

LOWTHER INTERVIEW #8

Loren Pennington: This is the eighth in the series of Flint Hills Oral History interviews with Mr. James Lowther at his home at 1549 Berkeley Road in Emporia, Kansas, on April 10, 2012. The interviewer is Loren Pennington, Emeritus Professor of History at Emporia State University. Before we begin we once more remind the user of this tape that Mr. Lowther and I have known each other for a good many years, though we have not been close friends, but because of this long acquaintance this interview is conducted on a very informal basis. Jim, last time in our seventh interview we concluded talking about your entrance into the Legislature, a kind of an entrance that I would perhaps best describe as something of wonder to be replaced with the realities of the situation. Now, Jim, before we go on further into this, I might ask you, do you have any general comments to make about your years in the Legislature that we might use as reference points to talk about specific things later on? I'll let you go ahead with that.

James Lowther: Well, yes, I was just talking about my freshman year there, my rookie season, and what I knew then compared to what I know now. I realized after I got out of the Legislature that I hardly knew anything about the workings of it. I was really naïve at that time.

LP: That's when you started?

JL: When I started. But I realize now that there is so much to it that it amazes me that some people nowadays get elected and they jump in with both feet and they really don't know what they're doing, but they have to follow what they want to get done. I just think it's interesting that at the time I got in there I didn't realize how many things lay ahead, how many hurdles, how many challenges. The politics of it was involved. I think I may

have mentioned earlier that a lot of times the vision in the House, and probably the Senate, but certainly in the House, was not necessarily political, partisan. It might have been urban-rural, for example, or business-labor or what have you.

LP: By partisan you mean Democrat and Republican?

JL: Democrat and Republican, yes. It wasn't always that way because the issues weren't always political issues. That may not be the case today. I was Republican, and you treated the Democrats in the House as adversaries perhaps and on this issue or that as opponents, but they weren't enemies. I became friends, as I mentioned earlier, with several people over the years on the Democratic side of the aisle. But there were a host of things ahead when I first got there that I had never dreamed about. I could just skim a few here now—we can talk about them in depth later, maybe. But one of the first things I got into—I had support of the teachers—but until I and Representative Duncan, I believe it was, developed what was called the Professional Negotiations Act, which is I think still in existence today, that gave the teachers some protection; they did not have anything along the lines to guide them or the school boards when they were being disciplined or terminated.

LP: Yes, OK. So you are talking here of public school teachers?

JL: Yes, public school teachers.

LP: You're not talking about higher education; you're just talking about elementary and secondary.

JL: I'm just talking about K-12, yes, public schools. But anyway, the Professional Negotiations [Act] was one of the first things I got involved in early on. Then along came things like reappraisal and the constitutional amendment for classification of

property. School finance I got into deeply early on and that continued. The issue of the severance tax surfaced in the early '80s and this became very divisive. I was supporting Wendell Lady as Speaker during the '80s, well '79 through '82, and then I supported him for governor in '82. The Washburn issue surfaced a couple of times, and this was very important in terms of how the effect of Washburn possibly becoming a regent institution and the adverse effect it could have had on Emporia State University, for example, as well as other universities.

LP: I think, as I recall, the issue there was great fear that Washburn University would draw off students from Emporia State.

JL: Yes; it wasn't all a money issue, that's true. [Washburn] would be able to lower their tuition so they would be more competitive.

LP: With Emporia State? And Emporia State might in the long run then disappear?

JL: Yes, this was the fear we had. It could be so severe that down the road [Emporia State might] shrivel up and they'd push then for closure.

LP: As you were representing Emporia, this was not something that you would look at with great joy?

JL: No, I've had huge headlines on this. Then another issue I got involved in heavily, because of my position in what was originally called the Ways and Means Committee in the House; later they changed the name to Appropriations Committee. This [issue] was closure of a state hospital that came up and became quite controversial. And it took over a period of a couple or three years to finally resolve that.

LP: Which hospital was this, Winfield?

JL: Well, Winfield was closed eventually.

LP: Yes.

JL: But there were four mental health hospitals and three for mentally retarded and developmental disabilities, including, Winfield, Parsons, and KNI in Topeka.

LP: What was that KNI in Topeka?

JL: Kansas Neurological Institute, KNI.

LP: OK.

JL: They're still talking about closing it, as we speak. The mental health hospitals were Larned, Topeka State Hospital, Osawatomie, and The Rainbow Mental Health Center [in Kansas City]. I was chairing the sub-committee in Appropriations and had the responsibility of following through on this issue. I also became chair of the Post-Audit Committee and that was in '95 and '96, and I think I chaired it. I'm not sure now; I'd have to look [it up]. The chair every two years changed from the House to the Senate. I think I was chairman two different times.

I got into huge discussions on qualified admissions for our regent institutions. We had open admissions and I was trying to help lead the charge to raise the bar and come up with what they called qualified admissions.

LP: Let me see if I have this straight. I believe the policy of the Board of Regents schools at that time was that any graduate of a Kansas high school would be admitted [to any Kansas Regents institution].

JL: That's right.

LP: Then it didn't matter if they had a pretty bad academic record?

JL: Yes; some students were just earmarked for failure.

LP: Your idea was to raise that requirement.

JL: That's true.

LP: To make it more than just graduation from high school in a Kansas public high school.

JL: Yes. There were to be certain minimum requirements that they had to meet and we'll get into that.

LP: OK.

JL: But also I was involved in the issue, which is still before the Legislature today, of KPERS, the unfunded liability; I chaired the sub-committee on that.

LP: That of course is the pensions that you were committed to for the public employees of Kansas.

JL: Kansas Public Employee Retirement System, yes.

LP: That was to be funded over the period of years. KPERS was always behind in their funding.

JL: That's true. We'll get into that later, but basically the state had not funded the system, the retirement system, as originally planned. They'd reduced their support and so gradually, it would be like you had a mortgage and didn't pay enough to keep reducing it, you kept increasing it.

LP: You hardly even paid the interest. In other words, the obligation hole in the KPERS funds got bigger and bigger.

JL: Yes, yes that's true. I think those were some of the issues that I recall that were fairly high profile. There were quite a few others, of course.

LP: It stretched out over several periods of years.

JL: Yes. I'm talking over 21 years that I was in the Legislature. There's one small example here I discovered in a newsletter I'd sent out in January of 1995 in which I pointed out that the Post-Audit did a study of the audit of the Civil Rights Commission. We'd had complaints and it turns out that the agency was so under-staffed that the number of unassigned cases had grown to somewhere around 1,300.

LP: This is the State Civil Rights Commission.

JL: State Civil Rights Commission. That of course meant that those employees who'd filed a claim were on a long waiting list for months and months, and even years. And employers who wanted to resolve the situation were kept waiting. I point out this as an example, a small example, of where the Legislature refused to increase spending to try to hold down the size of government; and the result of that. Legislators still push for reducing the size of government and cutting the expenditures, cutting employees, and they do that, in my opinion, with very little concern about what the fallout is going to be.

LP: In other words, what they really did is just push problems off into the future.

JL: Well, they weren't thinking that was a problem.

LP: Yes.

JL: You were supposed to cope with fewer people, less money. If you were running the Civil Service Rights Commission, it was up to you to get more work out of the people you had. But the waiting list is only one small example. There were waiting lists for a lot of things that developed over the years because they didn't have the people to handle them, or the money. And yet they kept pushing and pushing; the goal was to reduce the size of government, cut the number of employees, cut state spending, and hopefully cut taxes, and a lot of times this was being done, and this is 1995 here. I think it gained

momentum in about 1995 and it's still going today, as you well know if you read the paper or listen to television. The end they want justifies the means to get there and they don't care what the end result is, other than what their goal is.

LP: They don't consider the ultimate results of their spending cuts?

JL: Well, I'm thinking this apparently happens a lot because otherwise, why would you want to have a state agency that's serving people, and in a small example here, the Civil Rights Commission, serving people with complaints and problems—why would you want to cut that down to where it was not able to do its job and serve the people?

Why would you continually push to reduce state government so it can't provide the service to the people of the state? In other words, in my opinion, a lot of these issues that I've mentioned when we dealt with them back in the '80s and early '90s, we were trying to do what was best for the people of Kansas—what was best for the state of Kansas.

And if we had to compromise somewhat to reach the solution, we would compromise.

We would try to work out a compromise. There used to be some saying [that] good government was the art of compromise, and what is now involved, in my opinion, we started back in the late '90s, was a no compromise type of philosophy—they push an agenda and that's it.

LP: The agenda is about the size of government?

JL: Well, that's one of the main goals. Reduce taxes. Never vote for any tax increase to support something. On the national level, they're going around having Congressmen sign pledges, "I'll never vote for a tax increase," and, they add, "no new taxes." And I'll admit if you voted for a tax increase you'd better be darn sure that it was a worthwhile problem that you were trying to solve because people don't like taxes. Some taxes are

worse than others. But it was almost a given, that if you want to be re-elected, you don't want to be a "tax and spend legislator." I think there's some error in that. There are some people who increase spending to the point where you had to raise taxes to meet the budget. And so there's a balance in this whole process that we used to have, I think, when we were negotiating appropriations. I want to point out, too, that in the appropriation process—a lot of people may not realize this—in the process of dealing with state budgets, and that includes in the individual agencies, whether it's the Department of Transportation or Social Rehabilitation Services, or what have you, Wildlife and Parks, when you set the budget, you're setting policy to a great degree. I remember working with Attorney General Carla Stovall on her budget one year, and we had a post-audit that revealed a lot of complaints about fraud with Medicare, and that's a continual concern even today, Medicare fraud. And she was explaining to me that she would like to go after this, but she pointed out the assistant attorney generals she had and the staff she had were pretty well committed, almost to a 100 % level and they didn't have the wherewithal to implement any anti-fraud division, so we finally decided that we would develop an addition to the governor's budget and add so many dollars and so many people for a Medicaid Fraud Division within the attorney general's office. I helped get that through and it succeeded and as far as I know it's in operation today. But it wasn't long that the recovery that this unit achieved was more, much more than what it was costing the taxpayers.

LP: Now this is Medicaid fraud?

JL: Medicare.

LP: Medicare fraud?

JL: Well, I think it probably involved some Medicaid, but I think basically it was Medicare.

LP: Medicare.

JL: Medicare, Medicare, right.

LP: OK.

JL: Anyway, that's just an example. Now, you could say, we're going to cut the attorney general's budget and that means they have an authorized full-time equivalent of, say, 500 people. We're going to cut that 10%; they're going to have to cut one out of ten people. Well, you know, eventually you get in there you can't just maybe pick a person here and a person there, and so sometimes they'll have to close one unit, instead of just being able to spread the load around; sometimes it's hard to do that. You start cutting to the point where you're controlling the spending and you're setting policy by doing that. You're adding spending and you're setting policy by doing that. That's the point I've been trying to illustrate here.

LP: Good point. In other words, when you cut you are setting policy, even though that's not what [the legislature is] supposed to do, but that's what you are doing.

JL: That's true.

LP: You have to go with the resources you have. And if you want to cut them. . . .

JL: If I'm a cutter, don't bother me with the details, I'm only going to cut. And you're the secretary of this agency or that agency, you figure out how you're going to handle it.

LP: Two questions occur to me in this. The philosophy you are expressing here is the reason why I would class you as a moderate Republican. Is that correct?

JL: Well, I think so. I think the Republicans that I knew, most of them, not all but most of them, were of a moderate ilk—common sense Republicans, you could call them. And I worked quite often helping Nancy Landon Kassebaum and Senator Bob Dole; I have received many personal letters from them. I remember Dole phoned me one night as he was flying over [Emporia] from Wichita to Topeka on election night, wanting to know how Lyon County was going along. But anyway, all those people I worked with I would categorize as moderate, from the national level down to the state level. And I think the governors, for the most part, that I served under—five governors—whether it was Bennett, even Carlin as a Democrat or Mike Hayden, etc., Bill Graves, I believe you could say they were moderate Republicans; they weren't of the far, extreme conservative bent.

LP: Have you ever had a really right-wing Republican governor, to your knowledge?

JL: We've had some run and I think that's how [Democrat] Kathleen Sebelius got elected, but to answer your question, I think I'd say no. We had a couple of Dockings that were Democratic governors who were probably as [far right]. . . .

LP: As any Republican?

JL: Fiscally they were, but not—see the conservative element today goes beyond just the fiscal. It goes into cut people off of welfare and they'll find work, they'll get off the couch, they'll find a job, too many people are just leeches, so put them back to work and get them out and give them the motivation to get off their you know what and get to it and find a job and maybe prove themselves. So, it's more than just money today.

LP: It's a philosophy.

JL: Yes. I guess that's true. I'm not that articulate but I believe it would have to be a philosophical element here.

LP: Let me ask you this question. One of the arguments put out by the very conservative Republicans is that government is totally inefficient. With your experience in Kansas government, do you believe the government of the state of Kansas is inefficient?

JL: I've never felt that the government of Kansas was inefficient on the total analysis, total evaluation. Now, that's not to say that in certain areas you can't find inefficiencies. As I've mentioned earlier, in chairing the Post-Audit Committee and serving on that committee, we found a lot of cases where there were inefficiencies. For example, they might have been in the Department of Agriculture, where they had people just filling their timecards or something. I remember one of the most divisive audits we got into was with the KU Med Center when we had the heart transplant fiasco and a man on the waiting list died, and the doctors were quitting. I think it'd have to go beyond the word inefficient to describe that problem, but then certainly there's inefficiency in government. There's probably not near the inefficiencies in Kansas government though, that you read about on the federal level, nothing like that.

LP: You get the impression that the Kansas government ran pretty efficiently then?

JL: For the most part. Over the years, I think Kansas government has served the people pretty well.

LP: How would you compare it with your experiences in private enterprise?

JL: Well. . . .

LP: If you had to compare the efficiency of government with the efficiency of private enterprise, what would you say about it?

JL: Well, when you think about it, don't you read about companies going bankrupt?

LP: Sure.

JL: Well-run private sector companies and corporations tend to, over the period of time, flourish. Those who aren't either quit, fade out, declare bankruptcy or sell to somebody and get out, so there is a system working in the economics of it all that weeds out those who can't make it. I don't think you can compare—we're not talking about apples and apples here, you see. The government is to serve the people.

LP: It's not to run at a profit.

JL: No, it's not to run at a profit. What would you do if you generated a profit? I don't know. But I'll tell you this, we do have a problem a lot of times in government because a state agency, if they are really efficient, they don't use up all that they've been budgeted. So they start nearing the end of the fiscal year in May or June, they've got some money and the tendency was for a lot of them to run out and spend that.

LP: Because you'd take it away from them.

JL: Because otherwise, well, you don't need that, we're going to reduce you.

LP: And then we'll be in your future Appropriations Bill.

JL: We did study zero-based budgeting and a lot of different ways to try to get around that problem, but we never could get it, multi-year budgeting etc.; we never could get it to a point where we could put it in operation. I served on some committees that looked into that situation.

LP: What you're saying is, the efficient [state agencies] get cut.

JL: Well I don't know how prevalent that was, but the job we had on the Appropriations Committee when we were assessing budgets of an agency, we looked for inefficiencies.

We looked for ways that they could save and do things better for less. Then we also looked where they were failing; for what and why, you see what I mean? Where they had problems and why did they have them. Was it a matter of underfunding or was it a matter of mismanagement? There are so many ways to look at it, you see. And I think that the process they had, at least during the '80s and '90s was pretty good in terms of this—we had a very strong staff in Legislative Research, and they analyzed down to the gnat's ear, every budget.

[End of Side A]

[Side B]

LP: You have described for me a legislature that examined problems and I take it you think they examined them pretty well. You thought the government was run pretty well, and of late you injected a whole new philosophy, so to speak, personified by the Tea Party. How, in your opinion, has this changed the situation here in Kansas?

JL: I'm kind of maybe reiterating here, but the fact is the governors I served under were interested in—sure, they had some personal agendas. Bob Bennett back there, he wanted to combine state agencies and try to be more efficient and this and that, but they all were interested more in what's best for the state. They did want to be recognized as governors who were working for the betterment of Kansas, the improvement of Kansas, where there's a yardstick of say jobs, or economics, or education, or what. And I think you can also look back over the Speakers that I served under, the Speakers of the House. They were also that same ilk. I can name some of them: Pete McGill, Wendell Lady, Mike Hayden, Jim Braden, R.H. Miller, and you could probably throw in John Carlin, the Democrat, and Marvin Barkis, Democrat. It wasn't until '95 that Shellenberger ran

against and upset and defeated incumbent Speaker R.H. Miller, and then things began to change there. But serving under the leadership of the governors, I think the Speaker of the House is often looked at as the second most powerful politician in the state, behind the governor.

LP: Even more powerful than the Senate Majority Leader?

JL: The President of the Senate?

LP: Yes.

JL: Well, the rules in the Senate, if I remember right, dissipate the authority more. The rules in the House are such that the Speaker has more control over what happens or what doesn't happen. For example, a bill comes out of committee and goes to the floor. It's on the calendar but it's below the line, an arbitrary line drawn daily by the Speaker of the House—if it's below the line it will never come up. It will eventually die on the calendar. And he can control not only who the chairmen are of the committees, but if he doesn't want a bill to come out, then his chairmen will probably see that it doesn't come out. If a bill gets out that he doesn't want to pass, it won't pass because it'll be below the line. He's got more power than the President of the Senate. And with large majorities, a Republican Speaker could wield power [without] much opposition. And I would say today, for example, it's a little different. The Speaker in the House today is a 100%; I shouldn't say that, I don't know that, but the Speaker of the House today is extremely supportive of the Governor and the Governor's philosophy, the Governor's policies.

LP: You're speaking of Governor Brownback.

JL: Yes, and Speaker O'Neil, Mike O'Neil. And I think there has been more of a separation in years past. The Speaker wouldn't be just a puppet of the governor. When

Braden, for example, was Speaker of the House from '87 through 1990 when Mike Hayden was governor, Braden helped push through the severance tax and did some other things that Hayden was opposed to. Braden was also the Tax Committee Chairman before he was Speaker and pushed through classification, helped get the classification amendment so that your house now is assessed at eleven percent instead of thirty percent, etc. Classification would allow classes of property.

LP: Some [types of] property were taxed less than other types of property.

JL: Yes. [They were assessed at a lower value so were taxed less.]

LP: OK.

JL: The point I'm making is, I would say the leadership then set the tone, and they were not extremists, either extreme liberal or extreme conservative. They were, I'd say, middle of the road.

LP: What you're saying is, the House kind of operated independently of the Governor?

JL: Only to some degree. For example, Graves or even way back with Bennett, they would call in committee chairmen and some of the leadership and say, now look, here's what I'd like to get done and you guys aren't doing it, and we'd argue it out and work it out; we'd work with the governor.

LP: You had a direct relationship with the governor?

JL: We had direct relationship with the governor, communications.

LP: Did you personally have relationships with governors?

JL: Yes, of course. I had personal relationships with the governor and personal conversations as well as with others as committee chair or what have you. But I think the difference then was the leadership set the tone [in the House]. The leadership in the

House is elected, so the rise of the conservatives in their individual districts and their election to the Legislature means that when they vote for the next Speaker, they are going to elect a really conservative, far right for Speaker, because that mirrors the make-up of the majority of the Republicans in this case.

LP: Oh, you think the majority of Republicans has changed?

JL: Yes, the majority. . . .

LP: In the House?

JL: The far right. I think it started changing in 1994, '95. Before that, someone who was ideologically bent on cutting and slashing, slash and burn or whatever, was looked at askance because that wasn't the philosophy we operated under. We were trying to do what's best for the people. The state government, as I've said again, was there to serve the people, and if you hampered it or hobbled it or undermined it, then you're not doing what government's supposed to do. And the fact is—we did believe in local control, to a great degree. We didn't want the state usurping the cities and counties so much. We didn't want to pass a lot of mandates but mandates kept coming down the pike.

LP: You mean mandates to local government saying you've got to do [so and so].

JL: That's right. And of course the big complaint of the local governments was [that mandates were] underfunded. The Legislature would sometimes pass something with no money to support it so the county would then have to say, well, we've got to raise [property] taxes. So there was a lot of effort, at least by some people, including myself, to not do that, because the local property taxes were probably the least liked and the most heavy. You've got to pay that. If you own property you are assessed that property tax. It

doesn't make any difference how much you made or how little you made. You can cut back your purchases, you don't buy the new car, but the property tax you have to pay.

LP: In other words, unlike the other two big taxes which are the sales tax and the income tax, you have some control over them, but if you own the property you've got to pay out.

JL: Yes, so we tried while working school finances and other issues to avoid doing something that would impact negatively on local mill levies and thus raise local property taxes. Sometimes it was very difficult to accomplish that, but we tried.

I also served a number of years on and was vice chair of the Assessment Taxation Committee, and we tried to maintain a "three-legged stool." It's a metaphor for the fact that sales, income, and property, the three taxes should balance to some degree and fund local and state government. I was looking at some research on that. Today there are some states which have—for example we'll take Tennessee—eliminated income tax. And they have the highest sales tax, almost 9%, in the country. So some people—it's old hat here, too—who make not too much money, they're spending most of it, if not all of it, they're spending a great deal of what they make just for everything from groceries to insurance.

LP: The [sales tax is a regressive] tax.

JL: It certainly is, because those people are paying a tax on most of what they earned, whereas if you were fortunate enough to be in a higher tax bracket, even if sales tax was high it's still a less percent; you're spending a lot less percent. The income tax, or graduated income tax, I think is more fair. I've got to go along with Warren Buffett on this. But if the income tax as one of the legs of the stool is reduced, reduced, reduced, then the fallout down the road is going to be an increase in sales and property taxes. And

so that's why I think it's of some concern that the Governor and many legislators are hell-bent-for-leather here to reduce and phase out the Kansas income tax in order to supposedly make [the state] more economically competitive. And I question that.

LP: Ah! And I've questioned it as well. As it turned out, my state income tax last year, and I'm in a comfortable bracket one would say, was less than one half of one percent of my gross income.

JL: Oh, your gross income?

LP: Less than one half of one percent.

JL: Yes, yes.

LP: Whereas back in the days when I worked in Indiana I paid a one percent [gross income] tax way back when. See.

JL: Yes.

LP: Now, there was just a flat one percent tax on your income, no matter what. But now, my [Kansas] income tax is a joke. One year I paid enough estimated income tax to cover that year and the next year and part of the following year, see.

JL: Yes. Well I think it's important to have policies that stimulate our economy, but I'm not so sure that in reducing income tax, the benefits outweigh the detrimental aspects of it. For one thing, if every state then follows, they'd all be in the same boat to the extent that income taxes are reduced. I studied it, and we're competitive right now, without much reduction. Frankly, I think, I'm trying to remember without looking, but we're lower than some of our neighbor states and maybe higher than a couple of them, also.

LP: You say in income tax, in other words.

JL: In income, yes, the rate, the unit number. But our total taxes can be measured different ways. But you look at the property tax, per capita, and we're probably in the middle of the road there too, around thirteen hundred dollars or something per capita. And our sales tax is, what 5.7%? And some of them are 8 or 8.8. And some of them are lower, a few are lower, that's true. There's always going to be a wide variety across fifty states.

LP: Do you consider Kansas a high tax state?

JL: I do not consider Kansas a high tax state by the measurements I have seen. Now you can go in and figures sometimes can be made to show what you want them to show. But I would want to do more research on it than the small amount that I've done to say unequivocally that we're not a high tax state, but I think the reality of it is, we're somewhere in the middle right now. And I'm also convinced from the work I did in the Legislature on the Tax Committee, etc. that taxes aren't, necessarily the top of the list for a company that's looking to relocate. There are many other factors that can top taxes such as the labor supply and whether it's a right-to-work state, or the availability of utilities, power, electrical, water, land values. So just to lower taxes and think we're going to get a lot of economic development and more employment, I think is wishful thinking. I don't think it's necessarily going to happen. For one thing, when you cut or raise a tax on the state level, it goes into effect at a time certain. When the sales tax was raised one percent, next year, 2013 it will drop back down, not the complete one percent but almost all of it. The residual goes to the Department of Transportation, four-tenths of one percent. But you raise it or you lower it and it goes in effect on a certain date. The same with income tax. They change it. When you pay your taxes it will be higher or

lower, but the effect of that on the economy may not be on a time certain effect. I would say it is not on a time certain. The effect on the economy is slow in developing down the road, if indeed it ever does. If you're in business, a tax break would be beneficial, but do you immediately go out and say we're going to add onto the shop here, or we're going to start another branch, or we're going to hire more people? I think businessmen are more cautious about that.

LP: You will make that decision on the basis of things other than taxes?

JL: Well, there are more other things.

LP: You aren't going to expand the business unless you think there's going to be a profit from doing it.

JL: No. There's so many other considerations.

LP: Yes.

JL: The fact you got a break, that's fine. When I was in the Legislature, it didn't ever—no one ever believed or promoted, let's say, the theory, and I'm not sure what you call that theory. It's not the Trickle Down Theory I don't think, but the theory that constantly reducing the taxes was going to benefit the state. Now there were studies done. I think the *Wall Street Journal*, which of course is pretty heavy business side [argued that] high tax states weren't doing as well as lower tax states in terms of creating more jobs because over a long period of time it would make a difference. And there's probably some credence to that theory. But I don't think Kansas is, or ever has been, a real high tax state. And so one way you increase more employment, is to have businesses who are hiring or starting out new, and there's more than just taxes involved, in my opinion. So anyway, no one back then was an advocate of this idea as they are today.

LP: What you're telling me is that you are not an advocate of the idea that prosperity necessarily follows low taxes?

JL: Yes, that's well put. Prosperity doesn't necessarily [follow].

LP: Of course, one of the arguments for cutting taxes, is the point if you will cut the taxes you will actually get more [tax] money, because industry will prosper and that sort of thing. This [business] hasn't happened.

JL: I've read economists saying that that's supposed to happen. But they want it to happen.

LP: But it doesn't happen.

JL: But even if it did happen, it's not going to happen overnight, it's going to be a long time in happening. And so, in the meantime, you've cut government, you've perhaps cut services, you've increased class sizes, we'll say, as the teachers are being either laid off or as they retire and they're not replaced. You increase class sizes and maybe that's going to be good or maybe that's bad, but it sometimes is a problem. You might have funding today for the gifted program across the state of Kansas in the elementary and the secondary level and maybe you have to put this on an optional basis so the state doesn't have to fund all this. The state has paid kindergartens; maybe they'll back off, no more kindergartens. So, I mean, you know, all these things have an effect and when they are talking about these, debating all these things, what the negative fallout's going to be you don't really know, see, until you find out later. Well, you can hear people crying, oh, it's going to cause this, it's going to cause that. But again, you get the opposite sides of some issue, everybody using a hyperbole here, and you can't always go by claims. You can claim that we're going to pass this and this is what it's going to accomplish, this is great,

we're going to have to pass this and need your vote. On the other side, this would be terrible, this would be disastrous, this is what will happen. That always went on during debates in the Legislature, so you had to kind of take some of those arguments with—what's the cliché there—a dose of salt. You had to take some of those arguments with some caution.

LP: Are there any other general things you want to talk about here, about the Legislature and how it operates and this sort of thing?

JL: Yes. There's a couple of things I might mention. One is that there was a movement, originally, early on, a movement for [term limits.]

LP: Ah ha.

JL: And that was a grassroots movement.

LP: This would be early in the time you were in the Legislature.

JL: Yes. I can't remember exactly when that surfaced first, maybe about my mid-time that I was in the Legislature.

LP: Well now, as a twenty-year veteran of the Legislature, what's your view of term limits? You'd have been long gone, if we had [term limits].

JL: Yes, that's true, that's true. My original feeling was, I was opposed because I felt that I'd looked at certain people who were heading this committee or that committee who'd been in the Legislature, had some institutional memory as to what happened when this was enacted, and I felt term limits would deprive the body of that knowledge and make it less effective and weaker. And then again, just because term limits said that Joe Blow could not run again, who knows what highly qualified or what kind of clown might replace that Joe Blow.

LP: As you looked at legislators, whom did you consider most valuable, the rookies or the veterans?

JL: You can't say that. There were some there that were dinosaurs; they should have been out, but they kept getting re-elected. But the point I was trying to make here on term limits, originally I opposed them for the reasons I tried to go over here. But now in looking back, in retrospect, I think perhaps there is a place for term limits, if their [total] term is not too short. And the fact is, that the negative or fall-out part of it that I was afraid of, might be not as much of a problem as the benefits from the term limits if they were reasonable. [But] if you were just going to have one term, serve one term and you're out, that would not be good.

LP: What's your idea of what's reasonable on the number of terms for a member of the House?

JL: Well, I'm not sure that I've arrived at that, but let's put it this way: in the House, you're elected every two years, which is what you might say, every other year you're elected. Every other year you have to run for office. Right?

LP: Right.

JL: And this means the legislators' votes are often influenced by the fact that they have to stand for reelection. Say you're meeting in January, February, and March and you don't have an election until November, but that would be the following November. Or even in the primaries in August. So your votes can be influenced by always going up for reelection, and so sometimes a legislator would wet his finger, hold it up to see which way the wind was blowing, to see which way he should vote, instead of saying well, this is the right thing to do.

LP: You would like to see legislators more independent of the election?

JL: Well, I think the House should be elected for four years instead of two.

LP: Yes, OK.

JL: And I think maybe a two-term limit, that would be eight years, that's long enough.

LP: OK.

JL: Because what institutional memory you're losing, you're getting from someone else.

I think the Senate's every four years; you might change them to six, the same as the United States Senate. You see what I mean? And have a two-term limit there.

LP: Yes.

JL: There's ideas like that that I could live with and promote, but trying to get that changed is very difficult.

LP: You said when we started this term limit that you had a couple of things. What was the other?

JL: Well, yes, I was going to mention the campaigning. I was appointed and then filled out that term, and from then on I had to run for election. Ten times I ran for election. A couple of times I didn't even have opposition, but sometimes I had pretty good opposition.

LP: Did you usually have opposition in the primary?

JL: Only once or twice.

LP: You had no trouble getting nominated then?

JL: No.

LP: Did you ever run unopposed in the general election?

JL: Yes, I even had that happen a couple of times, running in the general election.

LP: But usually you had an opponent?

JL: Usually, yes. But I didn't have too strong opponents. One of the strongest opponents I had was Lee Rowe.

LP: Ah!

JL: And that was early on, you know. And I started out knocking on doors, going door to door, and I thought boy, I'm going to get the jump on Lee—we're good friends—but I was going to get the campaign cards out and start knocking.

LP: I was talking to Lee last week.

JL: Well, anyway, I found out she'd already been out; she was a month ahead of me in knocking on doors. She really worked. Then I had a professor, a young guy at the University one time ran against me. I believe that was the primary, and he was a political science professor and he thought he could beat me in the primary. He was trying to come out farther right than Ronald Reagan at the time.

LP: Do you remember who it was?

JL: I can't think of his name.

LP: I can't; I'm in that department, but I can't remember.

JL: But he had flyers, 8 ½ by 11, these flimsy flyers that he'd stick in doors and go around and leave behind. And his position was that he could get elected [by taking a far right position]. This wasn't what he really believed, but he was taking that public position in the campaign. But he pretended to be farther right, way farther right than I; he was farther right than Ronald Reagan, so this would get him elected. I thought that was not a good deal at all then, but I did campaign hard; I always had campaigned hard.

[End of Interview 8]