

Interview of Dave Heinemann by Burdett Loomis, July 10, 2014

Kansas Oral History Project Inc.

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HEINEMANN: And I will never forget how ballistic Mike Hayden became when he found out every dollar went for the building and they were three, four million dollars short for the exhibits that they had to construct.

LOOMIS: Right, right, right. So, this is the inaugural legislative—state legislature interview for our Kansas State Legislature Project. The first interviewee, committee member and guinea pig, Dave Heinemann.

HEINEMANN: [Chuckles.]

LOOMIS: And thanks so much for doing it. This is Burdett Loomis, the interviewer. And I've got to remember to get a release signed from you, which I have upstairs. Don't let me go without that. So, it's July 10th, 2014, and we're just going to start with some questions for Dave, and we'll see how this works out. This is the first of, we hope, many, many such interviews. Okay, so how did you initially come to run for the Legislature?

HEINEMANN: Well, it's very interesting. I was here at Lawrence, going to the University of Kansas Graduate School, international relations, which is what I was hoping to be, in the foreign service. And I was fortunate to have as a roommate Jim Concannon from Garden City. He and I had done things together, and the strange story is, is one night at the [Wagon] Wheel, a local pub, we were discussing how in Garden City the State Representative seat had become vacant because the incumbent was not running again. He was running for Congress. And there was only one person running, Bill Lewis, president of the school board, a local farmer. And we decided that, well, if he's the only one running, then there ought to at least be a contest.

LOOMIS: What year was this?

HEINEMANN: This was 1968, and that was the other thing that I think got us involved. If you will recall—Vietnam War. Students were becoming more active. Previously, I had been at Augustana College in Sioux Falls, South Dakota, a small Lutheran college. And I ended up being in a civil rights march, in a blizzard, something that I never expected. And the reason was one of my religion professors had a best man at his wedding who was one of the three that ended up in that dam in the South after they went to help register voters. And he took it very hard, and he felt that there should be some form of protest, peaceful, and that's what we did. I can say I was called a nigger lover, because that's the epitaph they shouted at us as we marched. So, I sort of had the sense that we ought to become involved, and, again, we had the other stuff. [Robert F.] "Bobby" Kennedy had showed up at KU, and [later] he had been assassinated. Martin Luther King [Jr.]. Bill Cosby. I was at his performance here the evening that Martin Luther King was assassinated, and Bill learned of it at halftime, when he took his break, but he didn't let the crowd know, and he finished. So, it was very involved, and Jim and I were talking about, well, you become involved by becoming part of the process, and by part of the process, maybe you can make a difference. And I think that was one of the key things. You know, we'd been looking how can we become involved and do things, and, of course, how I became involved was how not to do it.

LOOMIS: [Laughs.]

HEINEMANN: On the last day to file for office, I went to Topeka. Never been to the Statehouse [Kansas State Capitol Building] before. And about fifteen minutes before the noon deadline I asked, "Has anybody else filed from Garden City"—for this House seat. And the answer was no. So, I had five dollars on me, which was the filing fee back then, and I filed. And I called Jim back home and said, "You're a campaign manager," and I thought things were great until the next morning, when he called and said, "Oh, by the way, the newspaper has a story about the fact you got a primary opponent." As it turned out, I had never even talked to the party locally, so we had a primary. And we became involved in what was probably one of the best political campaigns Garden City ever had. There was door knocking, yard signs, letters. And the person I beat was actually a local businessman, Claude Robinson, a former president of—well, it used to

be a different version of the state chamber. But it was the door knocking and the personal activity that got me through the primary and the general elections.

And one of the unique things was probably twenty-five years later, one of my friends said, “You know, my mom pulled me to the door and pointed across the street”—with me door knocking, and she said, “This is what you kids ought to be doing today instead of all this other stuff.” So that’s the short story of how we got there.

LOOMIS: So, you covered this a little bit. You were a student before you ran. Growing up, was your family particularly interested in politics at all?

HEINEMANN: No, they weren’t. They were a farm family in northeast Nebraska, and in 1958 we moved to a farm outside of Garden City. Ironically, we lived four miles from the Clutter family when they were killed a year later. So that has interesting stories, too, in my background.

LOOMIS: Sure, sure.

HEINEMANN: But no politics.

LOOMIS: Mm-hm. Do you think there’s something in your family, though, that impelled you? You talked a little bit about the civil rights movement, but were there kind of some values there that you might have, you know, been [expressed with? 1-6:26] with politics?

HEINEMANN: I don’t know if it’s values as such, but I was blessed to have two loving parents, who celebrated sixty-seven years of marriage before they passed away, and that’s something rare in this country. And I think it’s something that was able to give me a foundation. While it was not political, it was something about family, [caring? sharing? there’s a lot of folks that use those words today, but I don’t think they really understand the basics of it like I do, as we each would normally.

LOOMIS: So—jeez, I’m losing the thread here. You talked a little bit about your first campaign and the door knocking. What was the district like that you ran in at this time? What kind of a district was it?

HEINEMANN: Okay, this district was basically all of Finney County, which meant that there was a lot of rural to it, although the population center was Garden City. It was sort of like Garden City was an urban center in a sea of rurality [sic].

LOOMIS: About how big was Garden City in those days?

HEINEMANN: Back then, probably 10,000. And it has just continued to grow. I mean, Garden City—we could do all sorts of great stories about how that community has adapted through the years and decades.

LOOMIS: Right, right.

HEINEMANN: But it was basically a good, small community, rural. I remember a State Board of Education Member, [I. B.] “Sonny” Rundell, years later talking about how I parked out near a field where he was driving his tractor and had walked out there to ask for his vote. And I had totally forgotten about it.

LOOMIS: Mm-hm.

HEINEMANN: But it was—we had a very personal campaign. And I think that’s where the smaller House seats sometimes, particularly in rural areas, tend to get people who know their community a little bit better. Through the years in the Legislature that I’ve seen, there are some key legislators who are able to stay there, do what they feel is right, and consistently feel that they can be reelected because the people trust them. It’s sort of like the best compliment I ever had as a legislator was one time right after the session ended, I was walking down Main Street, Garden City, and one of my friends walked up to me. He said, “Dave, I saw your vote on that bill, and that was the worst vote you’ve ever made. But I know you. You must have known something I didn’t know. What was it?” Five minutes later, after we discussed it, he says, “Well, they never put that in the paper. If I had known that I would have voted the same way you did.” But what his comment was: He trusted me to do something. And I think this is what we’ve lost a lot of in our country as far as what is true representative government? Because every person, myself included, does not know everything on every bill that’s taking place, and so the key is trusting individuals. And I think that’s why they trusted Nancy Kassebaum and Bob Dole through the years—whether people disagreed with them on an issue or not, they trusted them because they felt they were trying to make the best decision with the information they had, and that they weren’t reacting to the polls, that sometimes give you the wrong answers.

LOOMIS: You really gave an answer that’s straight out of a textbook on representative government, a delegate who listens to the people all the time, a trustee who is given some rein.

HEINEMANN: Well, it's interesting, too. I have a letter that I've kept from Clifford [R.] Hope Jr., one of my mentors in Garden City. It was after a campaign, and he penned this letter, and it said, "I tried to call. You weren't there." And he talked about how my opponent had made the comment that a representative ought to be able to vote as polls tell them to, not as to how they think. And he said, "This person does not understand true representative government. Thank God you do." That's why I think it's very important. One of the other things, if I could go off course, is it wasn't until after I left the Legislature that I suddenly realized I had served with a cadre of individuals that we will never again have in the legislative process, and those are World War II veterans.

LOOMIS: Mm-hm.

HEINEMANN: Several of them who I never knew at the time I served with them that they were World War II vets.

LOOMIS: Yeah.

HEINEMANN: They never put it on their shoulder. I remember some saying, "Dave, we need to pass this legislation. It's good public policy. But back home, they don't like it. Well, I'm gonna vote for it anyway and then go back and try and explain it to them." It's just like being on a conference committee with Bob Bennett when he was chair of the Tax Committee in the Senate. He cared about public policy, and he knew his history. He had survived [the Battle of Pork Chop Hill] as a Marine in Korea. The other interesting story I have, which is about our—a federal district judge now, who served as president of the Kansas Senate, and it wasn't until after I left the Legislature, I learned that he had been a World War II vet. But one day I was talking to a friend of mine in Topeka about the Tuskegee Airmen, these black fighter pilots. He said, "Oh, that's interesting. We had one of these guys speak a couple of weeks ago at our Rotary or Kiwanis Club." He said, "At the end of it, this old judge got up in the back, and he said, 'Sir, I'll have you know that I served in your theater of operation. I'll also have you know I'd had over twenty missions under my belt as a navigator, and after a mission we were hit by flack. We'd lost an engine. A couple other engine could hardly make it. We could not maintain altitude, and we knew those German fighter pilots had us. I looked down on the right. There was a Red Tail [nickname for the P-51 Mustang airplane the Tuskegee Airmen flew]. I looked

down on the left. There was a Red Tail. Sir, thank you for saving our crew as he saluted the speaker.' And he said—there just wasn't a dry eye in the house after the judge spoke.

LOOMIS: No.

HEINEMANN: And I said, "Was that Judge [Richard D.] Rogers?" He said, "Yeah." And there have been recent public stories about Judge Roger's WW II service.

LOOMIS: Yeah, yeah.

HEINEMANN: But there were many of them. And I think the thing was that there were so many that we will never have that confluence of as many veterans in the future.

LOOMIS: Right.

HEINEMANN: And it's, like, [U.S. Senator] Bob Dole, [U.S. Senator] Daniel Inouye [pronounced IN-oo-way] and the others that you could see who were ideologically apart, but they never distrusted each other because they knew they had integrity, they knew that they cared about the same country they had both fought for. They just had different ways of doing it. And today we have people that have not had that background to work together, who instead tend to take to the ideological extremes, and "It's my way," and we end up with nothing happening.

HEINEMANN: And it also flows through at the local level.

LOOMIS: Oh, yeah.

HEINEMANN: And the state. We will never have millions of Iraq veterans or Afghan [sic; Afghanistan] veterans like we did after WW II.

LOOMIS: No.

HEINEMANN: And in that war, you were drafted, you went off. It's so different today. But, again, like I said, I was blessed to serve with these folks, and we miss them.

LOOMIS: Absolutely. So, once you were elected—and I assume that the primary was a real election in Garden City at that time.

HEINEMANN: Oh, yes.

LOOMIS: How did you approach your first term? You're fairly young. You're going to Topeka. I mean, what did you do to get ready? You know, can you remember?

HEINEMANN: Well, I don't remember how much I got ready because it was all so new to me. I'd never been there before.

LOOMIS: Right.

HEINEMANN: And I was very fortunate to have got to know and supported the House Speaker, Calvin [A.] Strowig, and I got to know him a little bit before the election, and—

LOOMIS: The election for Speaker.

HEINEMANN: No. Well, —

LOOMIS: The general election.

HEINEMANN: That was before my—

LOOMIS: But he knew you were going to be coming.

HEINEMANN: Well, yes, yes. And in particular, I learned as a freshman what happens after you win your election to the Legislature: You're happy, and then suddenly this cold chill sets in when you realize there's leadership races.

LOOMIS: Mm-hm.

HEINEMANN: Because everybody comes storming after you, wanting you to support this person or that person, and with Cal Strowig it was the same thing. Cal was former chairman of the Tax Committee, and his opponent was Jack Euler, the chair of the House Judiciary Committee, and the rumors had it that Jack Euler had the speakership locked up by at least six votes. But I had known Cal, and I'd actually been invited to a local Garden City attorney's home, and this was before I had ever thought of going to law school, myself, and all the lawyers there were introducing me to Jack Euler and saying, "He's the one, he's the one." So, we had the pressures both ways, and there are stories after that time frame as to how things even got a lot worse. I mean, in some years it's very extreme on how the pressures are put and how other people respond. Anyway, I remember sitting at my desk, and next to me was [J. M.] Jim Ungles, another newly elected representative, from western Kansas, and we were discussing, "Who are you going to support for Speaker?" And he said he was going to support Euler. And I said, "Well, I'm not, for these reasons." And then he finally said, "Well, you know, I like how you're thinking. I think I'll switch." And Strowig won by one vote.

LOOMIS: Oh, no kidding!

HEINEMANN: And it just shows how important one vote is, no matter where you're at. I don't know whether it was because of that or not that I ended up as a freshman being on the Assessment and Taxation Committee, which is one of the plum committees.

LOOMIS: Sure. Absolutely.

HEINEMANN: And that sort of set things up for the people I knew and gave me insights on how things were going.

LOOMIS: Right, right. So, in those days, did you go ask for a committee, or were you just assigned?

HEINEMANN: Basically, the Speaker is totally in charge.

LOOMIS: Right.

HEINEMANN: At that time, I didn't know how to ask for anything. I was just hoping for something nice.

LOOMIS: Yeah.

HEINEMANN: And I think he put me on the Tax Committee because we had gotten along well, and he loved that committee, and that became very clear as I worked with him during the next four years when he was Speaker, because he was very intent. I'll never forget the time that the chairman of the Tax Committee passed out an income tax bill Speaker Strowig did not want, and he basically physically grabbed him by the collar, pulled him to the elevator, and I happened to be there and for a few minutes just heard about how the Speaker did not appreciate what the chairman had just done. And not too surprisingly the next day, the tax committee chairman called for a motion to reconsider the committee's action in passing out the income tax bill. So, it's just part of the interesting insights.

LOOMIS: Sure.

HEINEMANN: I mean, with Cal Strowig—and maybe we can digress here a little bit, but—

LOOMIS: There are no digressions.

HEINEMANN: [Laughs.] Anyway, Cal Strowig was from Abilene, Kansas, and he also ran a movie theater. And when Dwight [D.] Eisenhower wanted to announce for the presidency, he wanted to do it in his hometown, but there wasn't any place big enough but the movie theater.

LOOMIS: Right.

HEINEMANN: So, Cal Strowig had the privilege of having a future president of the United States announce what he was going to do in his movie theater.

LOOMIS: Oh, that's fantastic, yeah.

HEINEMANN: Now, the tragedy is that theater doesn't exist, —

LOOMIS: Right.

HEINEMANN: —and we did not save it.

LOOMIS: As with many theaters across—

HEINEMANN: Yeah, yeah. And then the other thing, too, was my first session was 1969, and Dwight Eisenhower died during that session.

LOOMIS: Ah.

HEINEMANN: And the Speaker organized for the Legislature to be bused to attend the funeral of Dwight Eisenhower in Abilene, Kansas. And that's when I saw how they'd all pre-planned it. I mean, they had the concrete things in for the towers to go up. The press was so different back then.

LOOMIS: Yeah.

HEINEMANN: And one humorous thing: I'll never forget how the people planning it didn't know how tall people were.

LOOMIS: Ah.

HEINEMANN: Because they had Lyndon [B.] Johnson walking—as president, walking right next to Governor [Robert B.] Bob [Docking].

LOOMIS: Right.

HEINEMANN: And it was sort of like a Mutt and Jeff.

LOOMIS: And it's probably because—you know, you think Docking, you see him in the pictures. Now, for me, who never knew him, I see him—he's a kind of burly guy, and he's got a kind of big presence, but was short.

HEINEMANN: Oh, yeah, yeah, yeah. And—well, we could discuss issues about Docking.

LOOMIS: Well, I mean—well, actually—so aside from the Speaker, you know, who helped you in that first session learn to be a legislator? Or were you kind of tossed in the pool?

HEINEMANN: I started in the pool, but I was also one that—I wanted to sit back and listen.

LOOMIS: Mm-hm.

HEINEMANN: And in that regard, maybe I was too quiet, because I found that while there were issues then because of the fact that we had recently reapportioned under one-man, one-vote.

LOOMIS: Right, right.

HEINEMANN: And in particular, we had an urban group that sort of started coming together because they wanted to undo a lot of what they saw was bad legislation as far as which districts got what. Highway funding was one of those issues. Wendell Lady, who subsequently became—a number of years down the road the Speaker, was leading that group. But what I was wanting to mention was we had another group of rural legislators that would meet among themselves to discuss what the other side was doing, — and I'd always be invited to that group.

HEINEMANN: Then the urban group would meet, and since I was from Garden City, which had a nice urban area, I was invited to that group, and so during the first few years, I'd be listening to both sides, and I don't know if either side understood I was sitting in on the other side.

LOOMIS: Right, right, right.

HEINEMANN: But I just felt that you learn by sitting back, following, and listening, and then take your opportunities. I think today we have it so differently. We've had some people come in, and they've watched C-SPAN, and they think that they've got to charge out and try and do this change or do that change. But true change comes from learning the people, learning how they operate, how they think and how do you work with them. And it was a lot easier back in those days.

LOOMIS: Yeah.

HEINEMANN: And, plus, you know, there were a lot of demographic differences. There was only one woman in the House my first session. That changed. I'll never forget in 1972 I sponsored a resolution where Kansas ratified the Equal Rights Amendment. And I had eighty-seven men voting for it and all the women voting against it. Both of them voted "no."

LOOMIS: No kidding. [Chuckles.] I did not know that. Is there anything else that sort of stands out in your first term in terms of how you, you know, begin to maybe think about your life or whatever? You're a legislator. Does that change the way you thought about what you might do? You're still a young guy.

HEINEMANN: Yeah. Well, actually, it totally changed my career. The fact I had five dollars to file. You know, I've always contended it's the small things that change your life. But there were a lot of the old-timers that I'd chat with, and they'd say, "Gosh darn it, if I was young and single like you, I'd go to law school. Look at all the lawyers around here." And the truth was, there were about forty lawyers in the House.

LOOMIS: Right.

HEINEMANN: In the Senate, over half were attorneys.

LOOMIS: Yeah.

HEINEMANN: And so, I started law school. But the irony was, we went through some changes, and suddenly it didn't work for a lot of lawyers. They went back home, and their partner said, "Okay, make up your mind. Are you an attorney or not?"

HEINEMANN: And before I became a lawyer, I was the first layperson on the House Judiciary Committee, because they didn't have enough attorneys to fill the committee slots. It used to be that every lawyer was part of Judiciary, so they had a forty-member committee. But that changed. And I think what also helped in that was that—I went to Washburn [University School of Law], and it was actually the first class to be held in their new building, and I took Criminal Law under [Raymond] "Ray" Spring, who was also later Dean of the Law School. And the Legislature was codifying the Kansas Criminal Code, so all of this chapter was put into a bill that's about 200 pages long.

LOOMIS: Uh-huh.

HEINEMANN: And I was also taking classes from the professor that helped draft it.

LOOMIS: Uh-huh, right.

HEINEMANN: And so suddenly the law school is a little bit more interesting, and the Legislature is more interesting.

LOOMIS: Right.

HEINEMANN: Then my second year of the Legislature, we codified the Code of Criminal Procedure. And, again, I had the same professor who had helped write it.

HEINEMANN: And then finally, the Corporation Code—Kansas used to be just totally outdated. Folks were incorporating in other states just because we were so bad. We recodified it, and I

just happened to have [William E.] “Bill” Treadway teaching Corporate Law, and he was one of the drafters of that rewrite. In fact, I was almost worried that my grade depended upon whether this one amendment could get on the bill because he didn’t like the bill in the form, they had it introduced.

LOOMIS: I’ll be darned.

HEINEMANN: But that’s how it worked. It was just everything seemed to work together.

LOOMIS: Could you go through Washburn Law School in three years?

HEINEMANN: I took four. I probably could have gotten out earlier but for the fact that I had an opponent, and I felt that it could be politically damaging to be called a carpetbagger, or “What’s he doing? He’s in law school. Why isn’t he back here campaigning?”

LOOMIS: Right, right, right.

HEINEMANN: And so, I didn’t sign up that fall semester, but then my opponent withdrew, and they couldn’t find a replacement—

LOOMIS: Ah! [Laughs.]

HEINEMANN: —so I was knocking doors, anyway, without an opponent.

LOOMIS: Right. We’re actually tracking these questions pretty well. Over the course of your career, how many times did you face any kind of serious challenge?

HEINEMANN: I think the most serious challenge I had was there was a gentleman by the name of Rodney. He was the youngest mayor Garden City ever had. And we had a knock-down, drag-out campaign. But the good news about that: It was not like the campaigns of today. I don’t recall him ever saying anything negative about me, and I never said anything negative about him, but we did the full TV ads, the door knocking, and we’d bump into each other, knocking doors.

LOOMIS: Sure.

HEINEMANN: And I was amazed: After the campaign, a couple of folks came and said they’d never seen a political campaign like this, where two folks could actually campaign and not turn it into what they hated with all these negative, negative campaigns.

LOOMIS: Right.

HEINEMANN: That was probably the closest one because the person was very qualified.

LOOMIS: Yeah. Do you have any sense why he chose to challenge you?

HEINEMANN: Yes and no. He actually came into my law office when he was thinking about it. Asked how much the job paid. [Chuckles.] And I didn't think that would encourage him. I know one other legislator that always spoke to his local city leadership group, and the first thing he'd tell them is how much the job paid so they wouldn't get the idea to run against him. But this person also—Rodney had intended to go to law school, and he probably had seen how I had done that while I was in the Legislature. It sounded like a natural for what he wanted to do.

LOOMIS: Sure, sure. What year was that? Do you remember?

HEINEMANN: That would have been 1976 or '78, something like that. And I was also fortunate back then to have had I think after that race about a ten-year span of no opponents. And late in my political career, it started to be where you'd have primary opponents.

LOOMIS: Would they be more ideological?

HEINEMANN: Yes, definitely ideological.

LOOMIS: So, you could see what the future was portending.

HEINEMANN: Yes, exactly, exactly. My successors have had extremely difficult primaries, where the ideology was a major issue among the folks challenging them. And that's sort of—it's reflective of politics today and the difficulty you have in getting people really to go out and vote.

LOOMIS: Right, right.

HEINEMANN: Because you know one side is—and the other? How do you rally them?

LOOMIS: Yeah, yeah. So, as you progressed in the Legislature or at least continued on, how did your career evolve? Maybe second—it was still fairly early with your second, third, maybe fourth terms.

HEINEMANN: Okay. Actually, I think the fact that I tried to work hard with what I was doing and tried to be a team player, so to speak—I ended up getting some better committee assignments and things. Legislative Post Audit was a new Committee that was created. House Speaker [Duane S. "Pete"] McGill, who followed Strowig, really didn't like to get into the minutia of stuff like that.

LOOMIS: Right, right.

HEINEMANN: I ended up being on the House Ways and Means Committee at probably back then the youngest age ever. And the Speaker could, instead of taking a position on Post Audit, appoint someone else, and so I was appointed. And so that gave me another opportunity to start working. And I think what helped me through my career was that I took advantage of opportunities to do work that maybe some other folks didn't want to do. One of the key times I think it paid off was when [John Michael] "Mike" Hayden became Speaker, and I'd never been on the House Energy and Natural Resources Committee. He suddenly put me on the Committee as Chair. And as Chair—that year we had the Wolf Creek [Nuclear Power Plant] hearings.

LOOMIS: Mm-hm.

HEINEMANN: As you probably could recall, the nuclear power plant had actually been under construction. I had been out there and seen it while it was under construction. And the Legislature had a policy, a law that construction work in progress could not be put into the [public utility's] rate base. What that meant was, is that as a ratepayer you could not have any part of that plant's cost put into your utility bill until it was completed.

LOOMIS: Right.

HEINEMANN: Before the Legislature did that, it was traditional utility regulation that while it was being constructed it could be added to your utility bill. What the nuclear power industry does—there were all sorts of federal changes and regulations, and what was a very—I'll call it a small—it was a costly project, but it basically tripled, or more, in cost so that when the time came to then put it in the rate base, there was terrific rate shock. I mean, it was turmoil.

LOOMIS: Right. Yeah.

HEINEMANN: We actually held our hearings in the old Supreme Court room. It was probably one of the first hearings where we'd actually had court reporters because the KCC [Kansas Corporation Commission] wanted a distinct record of what was going on. And we ended up with a very contentious session as to how we were going to handle it. We finally crafted a piece of legislation that basically gave guidance to the Kansas Corporation Commission as to what they could allow or not allow to be put into the rate base, and the timing of it, which basically gave them the authority to meet with people with the expertise rather than to just purely legislate it.

LOOMIS: Mm-hm.

HEINEMANN: And I remember one legislator bringing the president of one of the utilities into my office and basically saying that he wanted me to do what they wanted. But that is something we would not do.

LOOMIS: Right.

HEINEMANN: That is not how you do good public policy.

LOOMIS: Right.

HEINEMANN: So that was the first instance. And ironically, we also did the state water plan in that committee.

LOOMIS: Is that right?

HEINEMANN: And that was very contentious. Water is still a major concern today.

LOOMIS: Sure.

HEINEMANN: And that's where I worked closely with Senator Charlie Angel in the Senate. He chaired that committee. And we finally came up with a good plan to start on something that was a law that continues to need change, and right now, with the depletion of the Ogallala [Aquifer], I think the public understands how important water policy is.

LOOMIS: Yes.

HEINEMANN: You only understand when you run out.

LOOMIS: Right, right. Why do you think Speaker Hayden appointed you to be chair with no committee experience?

HEINEMANN: You'd have to ask him.

LOOMIS: [Laughs.] I'm sure he'd tell me that.

HEINEMANN: But previously a new committee had been created under Speaker [Wendell E.] Lady, Pensions and Investments. And I was the first Chair of that Committee. And back then, we I believe did what was prudent in requiring sound funding of retirement plans.

LOOMIS: Mm-hm.

HEINEMANN: I remember that we totally upset the City of Topeka when we mandated that their police and fire become actuarially sound over a ten-year period, and it was a ten-mil increase, a huge tax on them to do that.

LOOMIS: Yeah. Right.

HEINEMANN: Unfortunately, about twenty years ago, the Legislature suddenly decided, Well, maybe we don't have to fund this, KPERS; we can postpone it, we can postpone it.

LOOMIS: Right, right, right.

HEINEMANN: That's not how you do good public policy. You've got to fund the system. And I've been disturbed to see how—the KPERS [Kansas Public Employees Retirement System] system I think has been changed to where it is not going to be as good for our retirees as it should be, —only because the Legislature found it easy not to actuarially fund it.

LOOMIS: So, you have served on a whole variety of committees over the course of your career.

HEINEMANN: Yeah. Even some committees I didn't want to be on. [Chuckles.] In fact, that's an interesting story when you talk about lawyers. There was one session that Speaker [James D. "Jim"] Braden handed out committee assignments, and I thought I'd get my usual, because I was on the Appropriations, Judiciary and chair of the others, and suddenly he said I'm on the House Ag[riculture] Committee. And I said, "Hold it!" So, I stormed into his office and said, "Jim, I've never been on this Committee. I don't want to be on this Committee. I haven't got time to be on this Committee. What's goin' on?" And he sort of backed up and said, "Well, let me explain." And what had happened is that with the shortage of attorneys had gotten to the point where he had that committee chair demand that she have at least one attorney on the committee, and it wasn't until after the first meeting I understood why. At that first meeting I attended of the Ag Committee, we had the proponents come in on this beautiful, wonderful, milk-and-honey bill that needed to be pass, followed up by the opponents who said, "This is rat poison. This is awful. This is the worst thing in the world." And when they all left, the Committee members converged on me and said, "Okay, Heinemann, you're the only lawyer here. Now, what happened?" Well, what the Ag Committee dealt with was a bill dealing with treble damages on worthless checks. And the committee members had no clue as to all the intricacies—of the things that were being talked about, and so the Chair I think was totally correct in what she wanted. She wanted a House member that they knew they could trust—who also had a legal background, to be able to tell them what to do. And even later, when the Democrats took control—there was a Democrat Chairman, and we had a bill dealing with

limited liability companies, and that person was just convinced that LLCs were the way that corporate farming was going to be pushed into Kansas. And it took me some time to try and convince the chair that an LLC is not a corporation; in fact, it was an entity some farmers could use when they left the farm to try and keep it in their own family without having all these other problems. But it sort of sums up, I think—my personal feeling is that there are too few attorneys in the Legislature.

LOOMIS: Right, right.

HEINEMANN: Now, the public thinks there are probably, you know, 90 percent lawyers.

LOOMIS: Yeah, yeah, yeah.

HEINEMANN: But attorneys—they're used to working both sides, and attorneys can disagree, and for the most part, I find when attorneys are on a committee, if the policy is worked out, whether you agree or disagree with it, you know how the law needs to be written to make it work for those who are going to have to deal with it.

LOOMIS: Right, right.

HEINEMANN: And sometimes I think we create some problems because the practitioners understand the nuances that just a law graduate would not necessarily understand.

LOOMIS: So, thinking more about your career as a whole, is there some kind of career arc or pattern or is it mostly moving from one thing to another, given the talents of listening and bringing people together, etc., that you—you know, was it in a sense that Braden was fairly late in your career, and here he is, you know, popping a surprise on you. So, can you plan a legislative career, do you think?

HEINEMANN: I don't think I could have planned it myself. I see people who are legislators who think they're planning their political careers. I think in my case, I was just lucky and fortunate to be at the right place at the right time to allow it to happen. I felt my career was one to really try and do what was right. There's too often what I consider politicians who are the prune-finger politicians. They try and see which way the wind is blowing, jump in front and pretend you're the leader. There are also legislators that they look at a vote on a bill, and they—"Oh, my gosh, I'll lose," or whatever. I used to do that maybe the first year or two, and then suddenly it just dawned on me, Well, really, with all these campaigns and stuff, I've seen how people who

voted for a good bill—it's been turned around the other way. So, once I felt that my voting record would be like a Bible, where anyone could look at it, —

LOOMIS: [Laughs.]

HEINEMANN: —and read it as how they wanted to, —

LOOMIS: [Laughs.]

HEINEMANN: —suddenly, why not just do what you want, —

LOOMIS: Yeah.

HEINEMANN: —and then every time you do that you understood what you were thinking when you did it. It is like that individual I met on Main Street, Garden City, years ago—

LOOMIS: Right, right.

HEINEMANN: —and if you have an opponent—you explain it, you can explain it truthfully, you don't get caught in the problems of some of these folks trying to make up history after you've created it.

LOOMIS: Right.

HEINEMANN: And I think that's—I just felt so much more comfortable just trying to do what I felt was right.

LOOMIS: Right.

HEINEMANN: I mean, I have consistently opposed the death penalty, being from a district where, if you did a poll, it would have been 90 percent in favor. I have been at legislative coffees where people have gotten up and yelled at me, "Well, I'd pull the switch."

LOOMIS: Mm-hm.

HEINEMANN: But laying out just what's honest—it was always amazing after those coffees how many people quietly came up later and said, "Dave, I agree with you, but I was afraid to stand up and say anything." And it's just my philosophy as to how you ought to conduct yourself.

LOOMIS: Sure, sure.

HEINEMANN: I'll never forget: On the death penalty debate, the year that we imposed it in Kansas—I had an amendment that would have, instead of death, provided life without parole. I was one vote short.

LOOMIS: No kidding!

HEINEMANN: After that vote, a legislator came to me almost in tears and said, “I had to vote against you on this because I promised in my election, I would support the death penalty, but I’ve learned more since then, and I really would have liked to have supported your position, but I couldn’t because of what I told somebody.”

LOOMIS: Yeah. Yeah.

HEINEMANN: And that’s part of it, too, that too often everybody has to sign these pledges, — which I think is—that is not being a responsible representative—because you’ve tied your hands before you know the facts in front of you when you have to make a decision.

LOOMIS: Right.

HEINEMANN: Well, I could go back—for instance, if I’d signed a no tax pledge back in 1992 when we redid our school finance, —

LOOMIS: Mm-hm.

HEINEMANN: —I could not have supported a bill that would have given significant tax relief to my district, and here’s why: That bill touched income tax, sales tax and property tax, and as a whole, my school district—if I hadn’t supported it, I don’t think [chuckles] I would have got reelected. They were looking at paying eighty mils, the Garden City school system, to support their school system under the property taxes of the then-existing plan. The Holcomb School District, which had IBP [Iowa Beef Processors], the world’s largest beef processing plant —

LOOMIS: Right, right, right.

HEINEMANN: —and also the Sunflower Electric Cooperative, the coal fired [power] plant.

LOOMIS: Uh-huh.

HEINEMANN: —the Holcomb school mil levy would have decreased to less than twenty mils.

LOOMIS: Mm-hm.

HEINEMANN: And I’d already been hearing from folks about their concern. Holcomb had been very effective in keeping mobile home parks out of their community, —

LOOMIS: Mm-hm.

HEINEMANN: —which then ended up in the Garden City school district, —

LOOMIS: Ah!

HEINEMANN: —with all of the children—

LOOMIS: Right, right, right, right.

HEINEMANN: —who belonged to the workers at the IBP beef plant. But anyway, to make a long story short, the income tax went up a little bit, sales tax went up a little bit, but the property tax—and in my district that would probably have been—these are just round numbers that aren't correct today—maybe two million, but the property tax relief is four million, and so the net gain—you save your taxpayers two million, —

LOOMIS: Right.

HEINEMANN: —but the tax pledge wouldn't let you do that because—

LOOMIS: Righty.

HEINEMANN: —you were raising two other taxes while you lowered the other ones.

LOOMIS: Of course. Sure, sure.

HEINEMANN: And then some legislators, to their credit, have signed those pledges and backed off.

LOOMIS: Yeah. Did interest groups from lobbyists—you know, ever—what—as you interacted with various interest groups and lobbyists perhaps maybe a little later in your career, especially, you know, what was their role in the legislative process?

HEINEMANN: The interest groups I think have become more prolific; the numbers, more significant because they all realized how laws affect them.

LOOMIS: Mm-hm.

HEINEMANN: And so, it is to their own personal interest to become very involved. The major change I've seen is how they interact with legislators. When I started, there were lobbyists that maybe once in a while would take you out for a lunch. There were key committees—and Assessment Taxation was one of those—that would be provided committee dinners by some of the special interests who dealt with that committee. If you were a legislator and weren't on any good committees or you weren't important enough, you didn't have anything to do.

LOOMIS: Right.

HEINEMANN: And that was one reason we started our Green Machine basketball team because we had time. But back then, there were only two interest groups that invited the entire Legislature to dinner. The Kansas Bankers Association did an annual at the top of the

Jayhawk Tower. It was sort of a dress-up, sit-down. And then the rural electric cooperatives—they had one, too, known for the long time it took. But other than that, it didn't happen. Now you look at the legislative calendar, every night there are three to five events—

LOOMIS: Right.

HEINEMANN: —where every legislator is invited to it. And I think the things, where they're trying to impress legislators, actually has not helped the individual legislators get to know each other better.

LOOMIS: Mm-hm.

HEINEMANN: It used to be more common that House and Senate members would get together and have time to talk. That doesn't happen anymore. I think it's part of what we see in Washington, D.C., where, when the congressmen had time to interact with each other, they got to know each other as individuals.

LOOMIS: Sure.

HEINEMANN: We don't have that as much as we used to.

LOOMIS: Mm-hm.

HEINEMANN: The real part where special interest groups I think have come into play that I don't like in politics—and I don't know how you correct it—is financing campaigns.

LOOMIS: Sure.

HEINEMANN: My first campaign, primary and general election together, cost less than a thousand dollars.

LOOMIS: Mm-hm.

HEINEMANN: There was a Senator in Topeka that won a primary two years ago—

LOOMIS: Right.

HEINEMANN: —after expending a quarter of a million dollars.

LOOMIS: Right. Yeah, and Kansas has historically not been a very expensive state, but it's really gotten more expensive.

HEINEMANN: Yeah, we just adopted more of the Eastern Coast, Washington means of campaigning, the special interest groups that don't have to tell where the money comes from

but they can put out these postcards that you can't respond to. There's so much that is traditionally, in my opinion, not there anymore.

LOOMIS: Right.

HEINEMANN: But money 90 percent of the time can buy a lot. Only in your smaller districts, where people really know who they're going to vote for, can you overcome the money that's thrown against you.

LOOMIS: Right. Going back to this—in the earlier days in the Legislature, your time—I'm kind of interested in the various—staying with interest groups a little bit—the lobby rooms.

HEINEMANN: Oh, yeah. [Chuckles.]

LOOMIS: So, could you describe what—did you go over there?

HEINEMANN: Oh, yeah. What you're describing is what was the lobby rooms. It was traditionally that the old Jayhawk Hotel [sic; Hotel Jayhawk]—that is in close proximity to the Capitol, where many of the legislators stayed during the sessions, —

LOOMIS: Uh-huh.

HEINEMANN: —particularly back in the days when they [the sessions] weren't that long. And so, since they didn't have committee dinners or taking legislators out every night, it was common that special interest groups, about five or six, would have a room in the Jayhawk Hotel, where they would entertain anybody who was a legislator and wanted to come in, bring your wife or whatever.

LOOMIS: Uh-huh.

HEINEMANN: And I frequented those because it was a chance to visit and chat with folks, and when—well, former Senator Bennett —governor later—

LOOMIS: Right.

HEINEMANN: But when President of the Senate [Robert F.] "Bob" Bennett and Speaker of the House Pete McGill decided that they were going to do some stuff for the good of the public, they issued an edict that those rooms ought to be closed down.

LOOMIS: Right.

HEINEMANN: Which they were. And I think a lot of the members thought, Well, they're trying to consolidate power in their own spheres because if we're not talking to each other, the less

we know what the Senate's doing and they know what we're doing, —then, when the leadership issues its decree on what's going to happen, it'll happen quicker and easier. And that's also another change that I might say. I perceive that through time there has been sort of a democratization of the process among the members. Originally, we had Republicans get together, leadership would get there, and they'd sort of say, "We've analyzed this, and here's where we're going." We'd work up the chairs, and the plan would be announced. The rank and file through time felt that they really wanted it as part of the process that they should have more say.

LOOMIS: Sure.

HEINEMANN: And so that has changed, too.

LOOMIS: Mm-hm.

HEINEMANN: I remember we started what we called the study group. It used to be that when we were on the floor, we had all the bill books on our desk, and the General Orders calendar would come up and the bill would be announced, and we'd just look at it and debate it and go on.

LOOMIS: Right.

HEINEMANN: Well, several of us decided that we'd really like to know what was behind these bills before we had to discuss it, so we would get together, and we'd see what was on the calendar, and we were all on different committees, so we would have people explain what the bills were and what's going on.

LOOMIS: Right.

HEINEMANN: Then suddenly the Republican leadership got caught with a problem when the Democrats started offering amendments to these bills because they studied and looked at them, because the Democrats had started just having their own caucus to discuss the bills on the calendar.

LOOMIS: Mm-hm.

HEINEMANN: And so suddenly what became the calendar review, as it's known today, where before anything happens on the floor both sides attend a morning caucus.

LOOMIS: On both sides.

HEINEMANN: Yeah. There never used to be any morning caucus. But after you get caught with a few amendments that you didn't expect, --

LOOMIS: Mm-hm, right.

HEINEMANN: —or could anticipate, —

LOOMIS: Yeah.

HEINEMANN: —so both sides started doing it.

LOOMIS: Yeah.

HEINEMANN: And that's why people in the gallery, when they look down nowadays—it used to be they could see all the newspapers, but now all they see is everybody on their laptops, people talking and nobody paying attention to who's at the microphone.

LOOMIS: Right.

HEINEMANN: Well, it's logical because everybody knows what the bill is, what it does, and only when it becomes politically hot and there's a sharp debate, when more people start paying attention to what's being said at the microphone.

LOOMIS: You mentioned Bob Bennett, and you mentioned Pete McGill, and I just find it interesting that both of these guys, who have been known to take a drink are the ones who shut down the bar at the Jayhawk.

HEINEMANN: I see your point.

LOOMIS: Could you talk a little bit about the leaders that you've worked with over the course of your career and particularly the ones that really, you know, had an impact on the process and on the state of Kansas?

HEINEMANN: Well, actually, when you mentioned Pete McGill, I think Pete did have an impact on the process. The unsung person is [Richard C.] "Pete" Loux [pronounced LUX]—He was the Democrat minority leader, and Pete McGill was the Speaker of the House, and together they would work—Pete Loux I think was just an extremely intelligent person, who wanted to do some reforms, but he understood he wasn't Speaker.

LOOMIS: Right.

HEINEMANN: And so, he had to work with Pete McGill, and they worked together. I remember times when Pete McGill would come to our caucus and say, "We've talked to the Democrats.

We've worked it out, and here's the plan." And we'd pass it and take credit for it, but I could look through the fine print and see that Pete Loux had gotten several things in there that he wanted.

LOOMIS: Right.

HEINEMANN: And Pete was smart enough to know you get a package together, work out a compromise, and if both sides can declare a victory it helps public policy.

LOOMIS: Right.

HEINEMANN: While they shut down the lobby rooms, it was shortly after that that a series of other reforms were put in place by the Kansas Legislature that it won a national award for being the most improved Legislature.

LOOMIS: Right, right.

HEINEMANN: And I know Pete McGill took a lot of credit for that. He subsequently went back and ran for Congress, and that was one of the accomplishments and things that he ran on and that he was reforming and improving the state legislative process. And each leader, in their own way, did things. Some were quiet, behind the scenes. I'm trying to think—

LOOMIS: So, in a sense your role as a legislator was somewhat dependent on your personal relationship with each successive Speaker?

HEINEMANN: Oh, yeah, yeah. You have to work with people. And the other—the one key thing is that your legislative friends—honesty.

LOOMIS: Mm-hm.

HEINEMANN: You don't sign anything saying "I'm gonna do this or that." Your word is your bond.

LOOMIS: Mm-hm.

HEINEMANN: And an example of how I think that helped me or just—there was one leadership election on a leadership position, and I told a legislator, "I'm going to support you." Three weeks later, I changed my mind. That was the first person I said that I had changed my mind. That person still won. But we had a great working relationship, and I think it was built on the fact that in spite of the fact I didn't support him, he trusted me to be truthful with him.

LOOMIS: Mm-hm.

HEINEMANN: And I wanted to work with him anyway. I mean, —

LOOMIS: Sure, sure.

HEINEMANN: —I think the key is even if—if you beat somebody or a group, you try and work with them. You don't continue the fight after—I mean, how do you get them with your side the next time?

LOOMIS: Right.

HEINEMANN: It's just—it's human nature. It's how you got to work with people.

LOOMIS: Sure.

HEINEMANN: It's a people process. I think that's something that folks miss, too, that it's a very human, personal process because you do deal with people and you do have to tell them what you're going to do or what you're thinking, and you have to be very careful.

LOOMIS: Right. One of the things that's interesting to me about the Kansas Legislature is it's commonly called an amateur legislature, a citizen legislature. The pay has never been great as you noted, although it's better now than when you started. But how did—as time went on, how did you bring your public life as a legislator and your private life as a lawyer and someone who needed to provide for their family—because clearly there are tensions there.

HEINEMANN: No, that is truly most difficult. The legislative pay when I started was ten dollars a day.

LOOMIS: Right, right.

HEINEMANN: And I'll never forget when it finally went to twenty-five a day, and the press said 250 percent pay raise.

LOOMIS: Yeah.

HEINEMANN: And then it went to thirty-five, and then it was indexed by a percentage increase tied to whatever the state employees got. But that's very difficult —and it's also why a good number of talented people, who could be great legislators, have not been able to serve.

LOOMIS: Sure.

HEINEMANN: It was always a struggle with me personally because I would have a law practice, where I still had the building rent, the secretary and stuff like that going on. Those were bills there. I still don't know how I did it through the years. And that's a major reason why I think a

lot of professionals—when I decided to resign my House seat to become General Counsel to the KCC, I talked to several key individuals in Garden City who I thought would be a good representative. There was a Hispanic in particular, who was a sound businessman with a long career of working in government. And several of them said, “I can’t afford it” or “My boss won’t let me do it.”

LOOMIS: Mm-hm.

HEINEMANN: It is an extreme sacrifice for legislators, or people who want to be legislators to serve. And unfortunately, legislative pay is something that never is good to look at.

LOOMIS: No.

HEINEMANN: One legislator always said, “Well, I’ll always thank you for voting for a pay raise, but I’m voting against it.”

LOOMIS: Yeah, yeah.

HEINEMANN: But it is very difficult. Even professionally, after I’d gotten a law degree, I went to two major firms in Garden City and said, “Is it possible to join your firms?” and they said, “Yes, but you have to give up the Legislature.”

LOOMIS: Right.

HEINEMANN: “We want you full time.”

LOOMIS: Right.

HEINEMANN: And I’ll never forget how, after being in practice several years, I had some potential clients come in in October or November and I’d end up just flat telling them, “I can’t take you as a client because I know you’re going to need my services in February and March,” and I’d already learned that if I’m not there, it is very difficult “to get you to the person you’re going to need.” So, it is a sacrifice.

LOOMIS: Yeah. Were you a solo practitioner, or were you—

HEINEMANN: Yes, I was a sole practitioner and then finally had a partner, ended up with a partnership.

LOOMIS: Yeah, yeah.

HEINEMANN: And it was nice to have very understanding partners.

LOOMIS: Right, right. No, I've heard that. We've covered a bunch of—do you want to have a quick break here?

HEINEMANN: No, it's good.

LOOMIS: Okay. [End File 1. Begin File 2.] Workers Compensation Reform bill 1993

HEINEMANN: It passed unanimously, both houses. After the deal was reached, the Governor's daughter [and Chief of Staff, Mary Holladay] quick ran to see the Governor [Joan Finney] to tell her there was a deal, and she wasn't supposed to threaten another veto. [Chuckles.]

LOOMIS: Joan Finney, brings up the whole notion of governors. And it strikes me that, as you suggested, Joan Finney was, of all—aside from [Samuel Dale] "Sam" Brownback, now—going back even to the Dockings or maybe Bob, at least, and all the way through [Kathleen] Sebelius—Joan Finney was kind of an outlier in terms of the number of vetoes, her ability to work or not work with the Legislature. I mean, how did—and you were in a position with many of these committees—you know, what was the Governor's role, and how did—did you become more involved with governors over the course of your career as you became more of a veteran legislator?

HEINEMANN: It depends who you were and how you become involved. I know that there are certain Speakers that kept a very close relationship with the Governor, even in the opposite party.

LOOMIS: Right.

HEINEMANN: [Robert H.] Bob Miller was an example because he would have meetings with Gov. Finney, and—

LOOMIS: Right.

HEINEMANN: —I'd get some report back about what was going on.

LOOMIS: Mm-hm.

HEINEMANN: Because as the leadership knows, the Governor is vital to the process.

LOOMIS: Sure.

HEINEMANN: And when you talk about vetoes, Joan was wont to just, well, whatever she thought, she'd veto. I remember in many cases she'd catch her own party off guard—

LOOMIS: Absolutely.

HEINEMANN: —as to what she was doing. Also, on some of the issues they cared about. I'll never forget the expressions on the Democrat members of the House Appropriations Committee faces one year when Gov. Finney's budget was presented on how much the state should support special ed, and it was the lowest in years, and that had always been one thing that they were trying to shoot for 100 percent on.

LOOMIS: Sure.

HEINEMANN: So, Joan was her own person. She was an amazing campaigner.

LOOMIS: That's what everyone says.

HEINEMANN: Yeah, if she showed up at a nursing home or anyplace, she would not leave that building until she'd said hi to everybody. She just loved people. And there was one time that I actually caused her staff some angst. We had this one school in Garden City, the Victor Ornelas [Elementary] School, and they had this choir— M&M Choir is what they called it. That school has probably got about fifteen different languages. There's a group of adults that come in and work with it. They were in Topeka, and I knew the folks that were working with it, and they came to me and said, "Oh, by the way, Dave, any chance you can get us a meeting with the Governor?" Well, no harm in asking, so I went to the Governor's office and said, "I've got this M&M Choir here from Garden City. They'd like to meet with Joan." "Oh, no, no, no, there's no room in the calendar." Well, I knew the chief of staff, so I went up a step and talked to the chief of staff. "Oh, no, no, no, there's no way." Well, on the way out, I happened to go down to the first floor just as Joan Finney was coming up.

LOOMIS: Right.

HEINEMANN: And not missing a chance, I said, "Joan, we've got the M&M Choir from Garden City here. Any chance we can see you today?" She said, "Oh, yes, Dave. Just bring 'em in at this time." So suddenly I had the whole choir there, and Joan shows up, and she puts on one of their T-shirts, and I think they spent twenty minutes just having fun while the staff's eyes were on me just basically freezing me on the spot because I had spoiled the whole day.

LOOMIS: Right.

HEINEMANN: But that was Joan.

LOOMIS: Sure.

HEINEMANN: And one of the things in my later career I started out at Garden City was Community Vision Now, where I would just get people from different agencies, groups, churches, police to try and work on children's problems.

LOOMIS: Mm-hm, mm-hm.

HEINEMANN: And so, we decided to have a major meeting, so I went and spoke to the Governor about that, and she said she'd be happy to come.

LOOMIS: Sure.

HEINEMANN: Well, not only did she attend but she brought about four of her cabinet secretaries with her, a couple of whom had no idea what was going on.

LOOMIS: Right, right, right.

HEINEMANN: But that was Joan. And so, in working with her in the Legislature, it was just a matter of, "There's the Governor." She will do her thing. When we did workers' compensation reform, it was her key person, of course, in the Department of Labor who was advising her on it, which caused a veto of the first bill that was passed, and how we constructed a new version in the conference committee that would be able to pass the Legislature but did not receive her veto, because of the concerns she raised that would be addressed.

LOOMIS: Right, right, right.

HEINEMANN: And, in fact, we even broke some of the rules in that. There is a joint rule that says if there is an issue that has not been dealt with by either house in a bill, you cannot put it into a conference committee report. She raised an issue or two in the veto message that we addressed. And, of course, as important as the workers' compensation reform bill was, nobody wanted to say, "Oops, we can't do this "because of that technicality."

LOOMIS: Right, right, right. That's a technicality then. In the last session, procedural irregularities in terms of maybe conference—or traditions, conference committees that—

HEINEMANN: Oh, yes.

LOOMIS: —bills hadn't gone through houses. I mean, really remarkable.

HEINEMANN: Yeah. Technically, the Legislature may have its rules or joint rules of what you do or don't do, but if the Legislature doesn't call itself on the carpet, there's no court in this land that will overturn the Legislature, —

LOOMIS: Right.

HEINEMANN: —because they didn't follow their own rules. The only thing that can catch a legislature is the Constitution, and, well, one of the issues could be the two-subject issue.

LOOMIS: Right.

HEINEMANN: That was an issue that Bob Dole with way back, after he'd been in the Legislature for a term —and then was a Russell County attorney.

LOOMIS: Right, right.

HEINEMANN: A severance tax bill had been passed, and he raised the two-subject issue—and succeeded. That's why it wasn't until when John [W.] Carlin was Governor that the severance tax bill came back again and was adopted.

LOOMIS: Huh. I didn't know that about Dole.

HEINEMANN: Yeah, he's in that Supreme Court case. And I think it may have had something to do with how he decided later to run for Congress because obviously he impressed an industry that was a major player in his district.

LOOMIS: Yeah, yeah.

HEINEMANN: And they had to support him.

LOOMIS: No, that is—that really is—it's interesting. Every legislator—every legislature—we talked a lot about leaders, things like that. Every legislature has interesting individuals.

HEINEMANN: [Chuckles.]

LOOMIS: You know, might you reflect a little bit on a handful of folks that, for one reason or another, and to the Legislature, in terms of substance, that we might, not remember twenty or thirty years later? Whereas a Pete McGill or even a Pete Loux was pretty well established in the lore of the Legislature.

HEINEMANN: Right now, what comes to mind is a legislator who you probably would not recall, his name, [Robert E.] "Bob" Arbuthnot [pronounced AR-buth-not].

LOOMIS: His name has popped up for me, but not a household name.

HEINEMANN: Anyway, Haddam, Kansas. He was, again, a World War II veteran who cared a lot about public policy. And I believe he created a lot of good legislation. He was instrumental in

changing the corporate farming law decades ago, when there were many folks operating illegally.

LOOMIS: Hmm.

HEINEMANN: And the law had been so long out of date that it really needed to be fixed. And it was very difficult to do. But he accomplished it, basically working behind the scenes. The Konza Prairie I believe had his fingerprints in it, and a lot of other legislation—or not so much legislation but appropriations.

LOOMIS: Mm-hm.

HEINEMANN: I often think that it may be nice to have a bill with your name on it—

LOOMIS: Right, right, right.

HEINEMANN: —because it sounds good, but if things are really going to happen, it costs money.

LOOMIS: Mm-hm.

HEINEMANN: And there are a lot of things done through the appropriation process, or the lack of appropriation, that are very important to the citizens of Kansas, so the debate may not necessarily be about what bills or what laws you have—

LOOMIS: Mm-hm.

HEINEMANN: —but how are you funding what is important.

LOOMIS: Sure.

HEINEMANN: And Bob was a master of it. But he never sought, nor wanted, any headline.

LOOMIS: Yeah, yeah.

HEINEMANN: And he's just one of them.

LOOMIS: How was someone who, you know, just—in political science we talk about work horses and show horses, and obviously you were a work horse, Bob was a work horse, and many of your colleagues were. Is there anyone we ought to remember a bit more because of the show horse element than the work horse?

HEINEMANN: Well, the show horse I probably say would be Paul Hess.

LOOMIS: Uh-huh.

HEINEMANN: He was a former House member and a then a Senator from Wichita.

LOOMIS: Right.

HEINEMANN: He ended up with some disgrace after he effectively took a million dollars out of his second wife's family's estate, took the kids, and went to Egypt because at that time there were no extradition treaties. Finally, he came back and spent time in prison in Kansas. Yeah, I remember him for being somewhat of a show horse, because he was young, and I think he was just—it appears he was trying to do things beyond his years or receive credit for things beyond his years.

LOOMIS: Right.

HEINEMANN: For a brief while, he lived in his office when he was chairman of the Senate Ways and Means Committee until Sen. [Ross O.] Doyen, who was president of the Senate, had a visit with him about how he did not want that to continue.

LOOMIS: Right.

HEINEMANN: There was one time I had some important legislation that went to the Senate, and suddenly he made an amendment to take it out. When I contacted him on it, he basically said, "Well, I'm gonna need your vote for something else," to which I replied—I won't use the words, but -- "I don't operate that way, and I never will, and so do what you want. But that is not how legislation needs to be passed."

LOOMIS: Right.

HEINEMANN: Anyway, Paul had his particular problems.

LOOMIS: Yeah.

HEINEMANN: But then you have other folks, too, that you could say exhibited showmanship?

LOOMIS: Mm-hm.

HEINEMANN: But also had a great sense of public policy.

LOOMIS: Right, right, right.

HEINEMANN: And I think it depends upon how you define showmanship.

LOOMIS: Mm-hm.

HEINEMANN: [Sen. Franklin D.] "Frank" Gaines was an exemplary individual who I got to know my first year on the Assessment and Taxation Committee in the House, when he was a House

member, before he went to the Senate. And that prior summer, he had chaired Gov. Docking's task force on tax reform.

LOOMIS: Mm-hm.

HEINEMANN: I forget the exact title. But during the first session, there were several times in the Tax Committee where he was making presentations on what they were making in the form of recommendations. And I was sitting next to him during one of those sessions, and suddenly looks down at me and says, "Oh, don't get too excited about this. This is just politics."

HEINEMANN: And then that leads me to another story. It was a tradition that special interests that followed the Tax Committee would at times invite the committees to committee dinners. There was one committee dinner with the House Tax Committee and the Senate Tax Committee held at the Ramada Inn. And Frank was there, and the sponsors were tobacco folks, the other tobacco products: cigars and smokeless.

LOOMIS: Right, right, right.

HEINEMANN: And it wasn't until the end of the meeting that suddenly Frank, after a round of drinks and cigars, suddenly explained that the next morning there was going to be an announcement by Gov. Docking and the House and Senate Republican leadership that they'd had an agreement on a tobacco products tax in the amount of 35 percent.

LOOMIS: [Laughs.]

HEINEMANN: That was something that the host did not want to hear, and the way the evening went, Frank was in a very excited conversation with many excited tobacco product folks, and I think it was about that time I decided that this young kid ought to go study some bills.

LOOMIS: [Laughs.]

HEINEMANN: But the irony is, is that they finally ended up with a 10 percent other tobacco products tax. I think the year was maybe 1970, 1969. And that's the only time other tobacco products have had a tax or an increase in tax. We have one of the lowest in the nation.

LOOMIS: Is that right?

HEINEMANN: But, again, it was Frank with his usual flair for how he does things or doesn't do things. And the other one, too. As a Democrat, he was a strong opponent of Gov. Carlin's severance tax because he was in that business.

LOOMIS: Right, right.

HEINEMANN: Now, Frank was probably one of the best friends you could have in the Legislature, and he also is the type that you could have Frank Gaines or Ross Doyen or [Robert] “Bob” Talkington at odds on the Senate floor, and thirty minutes later find them at one of the local places, like the Caravan Club back then discussing things friendly and maybe figuring out how we’re going to do something better the next day rather than regrouping as to how you’re going fight your enemies.

LOOMIS: Yeah.

HEINEMANN: Now, they were truly part of the good of politics back then.

LOOMIS: Yeah. And that kind of goes into the—you know, there’s the public side and the private side, and it does seem to have, in those days, meshed together better than it does today.

HEINEMANN: Well, and we didn’t have the situation of where a governor would try to take out members of his own party because they didn’t believe the same way.

LOOMIS: Yeah.

HEINEMANN: That’s a key difference.

LOOMIS: One of the things that—you know, a couple of times you mentioned someone like Frank Gaines, who was in the House and then moved to the Senate. You stayed in the House for your entire career. Did you ever think about running for the Senate or for higher office?

HEINEMANN: I thought about it very shortly. Out in southwest Kansas, I was sort of, I think, fortunate to have a very small district geographically.

LOOMIS: Mm-hm.

HEINEMANN: It used to be all Finney County, and as Garden City grew, it was less than the city of Garden City.

LOOMIS: Yeah, yeah, yeah.

HEINEMANN: The pay and expense allowances are the same for a Senator and a House member.

LOOMIS: Right.

HEINEMANN: And friends asked me sometimes to consider the Senate, and I said, “Well,”—in fact, [Stephen] “Steve” Morris came into my office one day and asked me whether I was going to run for the Senate. And I said, “Well, why would I want to do that? Do I want all these school boards, all these different counties, all these different cities and things? And still not have the . . .” It was interesting at that point that Steve Morris told me he was wanting to run for the Senate, so “I encourage you to go.” And he’s had a very good career in the Senate from there. But, no, for me it was a matter of logistics and portability.

LOOMIS: Right.

HEINEMANN: Plus, as I’ve found through the years, a lot of my House friends go to the Senate.

LOOMIS: Yeah.

HEINEMANN: And in order to pass legislation, you need two Houses.

LOOMIS: Mm-hm.

HEINEMANN: And there were many times I was able to go to the Senate and visit with Senators I helped in the House, and we instantly had a bond.

LOOMIS: Right, right.

HEINEMANN: And I remember many times where there were senators calling over, saying, “Heinemann, okay, you’re in the House here. I need help on this bill over there.”

LOOMIS: Yeah.

HEINEMANN: “What do we need to do to get your guys to go with it?” So, I thought it was more advantageous to stay where I was.

LOOMIS: Yeah, no, that was actually a kind of follow-on question, was that clearly a lot of House members did move to the Senate, and so it was beneficial for you in a couple of ways.

HEINEMANN: Right. Now, it’s very rare—I think [Wallace Benjamin] “Ben” Foster is about—and outside of [Raymond F.] Ray Merrick—were about the only two I’ve ever known that were in the Senate that went back to the House.

LOOMIS: Right. And Merrick went back clearly to become the House Speaker.

HEINEMANN: And Speaker would be not too shabby a thing to go back for, with the power you have as a Speaker.

LOOMIS: Yeah.

HEINEMANN: Not just a regular representative.

LOOMIS: For your entire time in the House, with two exceptions that I recall—one in the late '70s and one in the early '90s—Republicans were in the majority.

HEINEMANN: Correct.

LOOMIS: But when you were in the minority those two times—narrowly but still in the minority—did your legislative life change very much?

HEINEMANN: I'd have to say it didn't because I still had my friends on both sides— And the Democrat majority the second time was only one. They just had 63.

LOOMIS: Right.

HEINEMANN: And I still remember the time they passed a budget with all 63 of their votes they needed which we didn't think they could do. I mean, there were times when us Republicans—we had over a two-thirds majority had trouble getting 63. When I was in House leadership, the Speaker pro tem, I remember there were times among our Republican group we had difficulty with 63.

LOOMIS: Sure, sure.

HEINEMANN: We used to have what we called the rebels.

LOOMIS: Right.

HEINEMANN: David Miller and Kerry Patrick and a few of the others, that basically cut deals with the Democrats. In fact, that's why the House rules are as they are today in some areas where it only takes 70 votes to pull a bill out of committee.

LOOMIS: Right.

HEINEMANN: But back then, the Democrats plus the rebel group equaled 70 if they came together at the same time.

LOOMIS: Right, right, right.

HEINEMANN: So how do you herd cats and get your majority when you're trying to do things?

LOOMIS: Right. And it also struck me that—well, it may be different today—that for all the politicking, that relations between the parties, by and large, when you were in office were pretty good.

HEINEMANN: I would have to say that's the major difference. People got along. And I remember on some of my Ways and Means subcommittees or particularly when I was on the one with the Chair on it that the Democrat members—we always tried to work together to effect compromises. And it's unfortunate that compromise nowadays is a dirty word.

LOOMIS: Right.

HEINEMANN: But back then, that's how you tried to work with people. You didn't push them into a corner. You don't know when you're going to need them to help you, and the public is better served when we try to work together. I think if you analyze the state of Kansas, that's what people want.

LOOMIS: Sure.

HEINEMANN: But we're stuck into the partisan politics we are because—of the primaries in the Republican Party in particular—that determines who's going to win the general election.

LOOMIS: What was it like in the last few years, maybe the last ten years of your, you know, really extended career, to be kind of a senior legislator? Did you think of yourself as a mentor to younger legislators who were coming in? Did you play that role either formally or informally?

HEINEMANN: Well, your ego would want you to hope that you're playing that role. But I was actually sort of the Dean of the House and of the Legislature for many years.

LOOMIS: Right. Yeah.

HEINEMANN: And I had several colleagues come up and say—you know, they appreciated just how much I cared for the body and the process and how important it was for it to work. Yeah, I've had some wonderful spoken comments by legislators, former legislators. It happens to help my ego. I'm not going to mention that stuff.

LOOMIS: But more the sense of you doing this more by example than by—

HEINEMANN: Well, I think probably there's a key example, was the year that [Robert H.] Bob Miller gave me the chairman of the Labor and Industry Committee when we did the workers' compensation reform, that had melted down partisan-wise year after year after year with business and labor. It was just—

LOOMIS: Yeah.

HEINEMANN: And when the bill passed the House unanimously, without a floor debate, without floor amendments, without all the extended debate about carpal tunnel without all these other arguments, 125 green lights, they rose and applauded, —

LOOMIS: Yeah!

HEINEMANN: —and they looked at me.

LOOMIS: Well, they should. I had no idea—

HEINEMANN: And that to me was a most gratifying experience.

LOOMIS: I mean, I was around then, but I don't remember that.

HEINEMANN: Yeah. Well, —

LOOMIS: It's a good story.

HEINEMANN: Because nobody ever thought you could get that done.

LOOMIS: Yea.

HEINEMANN: I mean, there was a long way to go before something was finally passed.

LOOMIS: Right.

HEINEMANN: But it was a matter of trying to get the give and the take on both sides and telling your friends why you don't need to offer this amendment because we've got them talked out of offering that amendment.

LOOMIS: Right, right, right.

HEINEMANN: And we get this, they get a little there, and—the bill was about 125 legal-size pages.

LOOMIS: Wow.

HEINEMANN: And you could find anything in there to hate and anything in there to love.

LOOMIS: Right, right.

HEINEMANN: But it was how you get everybody on the same page and convince folks that we'd done the give and take here, that this is something that needs to happen and we don't need to get back and maybe create a situation where it won't.

LOOMIS: Yeah.

HEINEMANN: I guess the biggest honor through my legislative career is when there have been difficult things, they've always worked out. So, another one: [Tim] Shallenberger defeated

Robert [R. H.] Miller for the speakership. Suddenly I was devoid of my chairmanships and committee assignments. But then they had an election contest. There was a tie between two people who were running for a House seat. The Speaker came and asked me to chair that committee because he wanted, first of all, to keep the perception of fairness which I believe I had because I was a Rules Chair for many, many years and in that you've got to show fairness to maintain credibility.

LOOMIS: Right, right, right.

HEINEMANN: And we worked it. There were people in my Republican caucus that said, "We got the votes. We don't even have to do this." And I said, "No, we need to treat these people the same way you would want to be treated if you were one of them."

LOOMIS: Right.

HEINEMANN: And we did it, and we changed a couple of votes, and it still ended up a tie.

LOOMIS: Mm-hm.

HEINEMANN: And so, we proceeded to do the only gambling that was allowed back then, and the winner was chosen by lots, which was basically backgammon pieces. They each had a color, and the Clerk of the House picked one sight unseen from ought of a box and I've still got two of those on my desk.

LOOMIS: Oh, that's great. So that was a tie in the general election, and then—

HEINEMANN: Yes.

LOOMIS: —and then, even after all the recounts, even after looking at all the ballots, it remained a tie.

HEINEMANN: Yeah. Danny Jones and [Joe] Shriver.

LOOMIS: Again, I'd forgotten that.

HEINEMANN: And there was actually one here in Lawrence with Sen. Reynold Shultz. They drew straws on that one.

LOOMIS: Is that right?

HEINEMANN: Yeah.

LOOMIS: He came up in, like, —a bit in my research on KU because he was before my time. So, you eventually resigned from the Legislature to become general counsel to the KCC. Were you

thinking seriously about retiring from the Legislature, or this was an opportunity that just came up?

HEINEMANN: It's probably a little bit of everything. I'd been there 27 years, and this was an opportunity.

LOOMIS: Sure.

HEINEMANN: And Gov. [William Preston "Bill"] Graves was there, and I'd had discussions with him, and he was wanting someone out there at the KCC, and there was an opportunity for General Counsel.

LOOMIS: Mm-hm.

HEINEMANN: And it was probably one of the best decisions I ever made.

LOOMIS: Mm-hm.

HEINEMANN: Obviously, at that time, I had been stripped of a lot of leadership roles with the change in speakers.

LOOMIS: Right.

HEINEMANN: And it opened up the opportunity to go to the KCC. That was an area that, when I chaired the Energy and the Natural Resources Committee, I was somewhat familiar with what they did. But it opened up a whole new vista for me personally.

LOOMIS: Mm-hm.

HEINEMANN: But it also threw me back in the Legislature, particularly when Chairman John Wine came on as chair of the KCC.

LOOMIS: Right.

HEINEMANN: John just did not enjoy being around legislators, and he says, "Dave, you know 'em. You've been there."

LOOMIS: Right, right.

HEINEMANN: "So I'm bumping you up to the Executive Director position, and outside of those responsibilities, you're gonna be downtown a lot."

LOOMIS: Mm-hm.

HEINEMANN: And I remember going to my first committee meeting representing the KCC and a couple of the lobbyists saying, "Oh, by the way, Dave, you don't know how much they hate you

guys in there.” But it started a process. And, again, it’s what I’d learned in the Legislature about communicating. We had a group of southwest Kansas irrigators and some others that were always in court battling the KCC. I remember once with our attorneys when we were in court out in Hugoton, Kansas, and I said, “Is there any ethical problem if I go start chatting with some of these fellows?” And they said no. So, I started visiting with them, and it finally got to where we were working together. And there was one weekend at my home that I had about three or four phone calls from those folks out there, and they— “We need to talk. They need to talk to you.” And I said, “Well, you can come in Monday, but I don’t know if any of the staff is going to be there.” They didn’t care. We spent the whole morning working on an issue with them, providing them guidance as to what they could or couldn’t do, particularly tied to the lack of gas resources and irrigation problems and answered their questions, and they were happy.

LOOMIS: Mm-hm.

HEINEMANN: And that to me is the job of government, particularly state agencies.

LOOMIS: Right.

HEINEMANN: And what it really also did to me—for me: It opened my eyes as to how many great state employees we have that the people of Kansas should be proud of, as opposed to the few who make the headlines and the hit list of folks saying we ought to just do away with the state government and downsize. There are a lot of folks at KCC. Later, I went to the Department of Revenue, headed up Office Administrative Appeals and was special assistant to the Secretary and involved in all of the leadership. Now, there were countless individuals there that bent over backwards to try and help taxpayers, particularly in an area where it’s easy to demean or say nasty things about folks—and working with legislators, it gave me an opportunity to say, “Okay, you guys need to realize we’ve got a lot of good people in this state.”

LOOMIS: Mm-hm.

HEINEMANN: And so, backing up to your first question, I don’t regret leaving the Legislature because it’s opened my opportunities. Now I do contract lobbying.

LOOMIS: Right.

HEINEMANN: But, again, it’s how you work to try and help people with—that you want to help.

LOOMIS: It sounds like you continue to use a style that is partly personal, of course, but that's a style that worked for you well in the Legislature.

HEINEMANN: Right. And it's a style that should work for any individual with whatever you do.

LOOMIS: Mm-hm.

HEINEMANN: It's how do you work with people? How do you care, and trying to make a difference and bringing them on board?

LOOMIS: Yeah.

HEINEMANN: And some people, it's almost impossible but you got to try.

LOOMIS: Right.

HEINEMANN: And sometimes in the legislative process, you always have to learn, someone who you think may be not on your side, not thinking the way you want to—don't ignore them.

LOOMIS: Right.

HEINEMANN: Because they may be there, or you may get them there later. And that was part of the lessons of how, earlier on, you try to work through the compromises because the more you can work together, the more you can work together the next time and the next time, rather than destroy the bridge.

LOOMIS: Right, right. And that gets—and you answered this earlier in your own personal way, that—how you regarded electoral politics often by just saying, "I tried to do what was best for them. I'd explain—you know, educate them." But over the course of your time, and maybe it's more since you've left, but did you see electoral politics coming into the legislative process more over the course—you know, particularly in the last maybe ten years of your—

HEINEMANN: Yes. I believe that in my last ten years, there was more activity of folks becoming involved in politics. I think some of it stemmed initially—I hate to say this, but back with the abortion debate.

LOOMIS: Mm-hm.

HEINEMANN: I think if anything that the Supreme Court of this country has done is in the *Roe v. Wade*—they energized a group of persons to get involved in the political process, and that sparked—where you suddenly have—it's all this way or it's all the other way, because there's

no other issue, I believe, that is so black and white for some people to look at that you really can't try and find the common ground that you could in other issues.

LOOMIS: Sure.

HEINEMANN: So, once you got that black-and-white issue and you get people involved, then I think some of the other social issues or other issues people want to talk about start getting involved and make it more difficult for people to bridge gaps.

LOOMIS: Because that's true. I mean, I think that a certain number of people entered into the Legislature after *Roe v. Wade*, and particularly in the '80s and '90s, because of the abortion issue.

HEINEMANN: Yeah. Actually, without naming the person, there was one particular Senator who came to the Senate on the abortion issue. And I was pleasantly surprised and happy to see that that person became involved in other issues and became a pretty much "I want to do what's fair and right" rather than let the special interests tell them what to do.

LOOMIS: Right, right.

HEINEMANN: So, again, that's part of you don't try to put people in boxes. Just because you may have a position on abortion doesn't mean that you can't work and be a productive person on others; you just have to understand, "Okay, we disagree on this one issue. It's important to both of us. But let's try and work on the others." And so, I do know of instances where if they put them in a box, they don't belong there because there's other issues they can work on and be very effective.

LOOMIS: Right. No. I've seen that as well. And I think the single issue was—the pure single issue—eventually, or fairly quickly, the Legislature because a minuscule part of your time is being spent on abortion.

HEINEMANN: Right.

LOOMIS: And you can get involved in it or—

HEINEMANN: Right. I mean, people run on the issue, and maybe there's one or two bills an entire session, at the most, that you get your vote on that would be that issue.

LOOMIS: Where did you live in Topeka over the years?

HEINEMANN: Many places: an apartment complex; then I had some friends that had sort of an attachment to a garage with a shower, and that was sufficient. Sometimes I'd room with other legislators. There was one gentleman that always left his home during the winter and went south, and so about four of us would get an opportunity to move in during the session. Yeah, some of those that had the necessary funds as legislators would get a nice motel room close by the Capitol. There are some nice ones there, but I usually tried to conserve funds to pay the bills back home.

LOOMIS: Right. And we talked a little bit about this off camera. You pointed out it's 320 miles back to Garden City. Did you go back every weekend during the session?

HEINEMANN: I pretty much was every weekend, but the one thing that we didn't discuss is that I learned how to fly an airplane.

LOOMIS: Ah!

HEINEMANN: There was a legislator from western Kansas. Got elected shortly after I was in the House. I rode with him on occasion and said, "Well, I can do this." So, I got my pilot's license and actually ended up at the end of my career maybe taking forever to get home because I had three or four other legislators to drop off.

LOOMIS: Ah! [Laughs.]

HEINEMANN: Yeah, they liked getting home earlier, too.

LOOMIS: Yeah.

HEINEMANN: In fact, I think Mike Hayden was the only person that I ever flew with that we didn't land where we intended in Topeka because we got into bad weather. I said, "I don't fly in this."

LOOMIS: Yeah.

HEINEMANN: And so, we stopped at Manhattan --

LOOMIS: Yeah.

HEINEMANN: —and didn't complete the trip, but—yeah, flying an airplane made it good when it worked. And then there were times it didn't.

LOOMIS: Sure.

HEINEMANN: My attitude was I will never do anything in an airplane I don't feel comfortable doing.

LOOMIS: Right.

HEINEMANN: And sometimes I saw blue sky when I had a weather forecast that said I couldn't fly in it, but the normal for me was driving, not flying.

LOOMIS: Right, right, right. Before we wrap this up, as I hung around the Legislature in the late '80s, early '90s, one of the things I always saw was you taking lots and lots of photographs.

HEINEMANN: [Chuckles.]

LOOMIS: And it did—you know, as someone who didn't know you particularly well, "Oh, there is Dave Heinemann. Seems like a nice guy. But he's always taking pictures." You know, explain a little bit about that—you know, why you did it, if you know. And then once you got started, did it affect your relationship with others in any way?

HEINEMANN: No, the picture taking actually started I think my first year there.

LOOMIS: Mm-hm.

HEINEMANN: And I think what really got me going was back then it was just black and white and I'd shot and developed a roll of film of the House, and then I was showing former Representative Arden Dierdorff, and he'd been there for almost twenty-five years or more. A bunch of pictures I'd taken. And he looked at me, and he says, "Dave, I wish I had done this."

LOOMIS: Ah!

HEINEMANN: "I've got a lot of friends that are gone now, and I have nothing to remember them by. And that sort of hit me. You know, maybe this is something I need to—

LOOMIS: Huh!

HEINEMANN: So, I made it a point about every year, taking twenty rolls of film or something.

LOOMIS: Uh-huh.

HEINEMANN: Went through slides. An interesting aside to this is [former Rep. James] "Jim" Maag—he was from Dodge City.

LOOMIS: Right.

HEINEMANN: And he'd look at my pictures, and he's got a great mind, particularly for jest, and he'd take a picture and put a caption on it.

LOOMIS: Aw, jeez.

HEINEMANN: And we'd hang them on the Speaker's wall.

LOOMIS: Uh-huh.

HEINEMANN: And so suddenly there was interest in trying to get more pictures, giving Jim more opportunities.

LOOMIS: Yeah, yeah.

HEINEMANN: And back when we didn't have much to do, we had the legislative follies or other things, which Maag would put together a slide show, and he'd go through my whole collection.

LOOMIS: Uh-huh.

HEINEMANN: —and it would be a hoot.

LOOMIS: Yeah.

HEINEMANN: Unfortunately, in recent years, there were some legislators that couldn't laugh at themselves, —

LOOMIS: Yeah.

HEINEMANN: —and so that stopped. But it didn't stop all the pictures I took.

LOOMIS: Right.

HEINEMANN: And it was just—like yesterday, I was at Ross Doyen's funeral in Concordia, and they were doing a slide show, and I says, Gosh, I've got lots in my archives. I even have one of him with his daughter, who was a ventriloquist, in Gov. Bennett's office that they probably wished they had.

LOOMIS: Yeah.

HEINEMANN: I've got a lot of pictures. They need to be sorted. And on occasion I'll show up at events without a camera, and usually two or three people will say, "Well, where's your camera?"

LOOMIS: Yeah, right, right.

HEINEMANN: But it got done. I mean, we're lucky we didn't have digital back then. I don't know how many thousands of pics I'd have to sort through, but we got a good archive that I'm trying to get collated sometime for the Historical Society. And there's actually a state

representative that I'm trying to get her video collection. There was—this legislator's last session—she put a tripod on her desk and videotaped the entire House for that session.

LOOMIS: No kidding! Wow!

HEINEMANN: And Kansas has been notorious for not having a legislative record.

LOOMIS: Mm-hm.

HEINEMANN: We still don't have shorthand reporters taking down what is said—

HEINEMANN: It's not done in committee meetings. There are several states that do that.

LOOMIS: Right.

HEINEMANN: So, people who try to research legislative history—it's very difficult to find any history as to why or what the reasons were behind legislation. Because I had been taking pictures, we had President [Gerald R.] Ford show up and deliver a major address in the House chambers in 1975.

LOOMIS: Mm-hm.

HEINEMANN: And it was ironical, but I was the only person that the Secret Service allowed to have a camera, —

LOOMIS: Ah!

HEINEMANN: —to take pictures while he was there. And when I discussed earlier about the Senate President who later became a federal district judge, Judge Rogers, —

LOOMIS: Right.

HEINEMANN: —he was unaware that I had all these pictures of him and Bennett and the Supreme Court and the President together.

LOOMIS: Right, right, right. Yeah, the only person that comes to mind—I'm sure there are others, but— [U.S. Senator] Howard Baker was a camera buff, —

HEINEMANN: Yeah.

LOOMIS: And here he was, the U.S. Senate Majority Leader, and he had a camera and was taking snapshots.

HEINEMANN: Oh, yeah, yeah. Well, and I had so many opportunities.

LOOMIS: Yeah.

HEINEMANN: We were at the White House once with President Reagan.

LOOMIS: Yeah.

HEINEMANN: So, I gotten to take pictures of pretty much everybody. The only bad thing about it is, is with all these pictures I've taken of Presidents and other people, I'm never in them.

LOOMIS: Right, right, right.

HEINEMANN: Except for the first [George H. W.] Bush, when somebody took my camera and said, "We're gonna get you for a change."

LOOMIS: One thing that I'm just reminded of: When you started, did you have a separate office or was your desk your office?

HEINEMANN: The desk on the House floor was your office. And I think it was about one or two years previous, Clyde Hill who was the House Speaker back then, had fought the idea of putting telephones on the floor.

LOOMIS: Mm-hm.

HEINEMANN: They installed telephones so that you shared a telephone with your seatmate.

LOOMIS: Right, right.

HEINEMANN: There was a switchboard operator outside the House Chamber, and there was a WATS line [a telephone line for long-distant service] that you could get your name on the list to use.

LOOMIS: Right, right.

HEINEMANN: And sometime during the day, you'd get a phone call, and the operator would say, "Okay, here's the WATS line. Now, hurry up. I got six more on the list." Right, that was your call—otherwise, you paid for yourself. There were no franking privileges. You paid your own postage. There was actually a post office right outside the House chamber. Henry Kolling was the postmaster then, and he'd been there so long he could give you the history of everybody that had been there before you, in your seat. No offices. The storage: basically, outside the state library. There were two long rows of file cabinets. Five drawers each. And you got one drawer, and you shared it with four other legislators. That way, you got a place to put your stationery in. There was a steno pool over the Speaker's office at the back of the House chamber, so if you needed your letter you could get someone to come down and dictate to

them. And that was it. [Kansas] Legislative Research [Department] staffed our committees. But you were on your own for everything else.

LOOMIS: Right.

HEINEMANN: And slowly the chairs started getting offices—Ways and Means I believe was the first.

LOOMIS: Mm-hm. So that meant moving various parts of state government out of the state Capitol to give legislators—

HEINEMANN: It actually happened during a reform movement, where we started—we changed the whole state Constitution.

LOOMIS: Right, right, right.

HEINEMANN: A lot of folks don't realize how difficult that could have been. Several states were in that reform mode, and they couldn't get it passed—

LOOMIS: Right.

HEINEMANN: —because if you have twelve articles up, someone doesn't like one; someone doesn't like twelve; —

LOOMIS: Right.

HEINEMANN: So, Kansas put them out in a series of amendments.

LOOMIS: Right, right.

HEINEMANN: That's when we changed the Governor's term from a two- to four-year term, [Governor and Lt. Governor] running as a team.

LOOMIS: Right, right.

HEINEMANN: People forget that the old Lieutenant Governor was often of the other party and also presided over the State Senate.

LOOMIS: Mm-hm.

HEINEMANN: We did away with the state auditor, the state printer, and there was a move to start moving some of these offices outside the Statehouse—and particularly when we did the Supreme Court move. That totally freed up the State Capitol to where legislative offices could be included.

LOOMIS: Mm-hm.

HEINEMANN: We're very fortunate that the Legislature did go ahead with the entire remodel of the state Capitol. I was originally opposed to that because I—having been on the Building Committee for probably twenty years—the state so often would have a building they'd have to push an agency or something into without having a program statement that called for better space considerations.

LOOMIS: Right, right.

HEINEMANN: But they totally redesigned—I mean, the laws were changed. It is a modern, efficient Capitol for legislators as well as for the other folks in there now something that we definitely didn't have in 1969.

LOOMIS: Yeah, yeah, yeah. No, it's quite a change. And still Kansas legislators are scarcely, I mean, treated opulently. You have a shared secretary for the session and things like that, so it's not—

HEINEMANN: Well, most legislators have a secretary of their own, particularly if they're a committee chair.

LOOMIS: Yeah, yeah.

HEINEMANN: I just [chuckles] don't know how they used to operate if you were a committee chairman and didn't have a secretary.

LOOMIS: Right, right. Just something that—you know, I'm sure you'll drive back and say, Oh, we didn't talk about this or talk about that, but if there's something, you know, on top of your head that we really haven't talked about, something that's, you know, a part of your being a legislator.

HEINEMANN: Hmm. I think I'll think of it on the way home, but—or probably a half dozen things.

LOOMIS: Yeah, yeah.

HEINEMANN: Because there's so much to the process. And perhaps what we ought to pay credit to, thank you to are the families that put up with the legislators. When I think of my daughters and the many times I could not be there with them, while I can say that every spring,

I did not have the opportunity to be at school events at the many missed events with my children growing up, one would hope that if Dad had been there, it would have been a more meaningful experience for my daughters.

LOOMIS: Sure.

HEINEMANN: And I think that's true of all of the others who served, because someone else has to put up with there not being there. Like, when I got home on Friday night from the Legislature, I was at the law office till midnight.

LOOMIS: Oh, gee.

HEINEMANN: Saturday morning I was at the legislative coffee; Saturday afternoon, probably back at the law office. Sunday morning I'd take my family and go to church, and then by the afternoon I'm supposed to be refreshed as I drive back to Topeka and be ready for another day.

LOOMIS: Oh, boy.

HEINEMANN: This is what a lot of legislators contend with.

LOOMIS: Right, right.

HEINEMANN: And so that's part of the process.

LOOMIS: No, I think that's actually something that I'll try to weave in, and we could study a lot of politicians—state, national—and the personal costs are absorbed.

HEINEMANN: Yeah.

LOOMIS: Families absorb the personal costs—

HEINEMANN: They do, yeah.

LOOMIS: —in one way or another. And sometimes they don't absorb them.

HEINEMANN: Yeah. Well, those are things I can always think of that I wish I had the wherewithal to provide my family.

LOOMIS: Sure. So, when you moved to Topeka, did—you live in Topeka now?

HEINEMANN: Correct. In '95, when I resigned my House seat, it was full time Topeka.

LOOMIS: Right, right.

HEINEMANN: It was actually a great relief just to have one total full-time job—

LOOMIS: Right, right, right.

HEINEMANN: And then, since the family—I've now got grandkids over in Overland Park. Fortunately—although fortunately I've got grandkids out in the Boulder area with about 600 miles to drive visit them.

LOOMIS: Yeah, yeah. But a good place to go when you get there.

HEINEMANN: Yes.

LOOMIS: Particularly in the summer, maybe.

HEINEMANN: Well, the daughter now has a new home a few miles up in the mountains. It's just beautiful.

LOOMIS: Yeah.

HEINEMANN: And I told her after helping move her last time next trip is going to be relaxing.

LOOMIS: Well, I want to thank you very much for starting this series off. I think that if I review this, I'll learn a lot from it, and perhaps one way or another we might chat a little bit in the future if there's some things that you didn't get in or—

HEINEMANN: No.

LOOMIS: But—

HEINEMANN: Well, one thing: Through the years, —I've got to mention this, that when— Steadman [F.] Ball, a State Senator—he has to go down probably as the number one legislator in my mind—because he was a person who just did his work whatever. He had a small practice in Troy, Kansas. And he probably did more to change the laws of this state than any other person who will not be recognized for all he did. We have mentioned the abortion issue earlier.

LOOMIS: Right, right, right.

HEINEMANN: He was the key legislator who was instrumental in changing the corporation—I mean the Criminal Code. And that bill, itself, was probably about 150 pages. But in it was one section that dealt with abortion, and it provided for the first time in Kansas that if there were three doctors who certified that the carrying of the child to term would endanger the life of the mother you could have an abortion. It was subsequently declared unconstitutional by the law existing back then, by a court, but he lost his primary because suddenly he became an abortionist because of that one section.

LOOMIS: Right, right.

HEINEMANN: And then another story I need to tell, too: And, again, it's about how do you learn not to prejudge people.

LOOMIS: Mm-hm.

HEINEMANN: There was a legislator by the name of Bill Stutz in the Legislature when I got there, and he had been there for probably twenty-five years or so. And in his earlier years, he was a very powerful person, but when I arrived, he was a senior legislator who sort of looked like what some people think politicians are. He was balding, gray-haired, overweight, constantly smoking a big cigar.

LOOMIS: Yeah.

HEINEMANN: And I remember one time he fell over in his chair and we were worried he had had a heart attack or something. And then one day—he had never really gone to the floor to speak, and he walked down to the mic on a point of personal privilege, and he started out by saying the obvious, that some of us— “Well, some of you think I've been around here too long. Well, I had a reason to be here. And my reason was I wanted to be a member of this House when I could introduce my son to you.” He then proceeded to introduce his son, a captain, and his son had just been released from the Hanoi Hilton [sarcastic nickname for the Hỏa Lò Prison, where the North Vietnamese held prisoners of war during the Vietnam War] after seven years. He had never seen his son in seven years. He was thin as a rail. He gave a speech that had basically all of us in tears. And so proud that we were an American. And the lesson there was he had a reason.

LOOMIS: Yeah.

HEINEMANN: That's why he was there. So, don't ever second think people.

LOOMIS: Yeah.

HEINEMANN: Very courageous person.

LOOMIS: As a political scientist, as a scholar, you really try not to impute motivations –

HEINEMANN: You've never been in their shoes.

LOOMIS: Yeah, yeah, yeah.

HEINEMANN: Some people, it's easy to do, but it's not a high percentage.

LOOMIS: No.

HEINEMANN: And that's because we're all human.

LOOMIS: Yeah. Yeah, yeah. Fantastic! I'm going to turn it off. Thank you so much.

HEINEMANN: Okay. Thank you.

[End of interview.]