank here in Houston and the bank was about to be closed by the FDIC. It was in trouble. And Frank Sharp's answer to that was to get the legislature to pass a state FDIC so that you had a choice of who insured the depositors in your bank, thinking that if he could get out of the FDIC's grasp and get into the state insurance grasp that he would have more control that maybe could save his bank. That's what the bills were about. Governor Smith opened the call to a state deposit insurance bill. And I don't remember who introduced them in the house, but they came to the floor and there were 13 people

that voted against those bills. And it went to the Senate and the Senate passed those bills, and then Governor Smith vetoed them which is sort of an ironic thing. It ended the career of Ben Barnes. It ended the career of (unknown) and Smith. It ended the career of Gus Mutscher because he was convicted of bribery along with a man named Tommy Shannon from Fort Worth and his Chief of Staff, Rush McGinny. And it all had to do with stock that Frank Sharp had sold them at a reduced price and it was obviously a bribery situation. An interesting part about that- and it was ugly; it was ugly and people were really mad. People were mad about that, and they had a right to be. Of course, that's when the so-called "Dirty Thirty" was born. Well, the Dirty Thirty had been around forever. There were 30 liberals in the House and they were designated the Dirty Thirty. Well, they came to prominence because they kept attacking Gus Mutscher, trying to pass a resolution- essentially they were trying to pass a resolution- for the House to investigate itself. Many House members, including myself, felt that the House of Representatives could not investigate itself with the Speaker sitting up there. It was better done by a District Attorney or the Attorney General, and none of those resolutions passed. But I went back and announced for the Senate, and I will never forget- I was on the courthouse square of Athens, Texas, Henderson County. And the old men sittin' all out there in their moleskin britches playing dominos, you know, and I walked up to the domino table and I said, you know, "I'm Don Adams and I'm runnin' for the Senate", -sneezes- "Excuse me, I'm Don Adams and I'm runnin' for the Senate." One of those old men, he had a big old chewing tobacco in his mouth, and he spit out and he said, "You in office now?" "Yes, sir." "What are you?" I said, "I'm a member of the House of Representatives." "I ain't votin' for you. I ain't ever votin' for you. Get away from here, boy!" And I mean, that was the attitude. I never claimed to be in office. I've told the truth of past, and I got elected. But it was a really ugly time. There were some really fine members of

the House that were defeated in that election over that. I went back to the House of Representatives- backup now, because the Sharpstown bills didn't pass in fall or the summer of 1970. Now, we're in session in '71 which was when all of the Dirty Thirty stuff started. And Lee Jones, who was an Associated Press reporter, the first day of the session walked up to me and he said, "Don, I want to ask you a question." I said, "Okay." He said, "Why did you vote against those bills?" I said, "What are you talking about, Lee?" 'Cause nobody knew what Sharpstown was at that point, and he said, "Well, you voted against those bills. I just wanted to know why." I said, "Lee, we haven't had any bills, I haven't voted against any bills." "Yes, you did. There were 13 people that voted against those bills." I said, "Lee, come on, tell me what you're talking about." "Those Sharpstown bills" I said, "You mean those insurance bills?" He said, "Yes, why did you vote against them?" I said, "Well, you know, Lee, I guess I voted against them because they passed them so fast, I couldn't read them." And that was my answer. That's why I voted against them, they rushed them through. I didn't get a chance to read them, so I just voted no. It was not a defense to the people back home that you voted no. You were there, that was your crime.

NY: Guilty by being there.

DA: Yeah.

NY: In the legislature when all this happened. Yeah, yeah, yeah, yeah. So, I want to go back and flesh a little bit out that you said in talking about Sharpstown. You said that it ruined at least three political careers: Ben Barnes, Preston Smith, and Gus Mutscher. Talk to me a little bit about each of them. Barnes, he was- I'll start with Barnes- he was Lyndon Johnson's fair-haired boy.

DA: He was.

NY: And Lyndon had picked him out to be a President of the United States at some point, none too distant in the future. Talk about Barnes. What made Barnes so meteoric at that point?

DA: Barnes... Well, first of all, Barnes was a product of John Connelly. That's who he's a product of. Barnes was a kid from De Leon, Texas which is out close to Brownwood. He couldn't even say 3 or 4 words in the same breath that made sense. He was just a big, ol' chuckle-buddy boy that got elected to the legislature. Preston Smith was Lieutenant Governor; of course, Preston and John Connelly hated one another. So, Connelly couldn't get much done in

NY: And Gus Mutscher. the Senate and... I'll think of his name in a minute; he was Speaker of the House. Byron Tunnell was Speaker of the House and he wasn't a big Connelly fan. So, Connelly was sitting over there in the Governor's office, which has no real power anyway, and even as a bully pulpit, he couldn't get anything done in the legislature. And so, his answer to that was he appointed Byron Tunnell to the Railroad Commission. And then he engineered Barnes getting elected Speaker and they sent Barnes to California to a speech therapist to teach him how to talk. That's not widely known. And Barnes is a big man; he's got a lot of presence about him just because of his size. And he became very articulate out in California, and he came back- Well, actually the way he was elected Speaker, there were several people running for Speaker since it was an open seat because Byron was now on the Railroad Commission. And Barnes went around to all of the members and the ones that would pledge him- which, of course, was a non-binding pledge, legally but morally, it was a binding commitment. The ones that wouldn't commit to him as the first choice, he would ask them to commit to him as the second choice. And when he had enough pledges first and second choice to be elected Speaker, he started trying

to dispose of all his opponents that were ahead of him, and did and got elected Speaker. And Barnes... He was a dynamic- he is, not was- he is a dynamic man. You can just feel the energy flowing off of him when you're standing there with him. Barnes and I were not very close at first. I ran against an incumbent, and there was a very influential black preacher over in Kirbyville, Texas and my opponent got Ben Barnes to appoint him as a delegate to the Democratic Convention in return for that preacher supporting my opponent. And so, you know, I went out there not feeling too friendly towards Ben Barnes, but we since have become friends. And Barnes was very- he was a very astute person to pass, get things done in the legislative process. When Barnes was elected Lieutenant Governor. Of course, the Senate's different than the House in many, many respects besides the size of it. For the Speaker of the House to be assured that he or she can pass something through the House, they've got to have lots of Lieutenants on the floor that are willing to work the other members and willing to do whatever they have to to get them to support the Speaker's process- or, program. He had a lot of loyal Lieutenants on the floor that would work the floor and he got stuff passed. When he went to the Senate- the Senate's different. The Lieutenant Governor works the Senate by calling them into his office and talking to them. You can get the whole Senate into his office and talk to them right there in private and get them to decide to support your program. Well, the first executive session of the Senate- the Senate can go into executive session and exclude everybody; that's Constitutional over appointments. And so, they called an executive session and the story goes- I wasn't there- but the story goes that there were strong- I mean, most Senators are strong-willed, intelligent- except for me- intelligent people, are, that have their agendas. And the story goes in the executive session, Ben Barnes walks into the well of the Senate and gets on his knees, and he opens his arms up and he said, "Members, I don't know how to do this. I can't execute this

office. I've got to have your help. Please help me." And he just charmed them into it by "prostrating" himself before the Senate... prostrating himself before the Senate. I think prostate is a gland.

NY: It is.

DA: (laughs) Okay. Mostly in men.

NY: Yes, yeah. True, true. So, Barnes' career gets ruined in Sharpstown but he seems to have gotten a deal on some stock.

DA: He didn't even make the runoff. Sissy Farenthold, which was an absolute- you could have knocked me off with a chicken feather when she got in the runoff- and she came really close to beating Doc Briscoe.

NY: Yeah, yeah.

DA: But they eliminated Barnes in the first round.

NY: In the race for the Governorship. Yeah, yeah, yeah, yeah. Well, I want to get to the '72 gubernatorial race here in a minute. You said Preston Smith was also destroyed in Sharpstown.

DA: He was, yeah.

NY: He was Governor at the time. Talk a little bit about Governor Smith.

DA: Well, Governor Smith- when I first went to Austin in 1969, I was a lawyer in Jasper and I made my living practicing law and ran for the- sometime when we're not doing something like this, I'll tell you why I ran for the House- but anyway, I did and I won. The only way I could serve is if my wife worked. And, you know, we didn't have any money. We just were living on-

at that time it was \$400 a month plus whatever she made working for Senator Harrington. And the Governor has a big event for the legis- or used to- for the legislature at the mansion every year and it's black tie and, you know, you go over there and strut around. We got the invitation to go, and I said, "Linda, we can't afford to rent me a tux." I said, "Preston Smith doesn't know me from Adams or Fox. He won't know if I'm there or not. She said, "Okay;" it didn't make any difference to her. So, we were in the Driskill Hotel and were walking out of the Driskill, and Preston was walking in and he said, "Hi, Don, how are you doing?" And we walked out and I said, "Linda we've got to rent that tux!" (laughs) Anyway, Governor Smith was a strong- John Connelly was a strong education governor, principally for trade schools and K through 12. And, Preston Smith was essentially an education governor for higher education, and he was a good governor. He was not dynamic at all. I mean, Preston Smith was, you know, he was sort of like a Presbyterian preacher; he was brown. You looked at him and he was brown. I'm a Presbyterian. Anyway, he and I got along very well although I was a freshman member of the House and nobody really cared much what I thought. But he and I got along very well. He and my father were friends and I thought he was a good Governor. He was kind of bland, but he was a good governor. He was for things that I was for.

NY: And Gus Mutscher.

DA: Gus Mutscher is an interesting case. When I was elected to the House of Representatives, my father and I- my father was a lawyer- we were partners at the time. We represented the Electric Co-op; (unknown) and the Electric Co-op. I'd been elected to the House, I hadn't taken office yet, and the manager of the Co-op came to my office and he said, "Don, I want you to sign this pledge card to Gus Mutscher." I said, "What are you talking about?" He said, "Well, he's

going to run for Speaker and we're trying to help him get pledges. And I thought, *Why not? I don't know anybody else running and there's no use trying to run uphill to the leadership.* And so, I signed the pledge card. Fortunately, I had enough sense- I was pretty young; in fact, a lot members thought I was a Page and would try to send me on errands- but anyway, I had enough sense to know that I was not going to have a big impact in the House. I was one vote and I was a freshman and, you know, I beat an incumbent so there was a (unknown) of the House members that were mad at me for beating their buddy. So, I spent most of my time in Ben Ramsey's office. Ben Ramsey was the longest-serving Lieutenant Governor before Bill Hobby. Well, why Ben Ramsey? Well, Ben Ramsey's from St. Augustine, and he and mine and Ramona Adams' grandfather, who's Judge F.D. Adams, they were desk mates in the House and they were friends. And when he ran for the Senate and was elected, our grandfather campaigned for him. So, I'd go over to the Railroad- he was Chairman of the Railroad Commission- and I'd go over to the Railroad Commission and I'd sit with him for hours and he was talking to me about the legislative process. It was a very, very important thing that he did for me and that I did for myself. So, what was- oh, Mutscher! So, Gus- I was not on his radar at all. I was just some kid from Jasper that was sitting out there and he had enough votes to do pretty much what he wanted. He was very beholden to the beer industry. Homer Leonard, who had been Speaker of the House when our grandfather was in the House was the beer lobbyist, and he was very powerful in Austin. And he was Gus Mutscher's papasita. Well, they have a Speaker's Day, and back then- they don't do this anymore- on Speaker's Day, everybody's supposed to bring the Speaker a gift and there's some big barbecue and we're all just honoring the Speaker. And former Speakers get up and speak to the whole House. So, Homer Leonard gets up there, and he's ruminating about his time in the House and as speaker, and he said, "You know, I know I'm

getting old because one of my best friend's grandson is sitting out here on the House floor and his name's Don Adams." And you could see Mutscher, he just kind of came awake and he thought, *Who in the hell is Don Adams?* From that minute on, Gus Mutscher paid attention to me. Actually, in the second session I served in the House, he appointed me Vice Chairman of the Kriminger (unknown) Committee, which is kind of unusual for a sophomore House member. Gus... When he came to issues about alcohol, Gus was just solidly, you know, he could not be reasoned with. And my district was very much in favor of not selling alcohol, especially liquor by the drink which was an issue at the time, nor were they for horse racing and para-mutual betting. In fact, I remember going around Tyler County, which is where Woodville's in. "I'm against liquor by the drink and I'm against horse racing!" That was my campaign mantra on the street. Anyway, I got up 2 or 3 times when beer tax bills were there and I just attacked the author. Gus was not very appreciative of that, but I was representing my district and- I don't know this to be a fact- I really think that Gus Mutscher did not know that he was being bribed. I think the man that arranged all of that was a House member, who will go unmentioned 'cause I've got no evidence of this, I think that man arranged for to buy this stock. And he arranged to have Preston open the session and he- or, call the session, and he escaped unscathed through it all. Gus was not a bad Speaker; he wasn't a great Speaker.

NY: Poor decisions at a crucial point in time.

DA: Yeah.

NY: Yeah. Okay, talk a little more about the Dirty Thirty. Sissy Farenthold was among their number, correct?

DA: She was. Sissy Farenthold and John Hanna, who was from Lufkin, and Price Daniel, Jr. from Liberty, and Neil Caldwell from down here south of Houston, and Rex Braun from Houston, and I won't name them at all because I can't. There had always, since I had been there, been a Dirty Thirty but that was the tag that was given to the liberals in the House and that's how many liberals there were: 30. I was pretty hard to classify because I really kind of, I guess I'm a populist. That's what I am. So, I wasn't part of that, but before the Sharpstown thing ever came along, there was a Dirty Thirty and they were the liberals in the House and they were always voting for liberal causes, and the other 120 House members were voting for the conservative side because there wasn't a Republican Party. There was a conservative liberal wing of the Democratic Party. Being a populist, they couldn't call me one thing or another. One time they'd call me a liberal; the next time they'd call me a conservative. I didn't try to fit into a... But, so whenever the Sharpstown thing broke in the papers, it got really ugly on the floor of the house, and Mutscher was just under attack. I can remember- Tom Craddick did this, too- it got so ugly that Mutscher just slammed the gavel down and said the House was adjourned, and walked off the podium. No one ever made the motion. He just closed it down that day. I remember a guy named Nick Nicholls from down here in Houston; he was a labor guy, and he got up on the floor of the House and called the Speaker a whore. And I remember feeling- I was shocked, you know, that that was in a liberty body that was said. And we adjourned and Felix McDonald from down in the valley prepared a resolution to discipline him and exclude him from the House, which the House can do. Fortunately, Nick apologized before we had the vote on that and I can remember Curtis Graves from Houston- it was redistricting session- and Curtis Graves got up with this amendment to the redistricting bill and he explaining the amendment, and somebody said, "Well, what does this do?" He said, "Well, it runs the Speaker's district from Brenham to Hunstville so

he can continue to serve while he's in prison." I mean, this was ugly stuff that was said on the floor of the House. And I remember Curtis Grey jumps up on the- at that time, the press table ran down the middle of the House which is not a good thing but that's what it did- I remember Curtis Graves jumping on top of that press table and going after Jim Nugent, who was a guy from Kerrville. They were about to get into fisticuffs there. That's how tense it was and how ragged people were while this was going on. And the Dirty Thirty certainly didn't help it any because they would have a resolution for the House to investigate the Speaker one day, and then pretty soon they'd have another one and you know, you were just laid out there voting. I voted against them because I didn't think the House could investigate itself. I thought that was a function of the District Attorney, and it would just have been a waste of time and we had things we needed to do. It was- and you know, you were really laid out there on those votes. And that's what they were doing; they were trying to get everybody on publicly supporting somebody that ended up convicted of bribery. They were not very popular. I remember one of them, a man named Tom Moore from Waco- I know Tom; when I was at Baylor, he was the District Attorney up there. I used to like to watch him try murder cases. He was a tough prosecutor. Anyway, Lynn Neighbors, my dear friend from Brownwood and I were in the restroom, and Tom Moore had introduced this resolution. And somebody came running into the restroom and said, "Tom Moore has introduced a resolution congratulating the Boston Strangler." So, everybody ran out and registered- or, I did- registered against it. I didn't want- of course, they- what was his name? DeSilva? Anyway, it didn't say the Boston Strangler, it was congratulating and building up DeSilva as a great human being. That's the kind of stuff that was going on. That's the kind of stuff the Dirty Thirty was doing and it was very uncomfortable.

NY: But did not her work in the Dirty Thirty become part of Sissy Farenthold's jumping off for running for governor in '72?

DA: No doubt about it. John Hannah from Lufkin announced against me. He had then become the District Attorney of Angelina County. And he announced for the Senate. He sent the announcement out, and before it got into the paper, I went over to see a friend of his and I said, "I wonder if you all have read this part of the Constitution that says when a District Attorney announces for another office, he resigns. No, they had not read that part of the Constitution. So, John sent a letter out withdrawing his announcement because he didn't want to resign as District Attorney.

NY: Sure.

DA: But there's no question to what the Sharpstown thing and her involvement in the Dirty Thirty were her springboards to do as well as she did. At that time, for a woman-

NY: A liberal.

DA: A liberal woman to nearly beat Doc Briscoe was pretty amazing.

NY: Yeah.

DA: I knew Sissy; she sat two seats in front of me and to my left in the House.

NY: What was she like as a member of the legislature?

DA: She was mostly high on marijuana.

NY: Okay, then. I think that takes care of that.

DA: (laughs) I'm sure she probably would deny that, but I mean (laughs) facts are the facts.

NY: Facts are the facts, yes. Talk about Doc Briscoe and his role in Texas politics.

DA: Well, Governor Briscoe- and I ended up working for Governor Briscoe as his General Counsel- Governor Briscoe was a decent, decent man, and I would have to say that he was a lot more interested in his ranks than he was the governor's office. He didn't like to go the Capitol when I worked for him. He didn't like to go to the Capitol. We worked over in the mansion and he had the right heart about him. He wanted to do what was right and in most cases, I think he did what was right. He was not a strong leader, but he was just a decent human being.

NY: Some issues that he took a stand on: he made a no new taxes pledge and it didn't work out quite so well.

DA: (laughs) Those were foolish pledges to make.

NY: Yes, they are.

DA: Ask Doc Briscoe and George Bush. (laughs)

NY: Yes. He also was governor when the death penalty was reinstated.

DA: I passed that bill.

NY: Okay.

DA: I regret it now, because I oppose the death penalty but at the time, I wrote the bill along with Senator Myers from Fort Worth and we passed the death penalty bill.

NY: So, what was going on? Talk to us about what was going on in Texas and the nation that made the climate right for reinstating the death penalty then.

DA: Well, it was a pretty easy call in Texas. The only people who were really against the death penalty was the Catholic Church. People in my district were very much in favor of the death penalty. The Supreme Court found it uncon- the then law unconstitutional and it probably was; I don't disagree with that decision. We wrote a bill that was constitutional that narrowed it down substantially. Again, I am opposed to the death penalty now and I wish that my name wasn't on that bill, but it is.

NY: Well, the way laws get used is not always, uh...

DA: (laughs)

NY: ...how they were intended by their authors. There's a whole literature in history and political science about unintended consequences.

DA: Yeah. Well, I don't think- and I had this debate in my Sunday school class occasionally, back when I was a Baptist, before I became a Presbyterian- they would get off on abortion, and I'd say, "Well, let me ask you: Do you think that people that sit down and coldly decide to kill somebody is wrong?" "Yeah, that's wrong! That's as wrong as abortion!" I said, "That's the death penalty. People sit down and coldly decide to kill somebody." And they don't like that.

NY: Yeah, yeah, They don't.

DA: Actually- and I know you've seen this statistic, but actually the statistics show that it is much cheaper to house somebody for life than it is to kill them.

NY: Sure.

DA: That's mostly because of the Constitutional protections and the appeals and so forth and so on.

NY: Sure.

DA: We will do away with it in Texas ultimately.

NY: At some point, yes.

DA: It's really kind of barbaric, and it was really barbaric when it was the electric chair. I tried several capital cases and, I tell you, I had to quit trying capital cases. It was just too much stress thinking about the horrible consequence of losing the case. In the electric chair... Did you ever see *The Green Mile*?

NY: Yes.

DA: Well, that's a good example of what happens when somebody's shocked to death. First capital case I tried, we got the jury list and I was trying to investigate and kind of see who were all these people, and there was this electrician there from Buna, Texas which is in the south part of Jasper County. And I said, "I'm going to strike him. I can't have an electrician on this thing, they're trying to electrocute this kid." So, he got on the stand, we were going down the jury one at a time, and he got on the stand and I said, after several preliminary questions to kind of get us into bonding situations the best I could, I said, "How do you feel about the death penalty?" "Have you ever been shocked?" And I said, "Yes, sir." He said, "Anybody that's been shocked by electricity could never give the death penalty!" (laughs) I took him on the jury.

NY: This is an aside, not necessarily for the tape, but I think you'll find the story interesting.

So, last fall, I had a student who was not doing so well in my U.S. History survey class and I called him into my office, and I called him into my office to have a chat with him. He's an immigrant from Africa, and he was working full-time as a prison guard up in Huntsville in a death row unit. He was telling me that, frankly, he was just very, very depressed. There had been a rush of suicides. It was getting close to the holidays and he said the young boys just can't deal with it, the enormity of what they've done and what's going to happen to them hits.

DA: And their circumstances.

NY: Right. His story of his work just gave yet another argument about the death penalty, at least in my mind.

DA: Well, they cage a human being up for 23 hours a day. I don't know whether they have television, but who in the world wants to watch television 23- I can hardly stand to watch 5 minutes. It's such an intellectual wasteland. I don't know whether they get books or not; surely they do. They're pinned up by themselves. It's pretty gruesome.

NY: Pretty brutal, pretty brutal. You mentioned abortion a minute or so ago. Talk briefly about the impact of Roe v. Wade on state politics. That was a hot-button issue when you were in the Senate.

DA: Well. Actually, it was not a hot-button issue when I was in the Senate. It became a hot-button issue later and it's still a hot-button issue. I remember, my wife and I had this position: We were opposed to abortion. We thought it was awful, we thought it was taking a life. As opposed as we were to abortion, we were much more opposed to the government telling anybody, woman or man, what they can do with their own body aside from killing somebody

else. I mean, we were very objectionate; we very much objected to government interfering in the personal lives of people. She's passed on now, and I still feel that way. Two of our children are adopted. I managed Bill Hobby's campaign for reelection in 1980 and of course, it was a hot-button issue then, more than it is now, or as much as it is now or more. He would be asked that and he would kind of- he was opposed to- he was for choice. So, what I finally did is, I just wrote an answer out that was honest and it was correct, but that was the answer and there was nothing else that was said and I just gave him stacks of those things and I said, "First time they ask you about abortion, say 'Here's my position' and don't answer any questions. Here it is.'" Because they would ask questions, and the next thing you knew, you were off in deep water with it. I don't think it is as dispositive an issue as it used to be, but it's still an issue.

NY: Something that was-

DA: But Roe v Wade was the correct decision.

NY: Right.

DA: And the Texas legislature, 2 sessions ago or 1 session ago, passed a very bad bill. You know.

NY: That just got-

DA: It just got thrown out by the 5th Circuit, which was a surprise to me. The 5th Circuit's a pretty conservative circuit. It was bad.

NY: It also got thrown out by the Supreme Court.

DA: Supreme Court, too, yes. Well, the Supreme Court threw that out, the 5th Circuit threw out the voter ID bill, which was bad.

NY: Right. With Bush appointees and a Reagan appointee on the 5th Circuit, saying no to the voting bill.

DA: Well, if you look at that as a policy, without the interference of one side or the other. It's a bad policy; poor people, old people, minorities to have to go get a voter picture ID. Some of them can't do it and a lot of them are afraid to go to the authorities to do things. It was an effort to suppress Democratic turnout and all you have to do is look at the fact that it was done all over the country. We don't have serious voter fraud in Texas.

NY: Really anywhere; those days are gone.

DA: Maybe Louisiana.

NY: Well, that's true.

DA: (laughs) I lived, I ran in a district that bordered Louisiana and I was glad. I had a lot of Louisiana people vote for me. No, I didn't. I really didn't. If I did, I didn't know it. I would've been happy for them, too.

NY: Yeah. Another quote/unquote "women's issue" was a non-issue at the time but became an issue after the fact was the ratification of the Equal Rights Amendment which Texas was very quick to act on. Then it becomes about the same time that abortion becomes a hot-button, the whole ratification of the Equal Rights Amendment, which failed ultimately, became an issue. Could you talk a little bit about it?

DA: We passed the constitutional amendment at the urging of women's groups; I don't remember by name who they were. In 19- maybe '71- got on the ballot, passed. It was not controversial at the time. Myself, I couldn't understand why women were disparaged. That just wasn't in mine or Ramona Adams' family. We were taught to treat everyone with the same dignity as they conducted themselves; white, black, man, woman, brown, yellow, whatever. So, I voted for it.

NY: Sure; most people did.

DA: Yeah. It was not a controversial issue at the time.

NY: It was not, until it became one later.

DA: It did.

NY: Okay, shifting gears a bit. An issue you are very well-associated with is the Freedom of Information Act, Open Records, Sunshine. Talk about how you got interested in those matters and your work with that.

DA: I was a brand new member of the House and John Connelly, who had left office but he had created a select committee to completely revise public education. I don't remember the name of the committee, but it was a big committee, it had a lot of important people on it, it had a staff, and one of the most controversial parts of it- there were probably parts of that report that had validity- one of the most controversial parts about it was they took samples of taxable property in every district and extrapolated from those samples what that district's tax effort should be. In addition to that, it was a huge consolidation bill. Jasper County would have been one school district and it's 75 miles long. You would've had kids at the top end of that district travelling

most of the night to get to the bottom of it to go to school depending on where they were.

Anyway, the superintendent of Kountze Independent School District, which was in my House district, called me and he said, "Don," he says, "have you looked at that?" And I said, "Yeah, I've looked at it." He said, "They have suggested that Kountze Independent School District should be producing a lot more tax money than we are and than we can." He said, "I would like to look at the properties that they used as a sample so I can kind of judge what happened here." Because it was going to be pretty oppressive to require districts to have an effort- tax effort that somebody in Austin thought they had. So, I called the director of that- I was a brand new House member- I called the director of that committee- I can't think of his name right now; I didn't think I'd ever forget it- and I said, "This is Don Adams, I'm a member of the House from East Texas and I'd like you to give me the parcels of land in the Kountze Independent School District that you used to determine what their efforts should be." He said, "No." I said, "Wait a minute, I'm a member of the House. I've got to vote on this and you're telling me I can't see that?" "That's right, you can't have it." I was astounded that a person that was going to vote for or against this huge, massive change in public education couldn't look at the pieces of it they used to get the report. So, I issued a press release. I'd never issued a press release in my life. And it got in the paper; I mean, it got in the *Houston Chronicle*, got in the *Houston Post*, *Dallas Morning News* about how I had asked and been refused- I think the thing was dead to begin with; I don't think that killed it but it certainly didn't help it any- and I just thought to myself, *You know, people ought to be able to see what their government's doing, and what's in the files of the government.* I knew I couldn't pass that in the House, so I waited until I got into the Senate and I introduced the Open Records Bill and the Open Meetings Bill. They were not roundly received.

NY: I can't imagine they were.

DA: But Bill Hobby was Lieutenant Governor and that was a major difference than when I was in the House, because he was, as a journalist, very much in favor of open government. I'll never forget, Nancy, I was sitting in my office one day and- I'm gonna name names here because I've done it publicly for years- a woman out of Jacksonville named "Sissy Austen" called me- I was sitting at my desk- and she said- I knew her, I knew her husband; her husband was a banker out there, her father-in-law owned a bunch of banks; they were not for me when I ran- so she says, "What are you doing?" I said, "What do you mean, Sissy, *what am I doing*? I'm sitting at my desk." "No, what are you doing with that Open Meetings Bill?" I said, "Well, I kind of feel like that government ought to be conducted in the open." "I'm on the school board, how do you expect us to conduct school business if we have to do it out in front of everybody?" I said, "Well, Sissy, I'll tell you what: I think you better start trying to figure that out because this is fixing to be the law." Anyway, it passed and I'm proud of that. It's been amended and it's been under attack ever since I passed it, in one form or another. The Supreme Court has knocked some holes in it. I am virtually retired; I'm a judge but it doesn't require a lot of my time and when the legislature's in session, I'm usually there defending the Open Meetings and Open Records Bill or working on First Amendment issues. As a matter of fact, the Freedom of Information Foundation, which is a foundation made up mostly of media types that are very supportive of all kinds of First Amendment issues such as the Sunshine Bill. Just last year, they gave me their James Madison award.

NY: Congratulations.

DA: Thank you. I was really proud of that.

NY: Congratulations.

DA: In the process over the last 8 years, a young woman that is a very fine First Amendment lawyer and I have sponsored some serious First Amendment protection bills and passed them, which I was amazed that we could pass them. Reporter's Privilege, the Slap Law, we reinstituted a very important defense relating to reporting allegations of misconduct. Anyway, I'm proud of that. I think it's important to our freedom.

NY: Agreed, agreed. Talk to me about Bill Hobby's important legacy as Lieutenant Governor for almost two decades.

DA: Well, Nancy- of course, I didn't know Governor Hobby. I was elected to the Senate, as with every office I was elected to, by a very slim margin. I never had a landslide. I was sitting in my law office after I had gotten the nomination- there was no Republican opponent- and Bill Hobby called me on the phone; I didn't know him. We had supported him; my family had supported him. My family was, it's not any longer 'cause we're all moved on or dead, in about 6 counties over there were pretty influential. He said, "Mr. Adams, he said, congratulations on your nomination." I said, "Well, thank you." I said, "I don't have a Republican, so I guess I'll be there." And he said, "I would like for you to endorse me." And I said, "Well, Mr. Hobby, this is my position, it's my family's position on endorsements that, first of all, we don't meddle in other people's races. We just don't do that openly. But my family supported you in the first primary, we will support you in the second primary." And I said, "The second thing that I have always felt about endorsements is I can bring all of my enemies to the table and maybe some of my friends. And it was a close election, you don't want all of my enemies voting." And he wasn't very happy about that, but that was my position. So, fast forward and when he was elected, he asked me to

come down here and talk about committee assignments- well, actually, before that I wrote him and asked him if I could come down and talk about committee assignments. Never heard a word from him. And I ran into a woman out in Austin that worked for a legislative counsel. She said, "Oh, you're going to enjoy serving with Bill Hobby. He's been a friend of mine forever." And I said, "Well, I'll tell you what Orea-" her name was Orea Guffen- I said, "I'll tell you what Orea. I've written him twice to let me come down and talk about committee assignments and I've never heard from him. If he's your friend, go back and tell him that I'm just as comfortable on the inside of the tent pissing out or as on the outside of the tent pissing in. Either place is comfortable for me." I don't know whether she ever did that or not, but I finally heard from him on his timetable, not mine, which is typical Bill Hobby. I came down and told him where I wanted to serve and- by the way, that tent thing is an old Lyndon Johnson story- and he gave me everything I asked for. I was very careful because I had just come from a body where the presiding officer had been convicted of bribery. My family's been in politics since 1849 and none of us have never been indicted or convicted, and I didn't want to be the first. So, I was very careful about following leads of presiding officers. I was careful with Governor Hobby. It wasn't long before I realized that Governor Hobby was driving his own train. There was nobody behind him telling him what to do. His thoughts and his impotency and his programs and his policies were his own. They were not something that some special interest group had- And I just got totally comfortable with Bill Hobby and, as opposed to Gus Mutscher who led with a black snake whip, Bill Hobby led with an intellect and reasoning and he quietly led and most of the things that Bill Hobby proposed passed because they were so logical and so right that you could hardly challenge them. So, in the process of serving him in the Senate, he and I became best friends. I look back with great fondness on the opportunities that he gave me to be involved in

some issues that were very important to the state. It was him; he put me in a position to do that.

There's a lot said about Bob Bullock and what kind of Lieutenant Governor he was, but Bill

Hobby is the best Lieutenant Governor in my lifetime, honestly. That was his campaign slogan:

"I'll be a good Lieutenant Governor, honestly."

NY: So, Governor Hobby worked for and advocated a range of different issues: better mental health, mental retardation services, better funding for indigent care. The list goes on and on.

DA: Yes. And those were all products of Bill Hobby. It started with him, and then of course it went through the process, but it started with him. There would not be an indigent healthcare system in this state, probably, had it not been for Bill Hobby.

NY: I can't imagine what the state would look like without an indigent care system.

DA: We'd have bigger prisons.

NY: That is true.

DA: And education. Education was one of the hallmarks of his administration. We did a lot of things- I wish we'd done more, but we did a lot of things that were possible. And Governor White was important in the passage of a major-

NY: House Bill 72.

DA: Yes.

NY: Yes. Can you talk a little bit about House Bill 72?

DA: Well, at the time, I was not in the Senate, so I wasn't that close to it, but a dear friend of mine in the House carried it who ultimately took my seat in the Senate, Bill Haley. He was

Chairman of the House Education Committee and Mark White created a blue ribbon panel to come up with a comprehensive change in public education. Ross Perot was the Chair of that.

You would have to know Bill Haley to really appreciate this. He's funny; he's really funny and very bright. The story goes, Ross Perot called him and wanted to come to Dallas to talk about the education bill, and Haley said, "Well, I'll pick you up at the Center airport." So, Perot goes and gets in his airplane and flies to Center, Haley picks him up and takes him down to his house, and cooks him supper: greens and black-eyed peas and chicken fried steak. Perot's sitting there with his ears sticking out, you know, just yapping away at Bill Haley and Bill Haley knows what he's going to do with the bill. And what he did was right but education was one of his Bill Hobby's hallmarks. And Mark White.

NY: Sure. You were just barely out of the Senate when this-

DA: I was just a child.

NY: Infamous episode- and Hobby, I believe, has characterized it as a mistake himself- the "Killer Bees" episode. Do you remember that whole-

DA: Now, which episode are you talking about?

NY: In 1979, there had been the effort to pass the early presidential primary legislation to have the presidential primary-

DA: Oh, you're talking about the "Killer Bees!"

NY: The Killer Bees.

DA: Well, we had passed a presidential primary bill before that- I passed it in 1978- '77, I believe- to let Lloyd Benson run for the Senate and the President at the same time and I was

never for presidential primaries in this state because I could feel national influence coming down her and influencing Texas, and we were doing pretty good by ourselves. But I carried that because Bill Hobby asked me to and I knew Benson- I didn't know him well- and Babe Schwartz put an amendment on that bill that made it terminate after the presidential election, for which I was glad. In 1979, there was a presidential primary bill, and Hobby was accused of being for that bill or trying to pass that bill because of John Connelly wanting to run for President of the United States. Nothing could have been further from the truth. Bill Hobby and John Connelly were like cats and dogs. The real opposition that caused enough of the Senate to leave the Senate, the "Kill Bees," in my opinion, was over a tort reform bill that had to do with products' liability lawsuits. The trial lawyers were mightily opposed to that and if you look at the list of the Killer Bees, they were all people that were supported by the trial lawyers. And I think that the trial lawyers instituted the Killer Bees flying from the Senate floor. I remember that Governor Hobby- I was not in the Senate- I remember Governor Hobby called me and George Christian. Do you know who George Christian was?

NY: Yes.

DA: George and I were dear friends of Bill Hobby. And he called me and George Christian in and his executive assistant was in the room, Steve Oaks was in the room, who had been his executive assistant. It had been going on a couple of days and Hobby was asking for what we thought. And George Christian and I and Steve Oaks were dearest; "Governor, you need to get those people back in the Senate. You need to quit having Ray Farabee and other castigating them on the floor of the Senate. Get them back in here so you can go on with business. If you have to drop whatever they're opposed to, you drop it and get on with the people's business." His

executive assistant at the time was very much opposed to that. He felt like that the honor of the Lieutenant Governor's office was on the line and being challenged- and it was- and they could just stonewall them until they had to come back. George Christian and I didn't think they'd ever come back. Anyway, they continued to castigate Grant Jones, Ray Farabee- two very good Senators- and others who would get on the floor of the Senate- of course, the Senate was not in session to do business because there wasn't a forum there, but they could go into session and place a call on the Senate and the highway patrol was running around all over Texas trying to find them; they couldn't. Finally, Bill just said, "Enough. If this is the bill you all are upset about, I will not recognize anybody to"- I'm not sure how he said it or even who he said it to, but that was the import of what happened. When he said that or did that, they came back. Some of them were, and still are, very good friends of mine. Babe Schwartz, I love Babe Schwartz.

NY: Well, let's talk about Babe Schwartz for a minute. He's not what one would call a "shrinking violet."

DA: He is not a "shrinking violet." I want to tell you a couple of Babe Schwartz stories, if you're up for stories.

NY: I'm up for stories.

DA: The House had impeached (unknown) and it was in the Senate- the House impeaches, the Senate tries; the Senate is the trial court, the House is the grand jury. That's how it relates. So, Bill Hobby and I wanted to get on with it and get it out of the way. We wanted to go ahead and try him, and Babe did not want to try. He didn't want to go to trial, and I have no- I never did ask him why he didn't want to go to trial. But he didn't want to go to trial and Babe and I would get on the floor and we would just slash and burn each other on the floor of the Senate debating

whether or not to proceed. Leon Jawoski was the evidential advisor to the Lieutenant Governor because we were operating under the rules of evidence. Hobby banged the gavel and said, "Will the Senator from Galveston and the Senator from Jasper approach the (unknown)." So, we walked down there and Leon leaned over and he said, "You all know that I'm a volunteer. I'm not being paid to be here to be the evidentiary advisor to the Lieutenant Governor, and I just want you to know to hear two great debaters like you two is pay enough." And Hobby just leaned down and said, "Leon, you work really cheap." (laughs) I knew that the Senate was going to be dealing with the Bingo Bill in 1977. And I knew where Babe was going to be on that bill. So, I wrote the head of the Catholic Diocese in Galveston and solicited his opinion on the Bingo Bill, and strangely enough, he was very opposed to it. I wrote the head of the Catholic Diocese in San Antone and asked the same thing and, strangely enough, he was opposed to it. I had this article that I had cut out of the New York Times where someone that was purportedly the head rabbi in New York City was opposed to legalizing bingo. It was a Senator from San Antone named Frank Lombardino and he introduced the bill- Babe sided but he was carrying the bill. Hobby recognizes him, Bill comes up on the floor and I said, "Senator, is this bill written in the"- he's an old policeman is what he was- I said, "is this bill written in the disjunctive or conjunctive?" Well, he didn't know what that meant. So, he said, "I'm going to let Senator Schwartz answer that question." I was trying to get Schwartz on the floor, so Schwartz gets up and he starts in on me about the disjunctive and the conjunctive and I said, "Senator, did you know that the head rabbi in New York City is against bingo being legalized?" And he said, "Senator from Jasper, there's no such thing as the head rabbi. If there was, I would be he!" The bill passed.

NY: Sure.

DA: But he is a different man, and he was very abused on the floor of the Senate when he first came there. Some of the old mossback Senators would abuse him and treat him badly. I can remember- I was so shocked at this- you remember the Winston Churchill story about Lady Aster? She told him he was drunk and he said, "You're ugly and I'll be sober in the morning." (laughs) Well, Moore said that to Schwartz. Schwartz said, "You're drunk, Moore!" Moore said, "Yes, I am. You're a Jew and I'm going to be sober in the morning." I mean, it was awful. I could not believe that that was said to anybody, it was so horrible. Anyway, he was abused but he was a strong Senator and he was mostly right on every issue.

NY: As I do my math quickly in my head, I believe you overlapped some with Barbara Jordan's-

DA: No, I did not. I was in the House when Barbara was in the Senate.

NY: Okay, I did my math incorrectly. There's a reason why I teach history.

DA: (laughs) Good for you.

NY: Yes, this is much more fun anyway.

DA: Yes. If we don't know history, we're bound to repeat our mistakes.

NY: That is true.

DA: Who said that? Besides me.

NY: I have a list of these history quotes.

DA: I withdraw the question.

NY: Okay, thank you. It's going to be the answer that comes to me when I'm in my car, when we're done with all of this. Okay, so you didn't overlap with-

DA: No. No, not Barbara. I knew her. I was very impressed by Barbara Jordan.

NY: Since you did know her, do you mind talking about her for a minute?

DA: No. She had this wonderful voice. It was just almost like this voice of God when she started speaking. She was so bright and she was so right about the issues that she went into. You know, a black woman in a Senate full of redneck men... I mean, she had to be strong to be effective, and she was. Max Sherman, who was in the Senate with me and in the Senate with Barbara and, later, Dean of the LBJ school- this is another one of my dearest friends, I have lunch with him once a month. He wrote a book about Barbara Jordan, and he had CDs of some of her speeches, especially the speech that she made in the House Committee that impeached. It was absolutely stunning.

NY: Do you know during her time in the Senate if she faces some of the sorts of slurs that were directed towards Senator Schwartz or not?

DA: I doubt- I don't know, but I really doubt they treated her like that.

NY: It would be hard to imagine.

DA: Yes.

NY: You've mentioned Ray Farabee. Can you talk a little bit more about Senator Farabee?

DA: Ray came to the Senate in my second term. He was a freshman when I was a sophomore. He sat right behind me. Ray was a very bright guy. I really love Ray. He's very (unknown)- was,

he's dead now. At the time, I chewed tobacco and just to sort of tweak his nose, I would go back and spit in his wastebasket which really would just stun him. He would just be stunned that somebody would do that, but he needed his nose tweaked. He was a very good Senator, he was very bright, he was right on the issues. I would say that Ray was a populist, like I was and am. He was married to a wonderful woman that was so bright and she really had a lot of influence on, for instance, indigent healthcare. She was sort of the Scribner of the indigent healthcare bill that Bill Hobby saw go into law and she was also very influential in the reforms that had to do Mental Health and Mental Retardation. Ray was a very fine Senator and a fine, decent man.

NY: When you left the Senate, you worked as a lobbyist.

DA: Yeah.

NY: What was it like?

DA: Awful.

NY: Okay.

DA: I hated it.

NY: Okay. That-

DA: What else?

NY: Okay. I'll go back and ask a couple of big picture questions as we wrap up here, 'cause we're just about out of time.

DA: I got plenty of time. No, go on, I know you've got- (laughs)

NY: Can you talk about the changing business and economic climate in Texas during your years in state government. The state underwent some- or began undergoing some important shifts with the diversification of industry, the crash of oil, the rise of medical education and medical research as an important driver of the economy.

DA: Well, I think that some of the most important things that the legislature did that helped build an industrial business climate in Texas- and that's two different things, even though industrial is part of the business climate- is the devotion to higher education, and at least *trying* to address K through 12. John Sharp- when John Sharp ran for Lieutenant Governor, he had some statistics that were just absolutely phenomenal about what education did to the business climate of this state. Unfortunately, he didn't get elected and, unfortunately, the things that he was proposing essentially didn't get into law. But the state has always- except in the last two or three sessions of the legislature- has been very supportive, especially under Bill Hobby, of higher education and the advent and the building and the support of institutions that- the word won't come to me... well, I'll think of it. I'm like you and that quote; I'll think of that word later.

NY: I withdraw the question.

DA: Okay, all right. (laughs)

NY: Something else that began- well, it wasn't new...

DA: And besides that, there is a direct correlation between the prison population and education- a *direct* correlation. If they aren't educated, they got a good chance of ending up in prison. That is such wasteful assets of the state. We are probably one of the- We have the largest prison system, certainly in the United States, and in many countries in the world. It's a waste of

assets. When you could educate people and give them an opportunity to get ahead in life.

Anyway, whatever.

NY: The 70s also saw an increase in state affairs and that was not a neutral development; that was certainly controversial. Do you have observations or thoughts?

DA: Yes. I can't remember the term that they used for it, but there was a certain amount of federal money that would come back to the state for whatever they wanted to use it for. That was sort of the beginning of the so-called "Rainy Day Fund," because it was Bill Hobby's notion that that money may or may not last and we need to put it up to help us through hard times. They didn't call it the "Rainy Day Fund," I don't know what he called it but it turned into the "Rainy Day Fund." He made that program important for Texas. If the Republican legislature could unbind the constraints of their minds and go into the Rainy Day Fund for the \$5 billion they didn't put in public education- I mean, if it wasn't raining then, it wasn't going to rain. That's what that money was for. That was a severe blow to public education in the state, that \$5 billion that Rick Perry or whoever would not fund public education. It's never going to catch up until there's a change in the funding mechanisms for public education. George Bush's so-called ad valorem tax relief bill, which was nothing more than rolling a loan into the next biennium which we're still carrying, rolling down the hill. I'm a Democrat.

NY: I think you're dying out.

DA: A "Yellow Dog Democrat." And so is my cousin.

NY: Is there anything that I haven't asked you that I should have asked you?

DA: That is a lawyer's question if I ever heard one. I have asked that of so many juries- I can't count 'em. Is there anything I have not asked you that I should have asked you that I'd want to know to put you on this jury? That's a lawyer question.

NY: Sorry!

DA: I can't think of anything.

?: I'm going to throw something in about Hobby. One of his treasured strengths is that he has an uncanny ability to bring good people to him to carry out things that he wants done constantly, wouldn't you agree?

DA: Oh, yeah. He had the best staff in the Capitol.

NY: So, how was he able to bring all of these good people together?

DA: Because he was right in the positions that he held. They were logical, they were right, his leadership was by example, instead of driving people, he convinced them of the logic of his positions, and that attracted very bright people to his staff.

NY: It made people want to work for him, then?

DA: Yes.

NY: Okay.

DA: Okay. I've had a good time, Nancy.

NY: I have, too.

?: This is wonderful, I could listen to this all day.

NY: We could do more, I'm sure, but we promised you two hours, so...

DA: Yeah, I've got to catch- I ride the bus. I ride the bus between Austin and Houston, and Bill Hobby is responsible for that. I'm on the Hobby school advisory board and I have a cousin down here, so I'm coming to Houston often and driving, and I asked Bill- Bill has a Citation V, which is a really fancy fuel jet airplane- and I asked him, I said "Bill, do you come in to"- he has a duplex in Austin- I said, "Are you flying up here?" "No, I'm taking the bus." I said, "The bus!?" He said, "Yeah, it's cheap and I can read; it's certainly cheaper than flying that airplane. I can read and it doesn't take any longer than a car." So, I tried it and I love it, and now there's- that was a pretty blue-collar bus that I was on- but it was real cheap. A round-trip ticket was about \$18, and it didn't take any longer than driving a car down here and it certainly was not as hassling as flying out of a public airport. Now there's something called "Vonlane," which is... the seats in Vonlane are really first-class airplane seats: very comfortable, they've got internet, they've got WiFi, they've got television, they have a hostess that walks the aisles offering you drinks and snacks-

?: No security, you can take as much luggage as you want.

DA: Yeah, I can carry my pistol on that bus without ever having been searched.

NY: Okay.

DA: Don't put that in here. (laughs)

?: You can get there- it goes door to door, Hyatt to Hyatt in the cities that it services- you can get there 10 minutes or 5 minutes before they leave and just walk on.

DA: And if you've got a cousin in Houston that picks you up at the Hyatt and lets you stay at her house...

?: Last time I went to Austin, I was going to be there for a while. My son was coming down with his crew and we were all out there for the 4th of July. I had a big bag because I was going to be there for several days and I had another smaller bag, and then I had a big Yeti thing that Donna gave me full of food, and I had a box with a silk flower arrangement I was taking out there. And I said, "Good grief, Paul I need to clean this picture; it's a straw-hat and goose under my arm." They just put it all on there, no questions about-

NY: No weighing it?

?: No nothing.

DA: Well, Nancy it's been fun.

NY: It has been a lot of fun.

DA: Thank you for letting me do this.

End of Interview