

LOWTHER INTERVIEW #14

Loren Pennington: This is the 14th in a series of Flint Hills Oral History Project interviews with Mr. James Lowther at his home at 1549 Berkeley Road in Emporia, Kansas. The interviewer is Loren Pennington, Emeritus Professor of History at Emporia State University, and today is June 5, 2012. And as usual we remind the user of this tape that though Mr. Lowther and I have been friends for some thirty years we have not been close friends but because of our connection this interview, as the others have been, will be conducted on an informal basis. Jim, last time we finished talking about your career in the State Legislature. What have you done in politics since that time?

James Lowther: Yes, the time since I've got out in—well I hung it up you might say, in May of 1996—I have been busy with various activities. Governor Graves appointed me in August of 1997 to the State Civil Service Board and I've been the Chair of that Board for some time. Currently I am still Chair of that so it'll be fifteen years this August. It was interesting that the activity in the Board has diminished over the years for some reason. We used to have maybe eight appeals a month from State employees under the Civil Service Act.

LP: Now these are employees who are complaining about some kind of discrimination?

JL: The Board was set up in 1934 under the Civil Service Act to hear appeals from State employees when they were disciplined. The discipline could be as severe as termination, dismissal, or could be a demotion or a suspension for so many days without pay, that type of thing. And there are various procedures that State agencies use for State employees to go through, including a review by their peers and all that, but eventually they can appeal to the Administrative Board and our findings then are binding on the State. But I guess

both parties can appeal the findings of the Civil Service Board to the District Court as a last resort. But at any rate, the case load dropped considerably over the years and there may be multiple reasons for that. The cost of attorneys has risen and employees when they're fired they are emotionally stirred up and they file an appeal in a timely manner. But then later they may cool down and figure well, I won't have a chance or something like this—who knows what they might think—but they withdraw for whatever reason. And there are some then that are settled. The agencies have been doing a better job—State agencies—of keeping a file on employees to document their discipline or procedures and they've been employing things like a discipline over a time. In other words, a series of disciplines where one is greater than the other. And for one reason or another we've heard some cases that you'd wonder why in the world the employee would appeal their discipline, but they do, and sometimes we find for the appellant and often times however, for the State agency.

LP: Do you think that more generally you find for the State agency?

JL: I can't tell you the odds on it, you know, like two to one, or three to one, but especially the last few years the Board has been substantiating the findings of the State. It's up to the employee to show that he. . . .

LP: That he had been unfairly treated.

JL: Yes, that is the discipline was unreasonable. If the employee can show it was unreasonable we have the authority on the Board to put this person back to work with back pay. We can diminish the discipline to a lesser discipline and we can even increase the discipline. We've done that a couple times when we felt that the discipline that was meted out wasn't severe enough and would send a wrong message throughout—maybe it

was Kansas Department of Transportation, you know, or something like that. So at any rate, we have some broad authority there and we hear hearsay evidence. And it's been an interesting fifteen years that I've been on that Board since I got out of the Legislature.

LP: And you're still on the Board?

JL: I'm still on the Board; at this moment I'm still Chairman. And another thing that I got more involved in [was] my church, the Presbyterian Church, and I served on the Board there. And I've been active in the American Legion Post, the local post, as finance officer, etc. And I've helped with the Emporia Community Foundation in writing some of their material that they've used in years past, etc.

LP: What is this Emporia Community Foundation?

JL: Well, it was established at least ten years ago, and I think Eldon Perkins was the leader, he and Kenny Calhoun; Kenneth Calhoun is the executive that runs it. And they manage the funds, sort of like a trust in a bank might do, and if it's a donor-directed fund they will expend the money over time as directed by the donor. And it's a way that you can make a tax deductible donation if you are a taxpayer and you need to make a donation to hedge on your income tax. You can make a tax deductible donation to the Emporia Community Foundation and you can put strings on it, or not, as to how the money should be allocated.

LP: So the Foundation then distributes this money to several places?

JL: Yes, they can. Yes, you bet.

LP: For instance, I believe they contribute, say, to the William Allen White home.

JL: I don't believe they've done that, no. They manage what funds the William Allen White Advisory Committee has been able to acquire through fundraising, and which they place with Emporia Community Foundation

LP: I thought I wrote my check to the Emporia Community Foundation.

JL: Yes, that's true.

LP: I contributed to the William Allen White. . . .

JL: Yes, and that is true of other organizations around. I think, for example, the Mexican-Americans have a fund there that they [raise] once in a while for some project or event, so it's a depository that earns an income. It's managed by the Board of Trustees and I have helped them a little bit, off and on.

LP: You're not actually on the Board?

JL: No, I'm not. I've never been on that Board. You asked me what all different things I've been involved in. We talked earlier about [discussing] the courthouse project, the Lyon County Courthouse.

LP: Before we do that, were you on the School Board?

JL: Oh, yes. I did serve on the School Board. Interestingly enough, I ran for the School Board before I was in the Legislature.

LP: I see.

JL: And was elected and served four years. The last couple of years I was on the Board I was in the Legislature as well.

LP: Yes.

JL: And so I had a busy time there in trying to hold down my job at the Citizens National Bank and the legislative seat as well as handling Board issues and keeping up with a massive volume of paperwork that's involved with that.

LP: You were with the Board then for four years?

JL: Four years.

LP: Somehow I had the impression that you were with the Board after you left the Legislature.

JL: No, no. It wasn't after it. I remember getting out of committee meetings and jumping in the car and running down to attend a Board meeting here in Emporia. Yes, it was certainly a busy time there. I enjoyed that, and I think I would have run for several times and enjoyed another four year term on the Board, but I could not do that any more while I was in the Legislature.

LP: You had to give up on being on the School Board?

JL: Yes. I gave that up.

LP: Were there any big issues on the School Board that you can think of?

JL: Well, yes there were. It was a time of selling the electorate, selling the voters I should say, on the new high school.

LP: So you were to be connected with building things in Emporia?

JL: Yes, a little bit. It was an interesting time because we were shuffling students around. The high school, for example, was built with the idea of accommodating grades 10, 11, and 12. And then there was a push to move the 9th graders to the new facility. The way it had been, 7th, 8th, and 9th graders were in what was then Lowther Junior High

on one side of the street and the 10th, 11th, and 12th graders were in the old Senior High on the north side of the street.

LP: We're talking about 6th Avenue down there.

JL: The street I'm talking about is 6th Avenue in Emporia, downtown. And so two or three of us opposed that idea because we weren't sure it was a good idea to put 9th graders in the same building and all, rubbing shoulders with 12th graders, seniors. And also, we felt that the building had been designed for three grade levels and if the town was going to grow, the student population would grow and we weren't sure it was big enough. I mean it was going to be too crowded.

LP: The new high school?

JL: Yes, the new high school out northwest of Emporia. And it did turn out to be too crowded, and they've had to add some expensive additions—at least two to that building—to accommodate 9, 10, 11, and 12. But that was one thing that was going on. Another thing that happened was we had a principal at the high school when I was first elected to the Board—the principal at the high school resigned, or moved away or something and we had to hire a new principal. There were 3 of us, I believe, that were elected. But you were elected in the spring back in April but we didn't take office until July 1, so we were just sort of absorbing things and getting familiar with things there for a couple of months. And the Board decided that we should be involved with the hiring of the new principal because we were going to be on the Board on July 1 and we would be working with whomever was hired as the new principal. And so it was interesting that those of us who were new, our first choice [for principal] was one that the old Board, the outgoing Board, didn't choose. They would let us vote up to that point. We could vote

on different decisions being made in the process of hiring a new principal. But when it came down to actually voting for who it was going to be, they decided that our votes would not count. If our votes would have counted, a different principal would have been selected. You see what I'm getting at? So I thought that was an interesting event and we were, of course, at least I was, somewhat upset about the fact that they involved us in it and they let us help decide things until the crucial vote came up, and then we were discounted. We could not be involved in that. In fact, they even tried to exclude us from some of the executive sessions when they discussed their decision. My last year or two on the Board was my first year or two in the Legislature, you see. Subsequent to getting out, I could mention this courthouse deal.

LP: Well, yes. I understand from talking to people around town that you are considered one of the movers and shakers when it came to the new courthouse building, which, of course, is now the fanciest building in downtown Emporia, wouldn't you say?

JL: Well, yes, right now. Yes.

LP: It's certainly the landmark down there at the moment.

JL: Yes.

LP: Go ahead with what you have to say about the courthouse.

JL: Well, I had been involved with something down there—helping one of the judges with something or other, but anyway Merlin Wheeler, who was the Administrative Judge of the 5th Judicial District, called me and wanted to have lunch. And I went with him and Judge Bill Dick and I think Phil Winter, the Lyon County Administrator, and they made this proposition that they wanted me to lead the effort to get approval for a new courthouse. The study had been going on. They had actually gone to Denver and had an

outfit study the options for Emporia—they came up finally with three options. They hired out-of-town architects out of Dallas to evaluate the recommendations. At any rate, I finally decided that I would help on that. We decided that it would be a good idea to have an advisory committee to the Lyon County Commissioners and the judges to work through all this maze of recommendations and ideas and options that were being floated around. The vote was in March of 1999. Most of our work was done in 1998.

LP: Now you say the vote, that was the public vote?

JL: Yes.

LP: On building a new courthouse, approval to build a new courthouse.

JL: Yes, the vote was actually for, and I'll get into that in a minute, a vote for a sales tax that the county commissioners would issue bonds and the sales tax revenue would pay the bonds off. And they had to have voter permission to increase the County sales tax.

LP: To raise the County sales tax? What it really meant, though, was an approval of the courthouse. Because you had to have the money and they were going to finance it with bonds and the sales tax.

JL: And on the committee [we had] J. Warren Brinkman, who was retired from the faculty at Emporia State. We had soon to be retired Police Chief Larry Bloomencamp. We had Judge Bill Dick. We had Bell Grimsley from Americus and Ann Havenhill, Mrs. Jack Havenhill, from here in Emporia. [We had] Mike Helmer, an attorney and I'm trying to remember another attorney. It was Deborah Huth, who is an attorney here. They were the Advisory Committee and helped work through all this. As we would make a decision in the Committee, we would take it to the Lyon County Commission to get their okay, and go ahead from there because in the end, they were the ones that had

the hammer. And the Judges were recommending the need and all and they wanted the new courthouse, but it was up to the Lyon County Commission to issue the bonds if the sales tax was approved. So one of the big projects we had then after we nailed down what we wanted to do—we even had different designs. One had a big dome on it, and I remember J. Brinkman saying he thought it was too ostentatious; it looked like the Taj Mahal, and people would look at it negatively, so we toned it somewhat down.

LP: In other words, you tried to get a design that would appeal to the people of Emporia so they would vote for it?

JL: Yes. The exterior design, you know, the outside of it. So anyway, we had all these things to work out and we would take it to the Commissioners and try to get their approval. But the big job, of course, was selling this throughout the County.

LP: If the taxpayers won't approve of it you're out of business.

JL: Right. And I don't know whether it was a wise decision or not but they decided to hold the election as a special election in March of 1999 and that meant that there would be a smaller turnout.

LP: Than you would have in a general election?

JL: If it had been at the general election or even the primary, the regularly scheduled primary election, we'd have had more voters involved. And so, you know, it was somewhat questionable whether that was a positive to have a special election, it was questionable whether that was positive or negative.

LP: You mean in getting it approved?

JL: Yes. We were trying to get it approved and would this be good or bad to have a special election?

LP: Which would be best for getting it approved?

JL: Well, that wasn't the reason they picked that date. The reason they picked the date was that the other election times, the regular election dates, did not fit the timetable at all. They wouldn't work.

LP: I see. Okay.

JL: They had to have a special election.

LP: So you were faced with a special election whether you wanted one or not?

JL: Better or worse, yes. And so then, we developed brochures—a question and answer format. We developed a lot of flyers and we had a lot of different town meetings throughout the County. In Americus we went to the Breckinridge Café. And I remember going up there ahead of time and distributing as many flyers as I could around town to businesses to promote it. The one in Emporia was at the Senior Center. We had another one in Olpe at the Chicken House and we had them at Hartford. We were all over, plus we had some spots that I think were given to us by the radio station and we ran the thirty-second spots and used a lot of news releases to help try to get the public awareness the project to increase.

LP: So your committee was actually out selling?

JL: Yes.

LP: Promoting and selling the idea of the courthouse.

JL: Yes. We went to service clubs like the Breakfast Lion's Club, the Rotary, and what have you. And we had pictures and questionnaires to try to answer questions about the need. We tried to sell the people on the fact that the old building, which is still there at. . . .

LP: Still in use.

JL: Still in use, but it was not only past its prime, it had outlived its usefulness really. It only had one courtroom with another one that was kind of improvised so they could have two. And finally they managed to get an elevator in the northeast corner [of the old courthouse] so you could enter from the alley. It was built like a bomb shelter, above-ground bomb shelter, and that you might say it's fine and is setting there in great shape structurally today. But that meant you had no flexibility to move things around inside. As one department needed more room, you could not [expand it]. Those walls were stress-bearing walls, very thick concrete. There was no flexibility inside the building. And there were just some of the problems with it. And so our job was to overcome the fact that we knew people were going to be opposed to a sales tax increase. They were going to be opposed to increasing the sales tax to pay for it. We knew that was our big obstacle to overcome.

LP: In other words, it was a line of, as usual, Kansas can't afford it? That was the argument.

JL: Well, I'm not sure. The price tag was a problem, too. It was around 16 or 17 million and this was back in '98. And that was big, and it's big today. But part of the problem was the cost. And so we had to sell people on what was being proposed, why it was needed, how it would be used, and try to overcome the objection to the sales tax, ½ cent sales tax increase. The Judges were a big help. I remember going to Neosho Rapids with one of the Judges and they helped support our committee work, our Advisory Committee work. And they continually provided us with statistics. Judge Wheeler had caseloads to show how caseloads had been increasing and they couldn't handle the caseloads in the

old building very well at all. So we had a lot of excellent reasons and we did our best going around to sell those. For example, security was a problem in the old building. You were down there rubbing shoulders with prisoners at times in the halls. Or you might be and I might be an adversarial relationship in a lawsuit or something and we'd end up sitting side by side. And the accessibility for the disabled was just terrible. And as I mentioned [there was] the overcrowding. It really was a bad situation.

The new facility was going to overcome all those objections. It was going to have, as it does now, four courtrooms and there was going to be a provision for bringing prisoners from the County jail across the alley through a tunnel into an elevator and into the courtroom without the public having to be with them or associated with the prisoners as they were brought to court. And we had, like I say, a question and answer type of thing that we tried to use some of the time—asking questions about not only what the problem was, but the solution and planning for the new courthouse and the advantages it was going to have. As I mentioned, the cost was under 16, just under 16 million. But there was going to have to be money spent on the old building, about a million dollars, so the whole project was going to be 17 million. And the fact is that [in regard to] the ½ cent sales tax, the revenue showed that it would be more than adequate to retire the bonds in a timely manner, and at the time they were going to be issued the interest rates were low, so the interest and expense to the taxpayers for this project would be at a minimum. So it was a good time to issue bonds and indeed the bonds were paid off several years ahead of time.

LP: The courthouse today is paid for.

JL: That's true.

LP: So it did work.

JL: It did work. Yes, as projected.

LP: I know, they paid off my bond. I was kind of mad when you did it.

JL: Oh, you had. . . .

LP: Yes, because I was hoping to keep drawing interest on it for a while.

JL: Sure, I bet you were. Well, it worked out quite well.

LP: For the County.

JL: For the County and for the. . . .

LP: How did the election go? Was it close?

JL: Well, yes. I was going to mention that. The final margin was, I think, 231 in favor of . . . the margin carried by 231.

LP: I mean, how many votes?

JL: Well, I'm trying to look that up here as we talk. But only 24% of those eligible bothered to make the effort to vote.

LP: But you just barely carried it through?

JL: Yes, we squeaked through, you might say, with a 231 margin.

[End of Side A]

[Side B]

LP: Did you find something on the election?

JL: Yes, I did. We had 19,500 and some registered voters in March of '99 and 4702 cast a vote, which is around 24%. Of those, 2452 voted yes for the ½ cent sales tax while 2215 voted no. And according to the *Gazette* the margin was 237; I said I thought it was 231, but I think there were some ballots counted later or something.

LP: You mentioned there were a couple of subsequent controversies.

JL: Yes, that's true. When we did get approval then to proceed, one of the things that had to be done is the County had to acquire all the property north of the existing courthouse, north to Fifth Avenue. And this provoked a lot of . . .well, let's put it this way. There were certain businesses in there that felt like they weren't getting treated fairly enough, because they were going to have to relocate. And so I tried to help smooth—that was part of my job—to help smooth this over and maybe negotiate a better deal if I could for the property owner. So finally we were able to move and acquire all the property. At the time the County owned the courthouse, the old courthouse, and a lot or two north of it. So then there was about, I forgot how many now, four or five lots onto Fifth Avenue going north that had to be acquired. But all those buildings had to be demolished. The Courthouse was built in three phases. The first was acquiring the property and demolishing [the buildings] and getting ready to go. But the next thing is that we ran into a problem, and a lot of people were upset about this. In the material that we'd handed out we were answering questions like, "How many entrances will there be?" "Where's the parking going to be?" you know, for the new—and all this. A lot of things had to be worked out. We came up with this idea of putting the arch on the front entrance. See that arch in this drawing? There's an archway there. This arch was actually the arch that was the entrance to the old courthouse that was torn down in the late 40s, early 50s.

LP: I think we could put it this way. This is the fourth courthouse, correct?

JL: This is the fourth courthouse.

LP: The first one is gone. The second one is the one that you're talking about here.

JL: The first was down where the Slaymaker's Antique is at Third and Commercial. The second one was at Fourth and Commercial and it was torn down in '50 I think it was, the courthouse that I'm talking about was replaced.

LP: [The third] is still there.

JL: It's still there. But there was an arch, a stone arch, beautiful stone arch.

LP: On the second one?

JL: On the second one.

LP: Yes.

JL: And it had been moved east of town and it was at the entrance to property on old Highway 50, and the person who had it setting out there now was not the person that moved it from Fourth & Commercial. But at any rate, the idea was to acquire that arch and move it back downtown and put it on the front entrance of the new building.

LP: And you did do that?

JL: And we did not do that.

LP: Oh, you did not do that.

JL: And it caused the controversy I'm talking about. The problem was that when it was first proposed it was thought it was a good idea, but no one realized what the condition of that arch was. It was not too good. And how much it was going to cost to get it moved down there. And frankly, what turned out is that they were trying to stay within the budget for the bond issue and they were getting pressed pretty hard and the money just wasn't there to accommodate acquisition. The fellow that owned it wasn't too particularly interested in selling it and so we couldn't go with the arch. And it caused letters to the editor and everything else. They said, well you promised, you know, you

promised us there would be an arch. And that's true. We didn't make any hard promise on the thing, but we made a statement like, "Yes, we are going to try to go with the arch" and we thought it would be a good tie-in between the old and the new, etc. But it just did not work out. And some of the material did have mention of that in it that we were handing out during the promotion of it and people picked up on that. But there wasn't anything that we could do on it.

LP: It's interesting that there was big support for something old.

JL: Yes, there was. The original—I found an article here—the original Lyon County Courthouse archway was the entrance to the 1902 building and it was moved to east of town, as I said. And the fact is though, when we got down to the practicality of it and the cost of it, our original idea just didn't work out. It was somewhat deteriorated, as I mentioned, and it was an expensive process of trying to piece by piece dismantle it and then rebuild it, etc. I think it was going to be over \$50,000 to do that and we just didn't have that money to spend.

LP: Well Jim, we are coming to what may be the end of this series of interviews and one of the purposes of the interviews is not just the historical record that goes to the Historical Society in Topeka and the Historical Society here in Emporia, but another reason for doing this is for the interviewee's family. So I would like to take a few minutes here today to have you talk about your family.

JL: Well, my family was supportive of my serving in the Kansas Legislature.

LP: OK.

JL: And I don't think I would have done it without their approval and support. My wife became involved with some groups in Topeka. For example, they had an organization

called The Legislative Spouses, which was a non-partisan group of Legislative wives, and one time in 1992 the Chief Clerk of the House, Janet Jones, invited Virginia to talk after the election to the new spouses that were coming in. And she did that, welcoming them to the Capitol and made a nice little address and she was involved with that group and helped plan—they would take short trips, field trips, you might say, from Topeka to visit various sites. They might go through an industrial plant or they might visit the Eisenhower Museum or something like this. And so she was active in that respect. However, she did not move to Topeka like some spouses did. She maintained our household in Emporia and our two young daughters were in high school, junior and senior high school then.

LP: Both of them graduated from Emporia High School?

JL: Yes. But she also talked on occasion to people at Emporia State for some meetings up there. I think one time she had a busload of [legislative] wives that came down to visit Emporia State University. And she met with, among others, the President [of ESU], and I believe that was as early as 1987 when they first came down here to Emporia. But anyway, she was interested in politics and in the political process and maintained an awareness of the issues at hand, the issues that were before us and the problems, and she was a big asset to me. The kids were also interested in helping, especially during the election, and I was talking to my next youngest granddaughter who was. . . .

LP: Let's see, you have two daughters, correct?

JL: I have two daughters.

LP: And no sons?

JL: No sons. But my oldest daughter had three children, so the youngest of hers was helping me a lot, going door to door. She remembered going go door to door; she's thirty-two or three now. She was about ten or eleven then. She remembered one time out east part of town, I was on one side of the street and she was on the other knocking on doors, and she ran into some problem with somebody so she came running across the street, waving. She needed help to talk to somebody, and wanted me to come across and help calm this person down or something. And so 18it was fun for them—the campaign trail. And they always liked to ride in the convertibles during the parades for the 4th of July or whatever parade it might be. And they'd prepare rather crude, interesting political posters about why someone should vote for me on this or that, etc. But anyway, they were always interested, and I remember they'd go with me to the courthouse on election night as the results came in and were posted there. And even today they remember those experiences, so it must have made a pretty good impression on them at the time.

LP: What are your daughters' names?

JL: My oldest daughter is Rebecca, and you want the married name?

LP: Yes.

JL: Doan.

LP: Is she down in Wichita?

JL: Yes, she and her husband have their drug and alcohol clinic in El Dorado. But they also have an antique store, The Paper Moon, in Wichita.

LP: And she is the one that put us up to this interview.

JL: Is that right?

LP: That's correct.

JL: You tell me.

LP: She's the one that put me up to it.

JL: OK. Well, she's a history buff.

LP: I see.

JL: My daughter Rebecca is a member of Find a Grave group and that sort of thing.

LP: Who is your other daughter?

JL: That's Anne, and the last name's Downing. She's a CPA in an accounting firm in Wichita.

LP: She is married to one of George Downing's sons?

JL: Yes. Professor George Downing.

LP: A math professor?

JL: Yes, he's a math professor, right.

LP: He happens to live across the street from me.

JL: Yes, OK. You know who they are. You live across the street from him. But anyway, the fact is that during the session, of course, there wasn't much they could do except they enjoyed it when they were younger coming up as pages. I had all of my grandkids, all four over the years as pages in the House. And in talking with them they remember those experiences, too, of being a page. And my granddaughter says she remembered she was mad because they put her in an office stuffing envelopes instead of being able to move around, you know, to see things. One of her paging experiences was in this office stuffing envelopes, and I said I remember that because the legislator involved was using pages to stuff envelopes with his campaign brochures that he was

going to mail out. And I didn't think that was proper to use pages from across the state for your own campaign.

LP: These pages were all volunteers, I take it.

JL: Well sure. Yes, certainly, they were all volunteers.

LP: So it was actually using State money?

JL: Well, yes, in a way. Yes, you know. Like say a legislator from Colby would bring in a family from out there with a couple of kids that would be pages. Someone from Pittsburg, likewise. They were from all over the state. I forget how many pages, a couple of dozen. And there were also pages in the Senate. The senators had pages. But I didn't think that was proper to stuff somebody's campaign material. Anyway they remember all these experiences quite well and it was helpful to have a family that was somewhat involved and would help get out on the campaign trail and knock on some doors or whatever it took. I think that pretty well covers that.

LP: Let me ask you this. If you had it to do over again would you do the same thing?

JL: I think I probably would. As I mentioned early in this. . . .

LP: You were very active in state and local politics all your life.

JL: Yes, I have campaigned for Bob Dole or Richard Nixon or whoever. And I've served as precinct committeeman and my wife was a precinct committee woman. In fact, I just recently, let's see, in 2010 resigned as precinct committeeman after my wife passed away. And so I've been interested in the political scene, and in politics.

LP: And you're still interested.

JL: Yes, and I'm active today.

LP: What are you active in?

JL: Well, currently in Kansas we have a Republican Governor. . . .

LP: Sam Brownback.

JL: Named Sam Brownback who has stirred up a lot of controversy over his policies. To begin with, as I mentioned early on, the conservative movement grew and took a big step forward in 1994 in Kansas, as well as in Washington, when Gingrich became the Republican Speaker of the House. And they began to have an influence in the Legislature and it's been growing ever since to the point that when Brownback was elected Governor he had a strong majority in the Kansas House of Representatives. He did not have it in the Senate. But he has put in. . . .

LP: He had the majority in the Senate though, did he not?

JL: The Republicans had the majority, but not all were Brownback's supporters.

LP: Not Brownback personally.

JL: In other words, I'm now considered by the conservative movement as a RINO, Republican in Name Only. Republicans I supported like Bob Dole, Nancy Landon Kassebaum; they would have trouble getting elected today in this state because they are too moderate. And you know, the conservative movement today considers a moderate almost like a flaming liberal. And so consequently, while there are quite a few moderates still around, I'm not sure whether they're a majority of Kansans now or not. But I've always felt like in effect they were in the majority.

LP: At least in the Republican Party?

JL: Well yes, except that you have moderates in the Democratic Party also.

LP: Oh, okay.

JL: You even have some very few, some very, very conservative Democrats, believe it or not. I've served with them. And you have some "flaming, so called" liberals. But the fact is that a lot of Republicans feel like the Party has changed and they're being pushed out. So when the current Governor, Brownback, began to propose policies that we felt were detrimental to the State government and to education. . . .

LP: Are you referring now to the recent cut in taxes?

JL: Well, yes, that's one of the reasons. . . .

LP: The income tax or the sales tax?

JL: Well, the sales tax was increased in the term of Parkinson—Governor Parkinson was a Democrat, because they had an emergency. They had to have some money quick. And they passed a sales tax increase, not a great one—I think it was 1%. And it was with the understanding that it would sunset in 2013. Brownback does not want to sunset the sales tax in 2013. But they did finally override him on that issue because they felt like it was promised by the Legislature to rollback partially the 1 percent sales tax.

LP: In other words, it was not Brownback who wanted to cut the sales tax?

JL: No, he wanted to keep it.

LP: Yes.

JL: But the promise to the people was that they roll back all but .4 of 1%, which went to highways.

LP: But they did make a substantial cut in the income tax.

JL: OK. But then he came up with an advisor to Ronald Reagan, Laffer I believe, with the idea that reducing income tax would be a tremendous boost in the economy. A lot of moderate Republicans felt like it would not be, but it would usurp funds that were needed

to replace millions of dollars worth of cuts that education had experienced during the recession starting in 2008. [Moderates felt] they needed to put some of that money back into schools rather than using it as an income tax cut which benefits not so much the poor taxpayer, the lower income people, as the wealthy taxpayers. And so it was a tremendous argument, and I don't want to get into all the details now unless you want to, but the bill that was passed was a fluke. It was an extreme piece of legislation that was not intended to become law, but in effect it did become law and is the law.

LP: The new income tax law, is that what you're . . . ?

JL: Yes. It was never intended to be passed. It was a negotiating bill, a bill for negotiations [which the Senate sent to the House]. But the House passed it and sent it to the Governor and he signed it.

[W moderates] started out with a handful of Republicans called Moderate Republicans for Common Sense. And we now have grown to over 60, and more have been signing up. We've limited the group to former legislators. There're a lot of people who'd like to join this group, but we've limited it to former legislators and we have over 500 years of elected experience among us. And we've been issuing letters to the editor, albeit pieces, etc. throughout the State.

LP: You've sent a couple to the *Gazette* yourself.

JL: Yes, I have. And we've gotten support from economists like at Wichita State, the Business School there, and the University of Kansas and K-State, etc. So we've been generating public awareness over the pitfalls of this legislation. I don't think that the bill is going to work out. In my opinion, and a lot of other people's opinion, the legislation is not going to work out the way the Governor and his conservative supporters claim.

LP: So it goes back to the idea that if we cut the taxes we'll encourage business? That we will in fact get more money?

JL: That's the idea, we'll create jobs.

LP: We'll create jobs and all of this sort of thing and the question is, will it?

JL: It's going to have to create a lot more jobs to be a success. New jobs would then pay taxes.

LP: Yes.

JL: It's going to have to create a lot of new jobs to have new taxes to recover what we're losing. The number of jobs it's going to take to make up what the tax cuts amount to is not going to jibe.

LP: I know I saw one claim from the Ft. Hays newspaper that if Brownback's plan does not work you may be looking at such things as a 50% [cut] to education.

JL: That's true. I saw that article. And there's nothing in the legislation that says if you're a partnership or a limited liability corporation, or an individual proprietorship and have your Kansas taxes eliminated, there's nothing in the bill that says you have to use some of the savings to hire new people. A lot of businesses are saying, "Hey Great, we're going to get a nice tax break!" But they're not necessarily going to use the money. . . .

LP: It isn't necessarily going to go into jobs?

JL: No. They may build a new front entrance or buy new equipment or take a vacation, with the money. You'll have to have customers before you need to add jobs.

LP: Do you think moderate Republicanism is on the rise then?

JL: Well, what we're trying to do is show that what we think is a moderate or common sense way to go would be best for the students in this state as well as the Kansans who live in it. It's a problem that we've run into for years, in that the average person has a lot of apathy when it comes to issues like this. They have a lack of understanding that's pervasive and it's difficult to raise public awareness and public understanding to the level that we'd like to raise it to in order to have change occur in the next election. Does that make sense?

LP: We are about to run out of tape here, so we will close this 14th interview and there might be a 15th as we get done processing the fourteen. I thank you very much for all your time on this. [Your] interview time is not ended because you will have to look all this stuff over.

JL: It's somewhat taxing to try to recall things that happened 20-25 years ago.

LP: I wish you would not talk about taxes.

JL: Oh. I see, I had the wrong word. But it has been kind of a challenge, I should say, to recall so many different events that have happened in my life during the *Gazette* days or Catfish days or the legislative days, you know.

LP: Well, thanks again, Jim, and we'll close that off then for now, okay?

JL: Okay.

[End of tape 14]