H. EDWARD "ED" FLENTJE: This oral history of Fred Kerr [pronouncing it CUR], former majority leader of the Kansas Senate, is being conducted under the sponsorship of the Kansas Oral History Project, Inc., a nonprofit corporation created for the purpose of establishing an archive of oral histories of Kansas [state] legislators who served prior to the year 2000. These interviews are funded in part by a grant from the Kansas Humanities Council.

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Mr. Kerr, from Pratt, Kansas, farms in Pratt County. He's a graduate of Oklahoma State University in 1913—1963! Sorry about that.

FRED KERR: I knew it was a long time ago.

EF: He was first elected to the Kansas Senate in 1976 and reelected to three additional terms. He served as chair of [the] Senate Assessment and Taxation Committee from 1985 through 1988 and as Senate majority leader through four legislative sessions, 1989 through 1992.

Does that sound reasonably accurate?

FK: That's accurate, Ed, thank you.

EF: It's very nice of you to join us today.

Now, I know Burdett Loomis did an audio interview of you a few years ago.

FK: Yes.

EF: And I'm going to try to keep from overlapping any of that.

FK: Okay. I don't know what we said.

EF: But in that interview, he asked what motivated you to get involved, and your response was, "Well, I was involved in community activities. A seat opened—a Senate seat opened up, and I thought, *Why not me?*"

FK: That *is* what happened, leading up to my running for office. Prior to that, my family kept at least some conversations going about politics and government and elected people, both national and state. So there was some interest that my brother and I had in politics, starting with that. I know that when my parents would take us on trips, it was always within the United States, and we would go to different states, and my dad made it a priority to visit the capital city and the capitol building. And he would always say, "We're gonna go in and shake hands with the governor." I don't think we ever did shake hands with a governor, but at least it was a point of interest, that this is important. So then when I did get involved in some farm and business organizations locally, in the Pratt County—and so then I tried. A seat opened up, and I thought that would be a good one to run for, and maybe we could win and do some good.

EF: So can I imagine around the dinner table there were political discussions in the Kerr [pronouncing it CAR] household?

FK: There were political discussions, and in my family the Kerrs [pronouncing it CURS], my dad's side, were Democrats, and my mother's side was [Barrett? 4:06], and they were Republican. So we did have some interesting conversations. It was very cordial.

EF: Were you always aligned as a Republican?

FK: Yes. When I first declared for a political party, it was as a Republican and always have been.

EF: Now, does that speak to maternal influence?

FK: Oh, I think at that point in time, business, I think the Republicans were associated closer with the business and—community, and that's where I wanted to be, so I thought the Republican views would fit my views a little closer.

EF: On the Kerr side, were they long-term Democrats?

FK: Well, they were long-term—

EF: FDR [President Franklin D. Roosevelt] Democrats?

FK: I suppose that would be right. My grandfather was a county commissioner for a while. I'm not even sure what years. I suppose the late '30s.

EF: On which side, the Kerr or—

FK: On the Kerr side. T. P. Kerr was his name. So he was a county commissioner in Pratt County. So there's been interest all through the years.

EF: I'd have to say, kind of looking at the careers of you and your brother—are—two siblings?

FK: Yes, there's just the two of us, Dave [Kerr, Kansas senator from Hutchinson] and me.

EF: Elected to Senate. Run for governor. There must have been something there, more than—

FK: Well, there was certainly interest in the political process, and the people. I mean, I certainly knew who our U.S. senators were and who our congressman was all the years. And so, yes, there was interest all along. And Dave, I think, had a similar interest.

EF: I don't know Dave's educational background.

FK: Dave has an MBA, and he's from Hutchinson. Of course, I'm from Pratt. And as far as the Senate goes, those are adjacent districts. Of course, Pratt is a smaller area, so the Pratt district

consisted of about six or seven counties, and Dave's was all within Reno County, and Dave ran eight years after I had been serving, so I had served eight years before he first ran for the Senate.

EF: But in terms of elective office, you mentioned Kerr as a county commissioner. You earlier said you had a relative further back [cross-talk; unintelligible; 6:55].

FK: Well, there is a record on my mother's side, a great-grandfather. His name was L. C. Miller, and he was in the Kansas House of Representatives in 1909. He may have been in the Kansas House longer than that. I just—the record that was given to me showed 1909.

EF: And his name was?

FK: L. C. Miller.

EF: Miller.

FK: So he was my great-grandfather on my mother's side.

EF: Okay. But other than that?

FK: No, other than that, when I went to Oklahoma State, I was always accused of being in politics because the Kerr family down there—[Robert S.] "Bob" Kerr, the senator—was well known, and, of course, he's a Democrat. He was well known in Oklahoma. But there's no connection.

EF: You never claimed to be [cross-talk; unintelligible; 7:48].

FK: No, and he didn't claim it either.

EF: Well, you get elected to an open seat. I can't remember if you had—did you have opposition?

FK: I did have opposition. A man who was in the House of Representatives, [Walter W.] "Walt" Graber, a Democrat—he and I ran against each other. And he was a good person. I mean, it wasn't hostile. But we won.

EF: Okay. Was the maternal side of your family also Pratt County area?

FK: Yes, the [Barretts? 8:32] were in Pratt County, and I still today drive by the house on Main Street in Pratt, where my grandfather lived when I was a tiny kid, and I have good memories about that.

EF: You get to—you get elected. You come up here bright-eyed and—well, let me back up. When you ran, was there something that you really wanted to accomplish? I mean, was there something you wanted to change?

FK: Not individual accomplishments. I just had had this experience with farm and conservation and business organizations in Pratt County, and so I had an interest in solving whatever the issues might be, and so that's really what I wanted to do, was help solve the problems of the day.

EF: So when you campaigned—"Elect me because of my good looks"?

FK: No, "Elect me because I'm familiar with this area. I know the people. I'm into farming," which, of course, that's a farming area down there and that "I will be knowledgeable about the concerns of people here and can represent your views."

EF: Yeah. "I can represent you."

FK: Yes.

EF: That makes sense. You get elected. I assume you attended a caucus in December, early December. That caucus elected [Ross O.] Doyen, Senator Doyen, as president and Norman [E.] Gaar as majority leader. I can't remember if there was a competition.

FK: Well, there was competition for majority leader. And I think there were only two of us that got elected as Republicans that year who were freshmen, who had not been here: John Chandler [10:42] and myself. And they cut freshmen some slack. I mean, we didn't know the personalities, and so I didn't at that time really realize how deeply the feelings run on those votes, and I think Norman Garr barely won majority leader, but, yeah I wasn't really familiar—and there wasn't resentment against new people because we weren't expected, really, to know all the ins and outs of those kinds of elections.

EF: Did you have any thought, as you started, about committee assignments?

FK: Well, yes, I did. And that—I think part of the caucus was that, too. I was interested in water and Energy and Natural Resources as the committee that covered water. Agriculture [and Livestock], for obvious reasons. And I had some background and knowledge about tax structure, so Assessment and Taxation was a natural. And Education. I was on the Education Committee from the start and for good reason there: family that feels that education is very important. So I had good committees. There were some—some more senior members of the Republican caucus took good care of me.

EF: Yeah. I can't remember who chaired Energy and Natural Resources.

FK: Well, [Charlie Angel? 12:10] did, and—yeah, a good guy.

EF: Did you farm irrigated land?

FK: Yes, and we started irrigation in about 1976, so it happened to sort of coincide with when I started in the Senate, not that there's any meaning to that connection. But that is about when we started in Pratt County with irrigation.

EF: So you may have had a conversation with either Doyen or Gaar about committee assignments?

FK: Yes, and—of course, there's an Organization, Calendar and Rules Committee, OCR, that actually did then and maybe still does make committee assignments. And so it wasn't just Doyen and Gaar; it was I think it was seven people. I think [Charlie Angel? 13:05] helped me out along the way.

EF: And did you have adjoining districts with Charlie?

FK: Yes, they did—they were adjoining. I mean, Charlie's was huge, a huge—eight or nine counties, probably. And part of it did adjoin. I didn't really know him until I came here.

EF: Okay, I'm going to kind of walk through some of the committee assignments, because you've got some changing assignments. [Recording glitch; words missing; 13:37] get reelected four years later, 1980. And it's still Doyen and Gaar, I believe, your [mentor? 13:54].

FK: Doyen and [Robert V. "Bob"] Talkington, wasn't it?

EF: That's right. That's right.

FK: Bob Talkington was elected majority leader. I think Norman Gaar had left the Senate.

EF: Yeah. Anyway, Doyen's still in the—president of the Senate. And I assume he appointed you—or the committee appointed you chair of Agriculture.

FK: Yes.

EF: Is that something you remember wanting to do?

FK: Yes, it was, naturally. That was my background. And while the Agriculture Committee doesn't handle the most important legislature each year, it still was good experience, and it

was—we handled legislation that was important to the agriculture community. So I looked favorable on that time.

EF: Now, you were a member of Assessment and Taxation almost from the start.

FK: Yes, I was, from the start.

EF: Is that another indication of your interest, do you recall?

FK: Yes, I've had—I had quite a little knowledge about tax structure. And being a math major, not that there's really a connection between that and the system of taxation in Kansas, but still—well, it *is* related, so I did have some background in the taxation area, and so I thought, *That's something I could be constructive*.

EF: And so four years later, and Talkington is president of the Senate. You're reelected for the second time, and you're starting your third term.

FK: Okay.

EF: And you're named chair of Assessment and Taxation.

FK: Yes.

EF: And obviously give up Agriculture.

FK: Yes.

EF: Was that something you wanted?

FK: Well, yes, I did. I wanted it, and I know President Talkington was very supportive of me being the tax chair while he was president. But the issues—there were some pretty profound tax issues that were coming to the front about that time, and so I could—I could help solve some of the toughest problems that faced the Kansas government.

EF: How did that come about? I mean, they'd talk, just say, "This Fred Kerr, he—he could help us there"? Or was there some interaction? Or how do you remember—

FK: Of course, I had experience. I had served on the Tax Committee for eight years. And a number of the senators had either concentrated on the tax side, which I did, or the budget did, the Ways and Means side. So we would to the taxing; they'd spend the money. I mean, that wasn't really fair, but that's—

EF: [unintelligible; 17:00].

FK: And Dave, when he entered the Senate, which was when I'd been reelected the second time, after I'd served here eight years and then Dave won the Senate race in the Reno County district, so he got on the Ways and Means side. So I would help raise the money, and Dave would spend it.

EF: Was there are a Kerr caucus?

FK: No, not really a caucus. We obviously got along well, and it was a real pleasure, of course, to serve with your brother. And as far as I know, there are no other brothers in the history of the Kansas Senate that have served together at the same time, so that was really a privilege.

EF: So there was not a Kerr caucus?

FK: I wouldn't call it that. We'd visit now and then, legally, I think, in open meetings.

EF: Well,—and, again, I'm just trying to follow some of—you go—you're reelected for the third time, start your fourth term, and you run for majority leader. Or wait! How did you decide you wanted to be in leadership?

FK: Well, as far as in leadership, with the experience and having some success at solving some of the tough problems—tax problems, transportation and so forth—I thought I could do a job in

leadership positions. And I actually ran for president in what would become the 1989 session and did not win that but instead won majority leader. And so that's—I served four years—

EF: [unintelligible; 18:46]. I mean, I could see someone running for president and then being kind of pushed out of the picture.

FK: Well, there were some senators in the Republican caucus that, for whatever reason, wanted to support Senator [Paul "Bud"] Burke for president, but they said, "We really want you to run for majority leader," which was kind of last minute, like you say, because those decisions are made pretty fast. And then they would support me if I would do that, for majority leader, so that's what we did. And it actually worked out pretty well.

EF: So at the last minute, you dropped out and ran for—

FK: And announced for majority leader, yes. But it worked out pretty well. Senator Burke, who then became Senate president—he—he would do the Senate leadership matters— public appearances, that sort of thing—and he pretty much left the policy to me, which—that's what I wanted to be involved in anyway, and so I was able to be in the middle of about all the major policy issues over that next four-year period. It really worked pretty well.

EF: Well, you served sixteen years. You saw a lot of tax stuff.

FK: Yes, I cert- —

EF: [unintelligible; 20:17], and you were in it from day one, to some extent. I mean, you're on Assessment and Tax Committee. I mean, you have a farm background. You knew something about property taxes.

FK: Yes.

EF: Did you have—when you started, did you have a philosophy about taxation?

FK: Well, we really—really did. And between the three major taxes for state government and schools—that would be property and income and sales. And the philosophy was to balance those. The worn-out cliché is the three-legged stool, but that's—that's true. That's what we tried to do. And during some of that time, Representative Rolfs, Ed Rolfs, was chair of the House Tax Committee—he certainly believed the same thing. And the leadership in the House believed that, too. So we really were able to try to achieve that balance between those—those three.

EF: Now, my question is, did you start there or did you end there? I mean, you had, in a sense, advanced education in taxation over sixteen years.

FK: I think—oh, in exchanging of ideas between states and all which we did quite a bit of that—we'd meet with our counterparts in other states, through organizations, that it became apparent to me that that—that's the best structure for a state, and it affects different people differently, but on the whole, then, it's a balance.

EF: Mm-hm. In a sense, that was an unwritten kind of policy.

FK: Yes.

EF: Do you recall acting specifically to balance—or how—how—

FK: Oh, yes. One I recall—another major accomplishment besides school financing in 1992 was the highway package that we passed, and that really did set up the state of Kansas for, oh, a generation of good highways, safe highways, but it took a package of taxes, and, of course, in that case, gas tax was part of it. So was sales tax. But that was part of the effort to balance the tax structure among the people that would be served well by such a plan. And those really are the two things that I look back on as the major accomplishments: the highway package that we passed that served the state so well for twenty years and the school finance, which—public

education, public students are very important in the minds of most of us, and so putting together a good plan that stayed in place for quite some time—we look back favorably on that.

EF: Mm-hm. Now, as I look back at tax—actions on taxes during your service, the sales tax got bumped up on a number of occasions. And I don't—I didn't research how you voted on any of these, but [John William] Carlin called for a one-cent sales tax increase in his last year as governor. And then the highway package bumped up the sales tax a little bit.

FK: Yes.

EF: And then school finance bumped up sales tax. Did you think that was logical?

FK: Well, I'm sure we thought it was a balance at the time. And as I recall, those sales tax increases that actually passed were fractional, a quarter of a percent in one case and another fraction in another case. Looking back, I—I've been asked, "Did you regret anything, and did supporting those tax increases—do you regret that?"—because I did run for governor in 1994, and the issue of supporting tax increases was used against me. And I didn't win. But I wouldn't change a thing about that, because I—I felt good that we were doing the right thing at the right time, both for the transportation system and for the public school. And I would not want to look back and think, *Well, I changed my vote or my view in order to be in better position to run for later office.* I wouldn't want to look back that way. I might not have won anyway. There were probably plenty of other reasons to vote for somebody else for governor. And so I'm—I'm pleased that we passed the packages that we did and it served the state well.

EF: Do you recall thinking at the time, *Why not income taxes rather than sales taxes?*

FK: Well, income taxes did work their way up some, and I don't remember specifically what year or what was being—what we were trying to accomplish, but income was being bumped up too. I think it was holding its part of the bargain.

EF: I don't know if Mr. [James?] Magg 26:04] is in [our? 26:09] audience, but I was doing research and writing on some of the tax policies of that time and was actually quite shocked that in I think it was '77—would have been—John Carlin would have been speaker of the House—you had been on the Tax Committee that the upper bracket in income tax went to 9 percent. And it was—after researching it—Mr. Maag was totally shocked by this, he said—it was an alliance of John Carlin as speaker and Norman Gaar as majority leader.

FK: Oh, oh.

EF: And it was kind of intended to embarrass Governor Bennett. And I was wondering if you recall that at all, because you had—actually, Bennett had vetoed it earlier in the session, but they kind of threw it back at him, and he let it become law without his signature.

FK: I don't remember the specifics of it, but I—

EF: I'm sorry that I pressed you on that, but it was one little piece of history that I always found kind of fascinating, because if you would have asked almost anybody, "We have a 9 percent income tax," they [would say], "Oh, no."

FK: Yeah.

EF: But we did for a short while, in the upper bracket.

FK: And there probably was some—well, I think Senator Gaar and Governor Bennett—of course, they're both from Johnson County—I think there's a rivalry there, and—of course, then John Carlin did run against Bob Bennett and won ultimately.

EF: Yeah. We interviewed [Patrick] "Pat" Hurley, and he remembered that with some glee, actually.

FK: Oh!

EF: We did that a month ago.

FK: Oh.

EF: So I'm curious—now, there *was* a kind of restructuring of the income tax when [John Michael] "Mike" Hayden came in, the issue of the windfall and all that.

FK: Oh, yeah.

EF: Do you remember much about that?

FK: I don't remember much about it. I do remember there was a windfall and, of course, quite a little debate about what are the state's needs versus passing some back to taxpayers, so I'm sure there was some sort of balance there that actually happened, but I don't remember the details of that.

EF: Yeah. But that you would have been chair of Tax—Assessment and Tax at that time. It was—now, maybe not.

FK: Yeah, I think maybe that was earlier.

EF: Okay.

FK: I would have been on the committee.

EF: Yeah. I've got to ask something else. Reappraisal and classification in some ways happened before you're certainly chair of the Tax Committee. Carlin had proposed—he essentially supported reappraisal if there wasn't a classification amendment that would protect homeowners and farmers. That's kind of how he framed it.

FK: Yeah, I remember that.

EF: And so that got put on the ballet in ’85, and reappraisal was going to finish in January of ’89. Now, you would have been in your first—yeah, you’d been chair of Tax, but you would be majority leader. Mike wanted to slow that down, soften it. I mean, Mike saw the political liabilities of all that. And my memory—I don’t know if it’s just from talk or whatever—was that you pretty much said, “No, we’re not gonna do that.” What do you remember about that?

FK: Well, that actual point, I don’t. But I do know that as far as reappraisal goes—and it was controversial, and it was difficult—but the case was made that our appraisals across the state were out of balance, and so whether it was the [Kansas] Board of Tax Appeals or the courts, we had to change. We had to reappraise. And John Carlin was right: When it comes to homes and farmland, what the market price is doesn’t connect with the value, and so that I think was his argument, and it [was] correct, that there needed to be a classification, that those two properties needed to be assessed (taxed) at a different, lower level than other properties. So there was good reason for that, and there was lots of negotiation [about], of course, what those levels should be, both for farmland and homes, and so we did arrive at what—a compromise. And as you say, it was put on the ballot, and it did pass.

As far as the reappraisal goes, it’s obvious that when a reappraisal goes into effect, there are going to be some gyrations, and so the people that are on the wrong end—in other words, get taxed higher as a result of a reappraisal—don’t like it one bit. And I’m sure that Governor Hayden knew that would be the case. But once we had gone through all the process, which was I guess a several-year process to do—to do the reappraising—and then, of course, the

classification was kicking in—I don't think it made sense to delay longer. It's time to get it done, put it into place.

EF: But you don't remember having a conversation with Mike as governor, where he said, "Fred, we got"—

FK: Well,—

EF: —"Let's delay it just a year, passed the next election" or—

FK: I knew the box that he was in. I mean, we all were, but he was governor, so he was the point man. But yet it had to happen. Just need to get it get it done and move on.

EF: I was never party to those conversations, but I can imagine. Well, I mean, Mike said, "We did the right thing."

FK: Yes.

EF: It was a political—

FK: It was a problem, yeah. It was. And he was the victim of that.

EF: Yeah.

Well, another area that you served during I call it an "era" was the Carlin—I mean, you were there during all of Carlin's two terms.

FK: Yes, yes.

EF: So you overlapped completely. What is your memory of that time while serving while Carlin was serving as governor?

FK: Well, John Carlin, of course, came from a rural background, and so we had s- —in common there. I think he related pretty well to people. I think that's partly—a pretty big reason why he got elected. As far as the policy while he was governor, of course, he had been speaker of the

House, so he was very knowledgeable about state issues and the legislature, so he knew what might fly and what wouldn't in the legislature. So I—I think it was a fairly successful time from that standpoint.

I know he had some economic development issues that he proposed, and I wasn't in the middle of all of those, but I certainly knew about them, and they were—well, liquor by the drink and—I wasn't really involved in that, but I understand the economic development side of that. Pari-mutuel racing and lottery. And those things all passed. And I think his proposal on the lottery and using the money for economic development purposes in Kansas was good. I think it served the state well. It did provide, oh, a pool of money that could be used for enhancing other economic development in the state, and I think that worked pretty well.

EF: There was one issue that may have gone before Assessment and Taxation, and I was wondering if you remembered anything about it. It authorized cities and counties to exempt certain property from taxation, for economic development purposes. Of all the amendments, constitutional amendments—most of these items were constitutional amendments—it passed by the slimmest margin. And I—I just wondered if you had any memory of it.

FK: Well, I don't remember the actual debate that much, but I do remember it as the years went by, with local governments using that, the availability of those exemptions, and, again, I think—I think they worked well, and I think those are still being used today. So, yeah, that was a major accomplishments during Governor Carlin's tenure.

EF: Now, Carlin has done some interviews after all his political career, and he made an interesting point. He said that—I think he said, "Eighty percent of what I got done was in my second term." And he said he attributed that to his announcement, some time before then, that he

would not run against Senator ["Bob] Dole? 37:36] for the U.S. Senate. I was curious if you had any memory of that.

FK: Oh, I don't remember him saying that, but I can certainly understand that that would have helped him accomplish goals during his second term. I mean, that—that would—he did the right thing if that's the way he put it. And a lot of us, then, in the legislature, if he had not—I mean, if—if the threat was there, that he was going to run against Senator Dole, and we liked Senator Dole, certainly, Republicans. John Carlin would have had a tougher time with his agenda. So, yeah, that part is true. It would certainly work that way if he—if that's what he was thinking.

EF: He had—you know, a [a lick? 38:21] for the drink [sic; liquor by the drink], pari-mutuel wagering. Those were—I mean, you didn't have people clamoring—

FK: No, and the liquor by the drink—there was quite a lot [of] opposition in the area that I was serving. Pari-mutuel racing—there actually was a small racetrack in the district that I served, in Anthony, and so there was some interest—

EF: Of course.

FK: —down in Harper County. And so actually I think I probably supported it. But it didn't turn out to be a big thing in Kansas.

EF: There was—and, again, you may not have been intimately involved—the two profess—KU professors, [Anthony] Redwood and [Charles E.] Krider, issued a report

[the Kansas Economic Development Strategy in 1986].

FK: I kind of remember that one.

EF: And—

FK: What was that a report?

EF: Well, it kind of laid the groundwork for these constitutional amendments.

FK: Oh.

EF: And I—I just—wondering if that was a part of your memory of that.

FK: Well, now that you mention that, I remember those names, and I think that part of the Carlin package was assigned to the committee I was chairing, and I—I do remember comparing their recommendations to what was before us and using that as part of the decision and legislative process.

EF: Well, so much for Carlin. He—it was a time of activity—I mean, policy activity. I mean—and that's why I bring it up.

I'm going to bring up one thing that wasn't in my notes. The death penalty became an issue in that time. In fact, that might have gone clear back to Bennett.

FK: Yes, I think it did.

EF: Bennett advocated the death penalty, couldn't get a support. Carlin said, "I'll sign it," then he—when he got a bill, he said, "I can't sign it." Mike Hayden campaigned on it, in part. Couldn't get it passed. And then, of course, [Joan] Finney got it passed. Did you—were you involved in any of that?

FK: I remember some of the debates. And in the early couple of years that I was in the Senate, probably the most emotional debate or debates did have to do with death penalty legislation. And it is a difficult issue. So that's what I mainly remember about it, is there was probably more tension in the Senate when that issue was debated than any other. EF: How did you position yourself?

FK: I—I—I supported it, largely on the grounds that the guilty person wouldn't ever do it again. Now, as it turned out over the years, with all of the court actions to delay any specific death penalty, the effectiveness, I mean, wasn't as much as we thought it would be.

EF: Yeah.

Let's move on to the Hayden time. Did you get involved in that gubernatorial campaign? You would have been in the middle of a—I mean, there was Larry Jones and secretary of state [Jack H. Brier].

FK: I remember both of them campaigning. I remember Mike Hayden—

EF: [O.] Gene Bicknell was in it.

FK: And I remember Larry Jones campaigning. I—I think I had my own priorities to take care of, so I don't really—I don't think I got public with—in regards to any of those—any of the candidates.

EF: Anyway, Mike prevails, and if—I—I mean, there were a number of things done during that period. The income tax restructuring was a big on early on, windfall issue and all that. But you mentioned earlier the highway plan. And, again, your tax—I'm always a little confused—I think you would have been chair of Tax and then majority leader in that—

FK: During that time frame? Yes.

EF: In that time period, so different jobs, but—and you had said that was one of the significant accomplishments that—

FK: I certainly look back on it that way, and I think it's turned out that way. I mean, Kansas then, for twenty years, had a good reputation for roads and highway and the safety. Now, as we're speaking, I think that's going to suffer pretty—pretty badly because the transportation

money has been confiscated, in a large extent, and I—and it takes a long time to turn that around. But that's now. At the time we were serving, I think we did the right thing.

EF: Yeah. That—there were a lot of highway plans and different elements bouncing around at the time. Mike originally was pushing user fees, funding it entirely on user fees, and some of the highway folks wanted to get a little more of the sales tax. Do you recall getting engaged in—

FK: Yes, I certainly was in the middle of that. And I think that's the way it turned out. User fees were I suppose a majority of the money, but there was I think a quarter-cent sales tax that was dedicated, that was raised and dedicated to the highway program. So I think in essence that's what it took to put the package together and get it passed.

EF: Yeah. Do you remember from being on the Tax Committee or more generally—you were on Transportation.

FK: I was on Transportation, and I—I may have been on the Conference Committee on that. I think I probably was. So, yeah, I was certainly involved in that. I look back on it very favorably.

EF: Now, this is—if you look at the program that eventually passed in '89 and the one Mike proposed in '87, debt was a part of it, a pretty good piece of debt, and highway debt has always become kind of a part of it. Do you recall at all dealing with that element of it?

FK: Not so much on the debt. What I do recall about it was that Governor Hayden called a special session to get what he hoped would be a highway plan passed, and it didn't happen. The votes just weren't there. But I still give him a lot of credit for bringing that issue to the public, and then support for it did build over the next year and a half, and we *were* able to pass it, and so I think that it took both to get it done.

EF: Were you always in an affirmative position on that?

FK: Yes, I always realized just the long-term benefits of a good highway system. I live pretty close to Oklahoma, and in those days their system was pretty bad. And Kansas—you know, you just appreciated having better—a better system in Kansas. So, yeah, I was always supportive of that. And the highway contractors. That's—I think that's a good group of people, create a lot of jobs, and I relied some on their recommendations, too.

EF: You mentioned your interest in water.

FK: Yes.

EF: And Governor Carlin and Joe—the name slips—came up with a water plan.

FK: His aide? Joe [de la Torre? 47:40]?

EF: No, the—

FK: Oh, Harkin.

EF: Harkins, [Joseph F.] "Joe" Harkins.

FK: Yeah, yeah.

EF: Good memory!

FK: Well, he was a good man. I remember him favorably.

EF: Yeah, definitely a good man. They came up with a water plan that was endorsed broadly, but it had no financing, and as Governor Mike was completely committed to getting a water plan that—more than dealing with—I mean, it might deal with recreation, conservation, a whole variety of purposes related to water. And we talked earlier about [August] "Gus" Bogina [Jr.] being kind of—coming into the Senate from the hospital to cast the twenty-first vote for the water plan. Do you recall much discussion over the—it was kind of a glammed together funding—$16 million a year, as I recall.

FK: I don't really remember the specifics of it. I just remember over all the obvious importance of water and preserving water and having a policy in place to use water but use it efficiently and to preserve for the future. And further west than where I live—I happen to live in an area in Pratt County where the water is plentiful. We're fortunate. But further west in Kansas, the water table—and I know when I first got in the legislature, they were worried about how long there was going to be water available out there. Well, they did do some conserva- —there is still now water available out there. It's declined some. But they have certainly prolonged the usage of it. So those are the kinds—those are the important things that I remember about it. And, of course, you've got municipal needs for—that have to be preserved, and—

EF: Yeah. Taxing agriculture—I mean, agriculture obviously is the largest consumer of water, and taxing water—taxing agriculture was usually a somewhat controversial part of the water plan. Did that—do you recall that coming up?

FK: Oh, not specifically, but when we were talking about the tax structure in the state—and at that time, and now, land that's irrigated pays about double the property tax of land that is not irrigated, so there's a major tax component attached to irrigation, and was then and is now.

EF: The one other item that was a big infrastructure issue and controversy in the Hayden years was the prison, a new state prison. Do you recall being involved in that?

FK: No, that was—I think that came through the Ways and Means side. Again, my good friends that spent the money were—were more—much more involved in the—in the prison. The rest of us raised the money.

EF: Well, you left some fingerprints on the issue of school finance. I'm moving to the Finney era.

FK: Yes, yes.

EF: As you—before we get to that, how do you remember Governor Finney?

FK: Well, as you said, school finance was such a huge issue at the early part of her tenure as governor. What I remember about her role—her proposals weren't—well, weren't very good. But she would cooperate. When we would work the legislative process, to work school finance and solve the court orders to adequately fund education—and we would start to come up with solutions, she didn't threaten any vetoes, even though what we were coming up—well, I won't say she never did that, but still, she didn't veto any of our efforts and was—in general was encouraging, even though the direction the legislative process took us was quite a little different than her approach. So from that standpoint, it did happen. It got done while she was governor.

EF: And I was talking just more generally than school finance, but—

FK: Well, that—and then—I guess generally, too, the way I remember her is that maybe her proposals weren't that constructive because they weren't really in line with realism or what the—

EF: For example, she wanted to take exemptions off sales taxes.

FK: Yeah, that is a good example. But when we went a different direction, she didn't get in the way.

EF: Yeah. We indicated—former Speaker of the House Marvin [W.] Barkis was here, and I don't know if you have any specific recollection of the '91 session that—Barkis and the governor were pretty much at odds, and—I mean, you have a veto-proof legislature, both houses. In fact, the Democrats in control of the House. And they were joining Republicans in overriding her again and again. Do you remember that time?

FK: Oh, no, I guess I don't. What I remember during the time when the legislature was so evenly split between Republicans and Democrats, and the Democrats did control the House at times—I remember a coalition that would cooperate and get the important issues of the day solved. So it—while I'm always glad to see Republicans get elected, having a fairly equal balance I think serves the process pretty well.

EF: Now, that's an—I don't think you'd find many majority leaders that would say that.

FK: That's right. You wouldn't say it, but it may be true.

EF: Well, let's—let's go to school finance. We're a little closer to our current time period, but it's still a ways back. How do you remember that time period?

FK: Well, I remember that issue especially, identifying, obviously, early in the legislative session that that was going to be important. And I was one of those who felt, "We have to solve that. We have to answer the courts. We have to solve it." Not everybody felt that way. Some felt the courts had gone too far and so on. So I remember going through the process of it doesn't make any difference how we get there; we just have to get there. And there'll be some gains, there'll be some losses, there'll be some wins, there'll be some losses throughout, but as long as the issue is alive and we're moving towards a final solution, we'll get there. And that *is* the way it worked.

And the House in that year, '92, handled that legislation first, school finance first. And it took the House quite a number of weeks to come up with their plan, and that wasn't final because it had to come to us. And them, of course, we—we were able, even though there was coalition of senators that weren't going to vote for anything—so when that happens, you work with those who—who *are* willing to compromise. Those who are just opposed because of the tax

structure—I mean, they're good people, but you don't need to listen to them because they're not going to support what you're doing anyway.

And so I remember doing that. And at one point, I guess I was reminded that it took us six votes in the Senate, at the end of the session, to finally pass school finance, and I wasn't counting, but I was confident it was going to pass because I knew the process was moving forward. And I do look back on that pretty favorably, and I guess the structure we put in place that year, in '92, generally stayed in place for the public schools for—well, really until 2012, when the tax structure was gutted in the state. But I—I look back favorably, that we were able to put together a good system, good structure for funding the public school kids in our state. And so we got it done.

I'll mention one little anecdote which I think is appropriate: We were going through all those debates. Each time there would be a Conference Committee report to—"Here's the latest compromise on school finance." And it would come to the Senate, and so we would have a debate. And finally, on the last one, I—and I wasn't on the Conference Committee, but I know Senator [Joseph C. "Joe"] Harder, who was the education chairman, and Senator [Thiessen? 58:06], who was tax chairman after me—they were—and so I was here on the Senate floor, defending their work as a Conference Committee. And I made a little talk about it, and [Lou Ferguson? 58:21], a highly respected Associated Press writer, was sitting just right here—I mean, I'm where you are, and Lou was over here, and he put a note on my desk and said, "That's one of the best speeches I've heard in twenty-two years on this Senate floor." Well, it wasn't one of the best he'd heard, but it was the timing. The timing was right. It was short, and then it—and then it did pass right after that. So coming from [Lou? 58:46] that—that meant a lot.

And just to go on, in later years, I ended up serving on the Board of Regents with [Lou? 58:53] at the same time. So, you know, a highly-respected person, and I appreciate—I appreciate that.

Anyway, so we got—got the school finance passed. One other little anecdote like that: This—this may seem silly, but at Pratt, the Miss Kansas Pageant is held, and that's in June, so it's six weeks or something after the end of the legislative session. So—so I was there at this particular parade. And Governor Finney was out, Governor Finney, and she—coming down the street, she saw me, and she stopped the car and came over to shake hands and thank me for helping me to get school finance. But that's kind of what I mean about her. We might not have done it the way she wanted, but she—she was supportive of what we did.

EF: As I look back at that time and you're majority leader, you go through five attempts to pass the original bill. What kept you going? I mean,—

FK: Well, we had to solve it, and really—we're not discouraged. I mean, it was—it was still alive.

EF: That was not discouraging?

FK: No! No, I knew what the outcome was going to be. We were going to do it. And so, no, that wasn't discouraging. That was just part of the process. And if it took an extra week, just as long as we did the right thing, that's what was important.

EF: So you really had no doubt. You were just going to keep pushing forward.

FK: That's right.

EF: And that's before conference committees.

FK: Well, the part I really remember *is* the conference committees.

EF: Yeah, but the six—I mean, six votes to get a bill passed in the first place.

FK: Okay, okay. I see what you mean.

EF: And then three conference committees.

FK: All right. So that's where we got to nine votes.

EF: It may get kind of mushed together.

FK: Well, but it was part of the legislative process. And, you know, at that time, when you had open debate, you didn't have big money controlling groups with pretty narrow interests. In other words, sure, you had groups and lobby organizations, but they represented large numbers, whether they were teachers, whether they were farmers, whoever they might be. So it wasn't a concentrated money with narrow interests like I think there is now. So anyway, the process itself—it's a good process, with two houses, with conference committees, if you just let it work. And the press, the role that the press plays. I think it's the transparency. It's a very important role. And the people back home will learn how you're doing by reading what—reading or watching TV or—what the reporters here are generating. So it's a good process. I think it's deteriorated.

EF: That's [recording glitch; words missing, 1:02:07] around that fifth vote?

FK: No. It was going to pass, eventually.

EF: Did you have—

FK: Because a majority in the Senate here wanted it to pass. They had different views.

EF: Did you have a mentor ever in—I mean, your confidence about the process, your pushing forward.

FK: Well, when I started, being on the farm and local organizations, I was pretty green. I didn't know much at all about the politics of the Senate and the legislative process. I remember one

person, and it seems kind of unusual, but Wint Winter Sr. (W.W. 1)— [Transcriber's note: His son was Wint Winter Jr., who ran for the GOP nomination for attorney general in 1994.]—who had a personality very different from mine. He was flamboyant and funny, and he was chairman of the Ways and Means Committee, so he really knew the state budget. His office was down the hall here in the building, where I would walk by when I went home at the end of the day. And so he'd see me, and he'd invite me to come in. "Sit down." Here, I'm this freshman that doesn't know anything. And we'd just talk about it a little bit, not long but a little, and I just remember him, and I thought, *Of all people, this person, who's so different than I am, helped me out*. And so I think that probably was the start of really learning the legislative process. Then I did become comfortable that I knew the process here as well or better than anybody else. So I—I—I knew that when we had an issue like that school finance in 1992, we would get it done.

EF: One thing I have got to ask about, because it's such a contrast to what we've seen since 2010, and I'm talking about the resistance to court orders and court decisions. You mentioned, of course, reappraisal, which was court ordered in a—I don't know if it's that specific. And then school finance court. Part of your confidence seems to be related to "we had to carry out the court's"—

FK: We respected the court, yes.

EF: How did—I mean, was that just broadly shared? You said there was some reaction—resistance to that.

FK: By a minority, yeah. Yes, but I think it was commonly shar- —I mean, it's—it's the three—the balance of government, between the executive and legislative and—and—and judicial. And the majority of us respect that, and did then. And so, yeah, we respected the courts.

EF: I do not recall—and, of course, I wasn't close to it, either in the reappraisal or school finance—any major movement to, you know, cause a constitutional crisis, to [cross-talk; unintelligible; 1:05:52]—

FK: No.

EF: You just enforced it yourself, or something like that.

FK: Yeah, no, there wasn't—we weren't close to that. And on school finance, a big majority was really supportive of public schools. I think there's been an erosion of support for public schools, and that—and then that hurts when—when you're trying to provide funding for the schools.

EF: A couple fairly dramatic elements of the school finance, as I look back, kind of stand out. One was a completely new approach to distributing state aid, [unintelligible; 1:06:50] state aid plus waiting. That's one thing. The other is a completely new state aid program for construction. Did—do you recall tho- —did you have strong feelings about those?

FK: Well, of course, the distribution of state aid and trying to provide the equal opportunity to education for students, regardless of where they live—I believe strongly in that, and that was a lot of our efforts. And there are many moving parts to that formula. And our good friend, Dale [M.] Dennis, I know would be asked to provide a printout for every whim that any of us might have on how we might tweak—but he would always do it, and you could see, then, the effects of how we were trying to shape that formula. But, again, it worked. That was part of the process. The construction part, I was not as involved in that, so I don't—I don't remember very much about that debate.

EF: Now, the mandatory statewide levy actually, over all, reduced property taxes, but some folks out your direction didn't like that because it essentially—I'm thinking of the oil and gas folks—I think they were going to go to—try to align with another state or something like that.

FK: Yeah.

EF: Did you get much push-back on that?

FK: No, and that really was further west than where I was. But you speak of oil and gas. During some of these years, the severance tax was part of the debate, and I think actually, didn't John Carlin use severance tax as an issue to get elected governor?

EF: He did. He did, in his second—

FK: Oh, it was in his second run?

EF: Yeah.

FK: So—

EF: But they—while 90 percent of the school districts actually had—

FK: A reduction.

EF: —a reduction of property taxes, there were a dozen or more—and some of them were out [cross-talk; unintelligible; 1:09:12].

FK: Yeah. Yeah.

EF: I was wondering if you had any—

FK: But other parts of the package probably didn't hit them as hard like the sales tax.

EF: Yeah. I was somewhat surprised to learn that almost in the middle of the school finance debate, Fred Kerr announces he's not going to run for reelection. Do you remember [cross-talk; unintelligible; 1:09:48]?

FK: Well, I remember making the announcement, of course. I had decided sixteen years was long enough. I did not know at that point whether I was going to run for governor in '94 or not. I knew it was a possibility. But I think that really was it. I'd been here sixteen years. I addressed the problems that I thought were the most important, and for the most part, we had accomplished solutions to those problems. So I just thought, *It's the right time to move to another chapter*.

EF: I mean, as I look back, it looks almost like a tactical move in the middle of this debate, removing yourself from—

FK: No, I don't—I don't—I didn't really think of it that way. I thought of it more the time—our daughter was here when I made that announcement, and timing it so, you know, family—I think Nancy was here—so family would be involved. Of course, Dave was here on the Senate floor. But, no, it was more personal things as far as the timing goes. And maybe it was a mistake. You know, if governor had been my overriding concern, maybe I should have run for reelection in the Senate and been more visible. But I don't look at it that way. It was sixteen years is long enough, and we accomplished a lot, and it was time to move on.

EF: We've covered a lot of territory, but I've got a few questions left.

FK: I don't think there are any more questions.

EF: You've commented—we've commented that the era, that sixteen-year period you served in [what] might have been described as a golden era of, you know, state politics. I mean, a lot was accomplished, and whether you're talking about Carlin or Hayden or you can go back at Bennett, and certainly during Finney—things changed, and, in fact, for the past few years, we've had folks that look back and say, "Well, that—what they did was all wrong."—I mean, spent too much, taxed too much and all that. Did you see that coming while you were still in the Senate?

FK: Well,—

EF: Were there indications of that?

FK: Not quite yet. What I see as has happened—and I don't think it really had quite started yet—well, just—is just more control by big money. There's not—there was a tendency to not have the transparency as to where campaign money was coming from. It's gotten worse and worse. And in several cases, organizations that had a lot of money but fairly narrow interests gained control because of the campaign financing that they controlled. And I think that's where the erosion of this system really goes back to, is the influence of big money and not revealing where that money is coming from. And I think that's just hurt the legislative process. It's hurt the debate process. I think legislators then have conflicted interests. They don't have to just be concerned, which they should be, about people that they represent, but they have to be concerned about these folks that control a lot of the campaign financing, and this has just simply hurt what was a really good process.

EF: But you're really saying you didn't see it while you were in the Senate.

FK: No, I didn't. Some of the organizations did have influence on elections, certainly, but they were generally organizations that *should* have influence, whether they were farm, whether they were teacher, whether they were highway contractors and jobs. They should have influence on an election through their members voting. So that's—I saw that at that time but didn't—didn't resent it. But I think it's been later that the big money influence has not necessarily represented to your constituency, has become a lot worse.

EF: You ran for governor in '94. Did you see it then?

FK: No. What I saw then was—there were six of us in the race, and there were two very well-financed, with their own money, which—it was theirs—who did quite well in that race. And so they—so Bill Graves won, and Gene Bicknell, who was in it, and he had a lot of personal wealth as well, so I did see the influence of money, but it was their own. It wasn't from outside groups, or outside the state of Kansas.

EF: What about the—oh, what do we call it?—social issues. I'm thinking specifically of abortion. I recall Mike Hayden kind of avoid[ed] the issues on his first race. Said, "That's a federal issue." And then you had the Supreme Court decision that says states can regulate abortion. And so in '89 and 90, he kind of got pushed out on that issue. You would have been majority leader. Do you—how do you remember that?

FK: Well, over the years, certainly, the abortion, pro-life issue—it always had—there were people quite interested in that issue, all of the years, clear back to when I first ran. I think that's become more influential, and it's through the—through the ballot box because there's—well, the pro-life group does get their supporters out to vote, so that—so they do have quite a lot of political clout. And I think they have more clout today than they did when I was serving. I've always wondered—you know, we've been talking about tax issues and spending, and then you bring up the—the pro-life and abortion issue—I've always wondered about people—and some of my friends here in the Senate were this way—who were very much in the camp of pro-life, but they were also the ones that would never support social services to take care of children in tough circumstances. And that frustrated me. It frustrates me today, because it's the same people. And I don't know how—I mean, I guess I need to sit down with some of my friends that are in that camp and say, "How do you reconcile—I mean, if these—if we have these kids born into tough

circumstances, which is often the case, when an abortion might have been contemplated, but then you won't provide education for them or social services to help keep them out of trouble. How do you reconcile that?" And I don't know.

EF: Yeah. Did you have any sense of this issue playing in the '94 primary?

FK: No, I don't think it did in the '94 primary, partly because I don't think the candidates took different positions on that. I don't remember Bill Graves or Gene Bicknell or the other three really taking strong positions on that issue one way or another, so I don't—I just don't think it was a big thing in '94.

EF: You obviously have watched state politics since you left office. My impression is there's kind of an alliance of the anti-tax, anti-government and the evangelical—

FK: Mm-hm.

EF: Am I wrong on that?

FK: Oh, I don't think you are. I see the same coalition. They may not have the same interests, but they're—they're—and the game is the same. The people they want to elect is the same, even though it may not pertain to—to their particular—so, yes, I certainly see that, that connection.

EF: I have not rec- —you didn't run for office after '94.

FK: No.

EF: How did you disengage?

FK: Well, Bill Graves—and we didn't end up enemies. He did appoint me to the Board of Regents. I think maybe it was 1999. And so—and I enjoyed my four years on the Board of Regents, of getting much better acquainted with the universities in the state and the people who ran those universities. That was a good experience. And then the community colleges were

coming into the state system at that time, too, so it was a challenging time of higher education. And during my time in the legislature, I was much more involved with public schools, K through 12. Was not that involved with higher education. So serving on the Board of Regents—yeah, that was good.

EF: You got to see Bennett, Carlin, Hayden, Finney and obviously Bill Graves, [Kathleen] Sebelius. [Recording glitch; unintelligible; 1:20:29] act. Are there folks that you kind of point to and say they really carried things forward?

FK: Well, a good question, and there certainly are several that I look back on that—I really appreciated their role in the legislature. Senator Talkington I think was a very good majority leader and then president.

On the Democrat side, Senator [Michael Louis] "Mike" Johnston. For my sixteen years, Mike was here fourteen years, and my first two years as majority leader he was minority leader, so we had some pretty good discussions right here on the Senate floor. He was always wrong, but—but I appreciated serving with Mike. And then he—he took a job as secretary of transportation under Joan Finney.

On the tax part—and I worked a lot with the House people, and I've mentioned, I think, Ed Rolfs and Joan Wagnon. They were tax committee leaders on the House side, and so there was a lot of interaction, and I appreciated very much serving—serving with them.

Senator Bill Morris—I want to mention Bill because he was—he was such a—so rock solid on the highway plan, and gets a lot of credit for it and should get a lot of credit for that. They even named a portion of the state system in Sedgwick County after Bill. Very appropriate. So he was—he was really good to serve with.

And I think I mentioned Senator Harder and Senator [Thiessen? 1:22:13] and their roles in education and tax.

And then, of course, serving with my brother was a privilege.

And I mentioned W.W. 1 a while ago. Well, there was also a W.W. 2. [Wint Winter Jr.], and Wint's son, Winter the Second, came in after I'd served I think eight years, so he came in for the next eight, and really enjoyed working with him.

So a lot of good people. Those are good memories.

EF: Did you learn anything about gubernatorial politics in running for office?

FK: Well, that's a good question, too. When I did run in 1994, my running mate was Connie Hubbell, and Connie was excellent. I think she would have been an excellent lieutenant governor. I think Connie and I were well prepared to serve as governor and lieutenant governor. I mean, that's just the way I look at it. Majority of Kansans didn't look at it that way, but—

EF: Not Republicans. Maybe [unintelligible; 1:23:17].

FK: Well, Connie and I did have some very good editorial support, which—that was important as well. But—so, yeah, I learned something about running for governor, and I guess it takes a lot of money.

EF: If you had to do it over again, what would you do?

FK: I don't know if I would have—knowing now what I knew then, whether I would have run—I mean, knowing that I was going to work that hard and Connie would work that hard, and our families, and travel the state, which we did conduct a grassroots campaign by going to all parts of the state. And some advice said, "You should be concentrating more on raising more money." So I don't know who's right there, but looking back, it was a huge effort, and did cost a lot of

money to run for governor, even though I was a distant third as far as having our own money to run with. So I don't know if I would have done that, knowing what the outcome was going to be. But I—I do think we conducted a good campaign, and I think we were well prepared to serve.

EF: Did you counsel your brother on [cross-talk; unintelligible; 1:24:35]?

FK: Oh, he pretty much made an independent decision on that, and his race, eight years later, oh, had different dynamics to it. There was a Wichita—there was more geographic. So all I—I think I encouraged him to run, and he knew what the outcome might be, because his race was I think fairly similar to mine as far as how it went.

EF: Well, I've run out of questions.

FK: Okay.

EF: I'm sure there is more we could cover. Any closing comments?

FK: Well, this Senate chamber right here has very favorable memories. It's a wonderful place. And if you can't have good debates and pass good legislation for Kansans when you're working here, then there's something wrong with you. So it was a privilege to serve here, and I appreciate the work that you all are doing on the oral history project. I think it will be good, whether you use any parts of mine or not. And so I thank you for the invitation.

EF: Well, I appreciate your coming up, leaving some farm work behind. You're going to have to catch up.

FK: Well, [Alan? Allen?], our son, is—he's on top of that. But I—I'll—I'll help him tomorrow.

EF: Okay, good. Thank you very much for coming in.

FK: Okay, thank *you*.

[End of interview.]

