

LOWTHER INTERVIEW #9

Loren Pennington: This is the ninth in the series of interviews with Mr. James Lowther in the Flint Hills Oral History Project. The interviews are taking place at his home at 1549 Berkeley Road in Emporia, Kansas. Today's date is April 24, 2012 and the interviewer is Loren Pennington, Emeritus Professor of History at Emporia State University. As always we remind the user of this interview that though Mr. Lowther and I are not close friends, we have known each other for probably thirty years or so, and so this interview will be conducted, as the others have been, on a very informal basis. And Jim, last time we had moved on to your career in the Legislature and we were talking about your campaigns. You said that you were always a campaigner and occasionally you ran into some tough or peculiar opposition, tough opposition in the person of Mrs. Lee Rowe, who was quite a power in Democratic politics in Emporia, and then with a professor from my department at the University. Is there anything more you care to comment on concerning your campaigns?

James Lowther: In the Kansas House of Representatives you're elected for a two year term, so that meant, as far as campaigning goes, every other year. That's the same as for U. S. Congressmen in the House in Congress, where apparently they run all the time. But usually we confined our efforts to the election year. If there was a primary, you'd be working in June and July for the August primary. If you didn't have a primary opponent, which I often did not, my campaign would start in late September. And I campaigned every [election] year, as I said earlier. However, there were a few times that I had no opposition, but I still made an effort to knock on doors in order to get the feel for some of the issues that were on people's minds.

LP: Was that the principle means of campaigning you did, going out and knocking on doors?

JL: Well, it sure was. I lost a lot of weight that way, burned up a lot of shoe leather. It's a time-consuming but least expensive way to campaign in a compact district like mine.

LP: Was that entirely in the city of Emporia?

JL: Yes, I had all city precincts.

LP: All city precincts.

JL: All city precincts except two. The district that had the other two went clear to the Oklahoma border. Well, you know, that's pretty hard to campaign when your district runs from Emporia, Kansas, south to the Oklahoma border. But in my district, it was fairly compact and I could cover a lot of doors and I would find out about how strongly people felt, for example, on an issue like we'll say the Second Amendment, the gun issue and gun control and how high emotions ran. And another issue, of course, always has been the abortion issue. So it was good to campaign, even if I didn't have an opponent, to put my pulse on at least what some of the hot spots were and what people were thinking about.

LP: I remember one time you knocked on my door and I told you I wasn't going to vote for you.

JL: That could be.

LP: I don't know if you remember that or not.

JL: Well, I had that happen one time, more than one time, I tell you.

LP: I told you I wasn't going to vote for you, not because I didn't think you were a good Representative, but because you were going to win anyway and I wanted to encourage

the Democrats and besides that, I didn't like what the Republicans were saying about me as a Democrat.

JL: As a Democrat! Well, I don't blame you there at all.

LP: No, you told me you didn't blame me.

JL: I may have mentioned this, but I remember one door I knocked on, an older lady, and she wanted to know if I was running as a Republican or Democrat. I said I'm a Republican candidate. She said, "Well, I'm a 'Yellow-Dog Democrat' and I'll be darned if I'm ever going to vote for you or any other Republican." So you run into all kinds. It was an experience that happened for me many times over those years as I ran for reelection, and I did have some opposition off and on, too. But I think that I skimmed over a lot of things in the last session, too.

LP: Yes, we talked about it and then you said you wanted to come back to them.

JL: One of the issues that I got involved with early on, and in fact, if you've read any newspapers lately, it's still an issue during the 2012 session of the Kansas Legislature, and that's school finance. I supported Wendell Lady quite heavily and was on his so-called "Kitchen Cabinet," so when the Republicans took over the House again, following two years of Democratic control of the House when. . . .

LP: Do you know when this was?

JL: Yes, Carlin was elected by the Democrats to be Speaker in 1978 and '79, I believe it was. Let me see now, '76 . . . '77 and '78 he was Speaker. Then the Republicans in that election had a majority of the House again so they were to elect the Speaker and the Speaker chosen by them was Wendell Lady, whom I had supported. So he appointed me as Chairman of the House Education Committee, and I guess this would have been in '79

and I served as chair of that committee for four years and vice-chair for many more and I think I was on it over a dozen years. But at any rate, I got my feet wet with school finance early on.

LP: Now this is elementary and secondary schools?

JL: When I say school finance in Kansas, we're talking about K-12, public education.

LP: You're not talking about the state universities then.

JL: That's the regents institutions. The regents institutions fell under the umbrella of the Appropriations Committee and later on I did have the responsibility for budgets for Fort Hays State, or Wichita State, or what have you. But those were a matter of appropriating the money to fund the universities. What I'm talking about here is elementary and secondary education, so-called public education. And we had this formula—I'll try to explain a little—to do that. Now the formula didn't have any money in it; it wasn't appropriating any money, but it was a formula for allocating and distributing state aid to school districts throughout the state. And it was sort of a shadow that was always over us in the Education Committee and I think it was in the mid-70s that there were problems with funding schools, and they had a group of rather disparate people involved, and this might have been rural and urban representatives, wealthy districts, poor districts, Republicans and Democrats, and they developed a new concept, a new formula called the School District Equalization Act. That's SDEA. And this operated rather well for many, many years. The only problem with it was that, again, the formula distributed the money, but if the state didn't provide the money, then there's where problems developed. The idea behind this SDEA was to provide state funding in an increased amount when it went in effect to poorer schools, and second, it was to pay a higher percent of the cost of

educating a student in a so-called poor district as compared with a student in a wealthy district. That's where the equalization came in.

LP: [All students would have] an equal education with this formula.

JL: Yes, I'll explain that here. The other feature is that each school district would be responsible for using and spending the funds they had, and they had certain budget limitations they had to live within. But the wealth of a district in Kansas was really measured by the property values in that district. If you have a district that the total value in the district is a couple or three million, the district may have to assess a pretty darn high mill levy on the taxpayers in order to try to raise enough money to have enough money per student. Now if you had a house in a poor district, say a \$100,000 house, your mill levy might be really punitive. If you lived in say a rich district, where they had all kinds of property and everything, the mill levy would be real low. We'll take Burlington, where Wolf Creek is. The school district levy there maybe would have been around nine mills.

LP: Very cheap, the cheapest in the state.

JL: Eight or nine total mills. Yes.

LP: So Wolf Creek Nuclear Energy Plant paid the bills.

JL: Yes. You had a \$100,000 house there, you didn't pay much tax. But if you were down around Galena or Baxter Springs, you might get assessed quite a bit. The School District Equalization Act took into account that in order to provide a suitable education was to try to equalize the resources available per student between the wealthy and poorer districts. And it wasn't to help necessarily the taxpayer who might be assessed high mill

levies, as it was to provide the resources, the funding for each student. The more the state then contributed, [the more] it would take the pressure off the district's taxing problem.

LP: Take the pressure off the mill levy.

JL: Hold the mill levies down, yes. So the formula would allow wealthier districts to maybe raise their budget from one year to another by, say three to five percent, whereas the poorer districts might be able to go 12-15 percent and the state was to then contribute more aid to the poor districts. Some wealthy districts might not get any general state aid. They would just get special funding, like for special education.

LP: May I ask where the money came from? The money for state aid?

JL: Like I say, the formula didn't appropriate it, but the Appropriations Committee and the Ways and Means Committee and the Senate had to appropriate money to fund the schools each year. Often there was a debate on the formula, the school finance formula, that lasted maybe hours on the floor of the House. But then later there was another debate over how much money the state was going to spend.

LP: Where does the state get the money?

JL: The money, the state of Kansas? OK. The General Fund, which is what I'm talking about.

LP: It's the general taxation?

JL: We can get into that sometime, but it's the so-called "three-legged stool," property taxes, sales taxes, and income taxes.

LP: In other words, what you are saying to me is that, say Johnson County is actually paying more money into the state than they're given back?

JL: Well, that has happened. Usually it means that the wealthy district just doesn't get any aid, or hardly any aid.

LP: But they still have to pay a property tax to the state?

JL: Well, no, not necessarily.

LP: Oh, they don't pay a property tax to the state?

JL: No, no. The property tax that school districts levy are just for the counties and the cities. The money that they levy locally stayed there in the district.

LP: There is no state property tax?

JL: Well, there is, but it's not involved here. And it's only one and a half mills; it's for prisons or something.

LP: Oh, OK. So it is not a matter of Johnson County has to give money to the state and then doesn't get any back?

JL: Well, interesting enough, there were concepts floated around, and I can't remember for sure, but the idea would be that if Johnson County's Shawnee Mission District, we'll say, levied 20 mills and they raised more money than the formula would allow them to spend, then the state could capture that.

LP: Ah.

JL: See? And I think that did happen in times past.

LP: I didn't mean to interrupt you.

JL: No, that's OK. It's fairly complex, and I don't know—I can't remember all the facets of it, and we don't need to get into that. The idea is that it kept me scrambling, and other members of the committee scrambling because we were trying to do what was right and fund equally.

LP: You're trying to give the kids in the poor district an equal chance with the kids in the rich district.

JL: Yes. But there are so many variables. It was working pretty well but then the state began to renege—maybe that's not a good word—but they failed to appropriate enough money and so the state's share of the cost of educating a student declined some, which meant that under the formula the district would have to levy more property tax. And so to the extent that the state would cut funding or cut expenses like they're doing these days, that would be a direct increase in your property tax that the school district patrons had to pay.

LP: The state was not coming up with the money.

JL: Well, yes, over the years the [Legislature] would cut back here and then cut back there, and the cost of educating was subject to the inflationary pressures and teachers' salaries. The cost of busing went up, transportation. In western Kansas, the smaller districts were faced with problems that smaller eastern districts didn't have to worry about. It cost more to hire a teacher in western Kansas. There were just so many variables. So each session I would have to do a lot of spade work and we'd do a lot of research and the whole committee involved usually, because there were always proposed changes to the formula. Western Kansas districts would arrive en masse. It got kind of bad there at one point in the early 80s, and I remember that there were at least a dozen or fourteen districts, something like that, in southwestern Kansas who were so upset about this issue that they said they wanted to secede from the state of Kansas.

LP: I do remember that. A secessionist movement in southwestern Kansas.

JL: That's right. And so I scheduled a hearing, and I knew it was going to be a big one. So I scheduled it out at what used to be the fairgrounds at Topeka, Expo Center, Manor Conference Center I believe it was, for an early morning hearing so that we could complete the hearing in time for members to go on to other 9:30 committees or whatever they might be involved in. So these people drove from southwestern Kansas; some of them left 3:00 or 4:00 a.m. in order to get there in time to be at this hearing and testify to present their views of this issue. And needless to say, it was quite interesting and somewhat divisive, somewhat controversial. But we had other instances like that. We had one time a district from southeast Kansas show up because they didn't want to be merged—I think it was the Erie School District with another nearby district, and they wanted to maintain their school. And in the small towns, you know, they talk about the trauma of closing post offices. Well, it's just as bad or worse, when they are closing school attendance centers or might be closing this high school. They don't have enough students.

LP: That's the thing that keeps that community going.

JL: Yes. This issue got down to where the rubber meets the road, in a lot of respects, because you were dealing here with taxes which people would get upset about and funding for kids, and possible merging and closure of schools. And so each year you had a lot of issues to wrestle with, and the formula was tweaked here and tweaked there and we'd get in humongous arguments about it. The results of all this each year then evolved into special consideration being given where there were low enrollment districts that were given certain breaks, certain benefits, certain funding incentives, etc., tax incentives, compared with districts that were not low enrollment and had a lot of students. They

were broken down into enrollment categories—under 1900 students, etc. Then there were the weighting factors that were introduced, like if a district, say Garden City for example, or some western Kansas district had a lot of Hispanics, then they really had a problem in handling the education of people who couldn't speak English. So they introduced English as a Second Language, and they had all these special programs, so a student in that district might be given the equivalency of 1.5 students or 1.2 students. In other words, they had an enrollment of a thousand—that was their full-time equivalent, a thousand. But for funding purposes they might have 1200 because of this weighting factor. There were people like that in the Emporia district. We had weighting factors for low income people who were free lunch students and had apparently not the chance to go to pre-school or maybe even kindergarten, etc. So, at any rate, this formula then had been under fire, but it was somewhat flexible.

LP: Well, in fact, it sounds to me like you were trying to avoid the idea of one formula fits all.

JL: Well, yes, you couldn't do that.

LP: You couldn't do that. You were trying to take into consideration conditions in the individual school district.

JL: Yes, yes. And I was reviewing some clippings and like the headline, "School Finance Talk Wake-up," and then "Name Calling," and we had people —what happened is the formula had to be the same when it finally passed in both Houses. That's true of any legislation, of course. In order for it to be sent to the governor, it has to pass both Houses in identical form. So we would have conference committees and this is not just for school finance, but it happens all the time where you have three House members and

three Senate members meet and iron out the differences. The words here were compromise and negotiate.

LP: And you did manage to compromise and negotiate.

JL: We did. We did, we did a pretty good job. At times we had impasses; I'm looking here, we had people walking out. Here I am negotiating with Senator Joe Harter, who was Education Chairman of the Senate, and everybody else had gone, the room was empty and we were still trying to come up with some solutions. So the conference committee report, when it was finally agreed on and adopted, went back to each respective House where it was voted up or down; it couldn't be amended. And it could be killed, of course, or it could be passed, or sometimes it was sent back. [If there was no agreement] they'd send it back for further conference committee negotiations. The point I'm getting at here, was that we wrestled with this and it was often with the help of the Democrats—it was really urban vs. rural, western Kansas vs. eastern Kansas.

LP: It had nothing to do with Democrat vs. Republican?

JL: Often not, no. Often not. The smallest districts, smaller, that was the dividing factor. So finally in the 90s, I believe when it was Marvin Barkis was the Speaker, he was as I mentioned earlier, a Democrat legislator, and when the Democrats retook control of the House in '91 and '92 the Democratic chairman of the Education Committee.

LP: Was Barkis an ex-Republican?

JL: In his younger days, yes, he was a Republican.

LP: He had changed his party; he was a Democrat now.

JL: He switched. He switched when he got into politics. And he was an interesting story himself. We can't get into that, but at any rate, the Democrats started the movement. I

believe one Representative was Joan Wagnon. Joan Wagnon was a Democrat who was from Topeka and she later was on the City Commission. She became Secretary of Revenue at one time for Governor Finney, I believe. Anyway, she was involved in this on the Democrat side and would develop a new formula to replace the School District Equalization Act. I can't get into the details here, but I'll just say, that what happened was the state assumed base funding for schools. In other words, whatever mill levies Emporia District was levying, they quit levying it and the state took it over. The weighting factors, etc. helped in allocating the funds, but another feature that was put into play, basically because of pressures from Johnson County, was the Local Option Budget Authority. I think the original lid on it was twenty mills, but then it was gradually raised to around thirty/thirty-two mills that a district could vote upon themselves.

LP: In other words, if the patrons wished to tax themselves more, they could do it.

JL: Yes, in the wealthy districts like Johnson County, they wanted to go on beyond that. They wanted unlimited local budget authority. But again, the more you start going down that road, then your equalization starts to go out the window.

LP: Yes.

JL: You follow me?

LP: Yes, I do.

JL: And that's one of the problems with the Governor's proposal before the legislature in the 2012 session, is that the way he would fashion it would allow local districts to do darn near what they want. Your poorer districts would be hard-pressed to provide funding per student, or on a total basis, however you measure it, compared to we'll say Burlington or Johnson County, etc.

LP: The state originally got into this to try to equalize the spending.

JL: Yes.

LP: Or to give equal opportunity and now this is throwing it back to the local units and leaving it up to them and that's the end of equal opportunity.

JL: Well, yes, if you go down that road. And I fought this change, I was among several who did and we came within a very few votes of scuttling it. Our position was then, and I think it's the position of moderate Republicans today, that the formula was okay, it was the funding that was the problem. And it was under-funded, and that's what causes things to break down. It's like if you don't have enough power in the engine you're not going to go very well, drive your car very well. And so we tried to stop this humungous major change but we fell a few votes short, so the formula that was passed then in the 90s is still in effect, as far as that goes, with the Local Option Budgets.

LP: Are you allowed to bring up the Supreme Court in this?

JL: Well, I will mention this. It was later, was it in '96?

LP: It was after you were out of the Legislature.

JL: Well, yes, the lawsuit was brought by a coalition of school districts.

[End of Side A]

[Side B]

LP: [We were] talking about this business of challenging the constitutionality of the whole operation here and bringing this matter of school finance before the [Kansas] Supreme Court.

JL: Well, first it went to the District Court, Judge Bullock. And I remember getting a copy, a multi-page what do you call it? A statement for opinion. Basically it was a

problem again of underfunding and the state wasn't living up to its obligation to fund the state's share, and gradually then inequities developed and a lawsuit was brought. Then it was appealed to the Supreme Court from the District Court, I think it went right past the Appellate Court and went to the Supreme Court. And the Supreme Court ruled that the state had to increase funding. And as you know, the fallout on that has gone on and on because even in this session, the 2012 session, they were introducing constitutional amendments and everything else to say that the courts cannot tell the Legislature how to spend money.

LP: That's the big issue. Can the courts say to the Legislature, "You must appropriate the money?"

JL: Yes.

LP: And the Legislature saying the courts have no business telling us what we can appropriate and what we can't.

JL: That's right.

LP: And the issue was unsettled.

JL: Yes, but they did increase the funding following the Supreme Court ruling.

LP: They did as the Court ordered.

JL: But then, subsequent to that, there were tremendous reductions. School districts have faced millions of dollars in reductions over the last few years.

LP: Why is this?

JL: Because of the economy and the budget turndown. Everything was being cut by. . . .

LP: Yes, it's part of the cutback during the recession.

JL: And so, I have—not in front of me right here—but I have a press release of some traditional Republicans that we are going to release, I think Wednesday afternoon. And this would be the 25th of April, 2012, and it is taking to task the way that the Legislature has been, by a majority vote of course, treating schools and the funding of schools. And the interesting thing to me was that the argument being advanced now is saying that it's not a matter of trying to change the allocation of funds or the formula used to distribute money, it's the level of funding. You can tweak these formulas and constantly change this and that, but if you underfund it, it's not going to work. None of it.

LP: In other words, the group you're speaking of say you just aren't putting up enough money?

JL: That's the biggest problem. There was a study done in from 2005 to 2010, and part of that was a Legislative post-audit that showed that increased spending usually increased [positive] results in the public schools, in terms of how you measure it, whether it's in reading or math or what. The five year study showed there wasn't really anything much wrong here except that it was not being supported to the extent that it needed to be.

LP: It's not putting enough money into the schools?

JL: Yes. And the districts don't have unlimited ability, budget authority.

LP: Even if a district wants to up it, it may not be able to.

JL: That's right. That's correct.

LP: Because they can only go to the limit of the Local Option.

JL: So it's a very complicated issue. It was subject to a great deal of controversy and dart throwing by all sides over the years. But I felt like I had an early baptism into it, and it was something that I was involved in for my twenty-one years in the Legislature. Even

after I became involved in other committees, I was still on Education for a while, and at one point Governor Hayden appointed me as sort of a liaison between—I went on the Appropriations Committee as a liason between the Appropriations where the money comes from, the Taxation Committee where I was the vice-chair for Assessment and Taxation, and the Education Committee. They are all somewhat intertwined as you can probably understand. But from that time on I played a lesser role in Education as the responsibilities on Appropriations grew and grew. And the time really, your time as a legislator was consumed almost one hundred percent by serving on the Appropriations Committee. There are issues there we can talk about sometime down the road here maybe.

As I mentioned I think early on, appropriating money is more than just that because you're setting policy. If you don't fund a state hospital, it'll have to close. If you want to keep the state hospital open, you provide adequate funding. So you can control what's going on simply by how much money is raised and where the dollars are spent. And a lot of times in appropriating money for something we would put in what were called "provisos," that even though some program would have two million dollar funding for the coming fiscal year that provided that certain things could not be funded within that, or certain things had to be funded within that. And those "provisos" eventually came under criticism and I'm not sure they are still used as we used to use them. But at any rate, on the Appropriations Committee I had responsibility for various state agencies over the years. I had some universities, I had the prisons, the state hospitals, the Attorney General and other cabinet departments, the Executive Branch. And so it was quite an interesting experience and the responsibility and the power that

you have on that committee, which was a large committee, twenty-three I think, with the ranking party having the majority members of it. But you wanted to talk a little about Washburn?

LP: Yes.

JL: Or do you want to wait a minute?

LP: I think that might come within the [perview] of the Appropriations Committee.

JL: Yes, I think it would.

LP: This is a very important issue here in Emporia. What is the issue here?

JL: Well, I think the first I can remember of a problem developing was that Hayden, when he ran for Governor, in order to get some votes out of Shawnee County and all, made some statements about what he would do to support Washburn University, which was a municipal university and had a tremendous mill levy and also had a special sales tax, I believe, to fund it.

LP: Washburn University wasn't being completely locally funded by the taxpayers in Shawnee County?

JL: And for years it had received more and more state aid. They'd get state aid to help them.

LP: It's kind of a funny situation. It's a municipal university, but it did receive state aid. The question was how much, and it kept creeping up.

JL: What happens, as I recall, and this was back in the summer of '88, so it must have been in the '88 session earlier in the year, but the Governor made a statement, I believe it was to the State Board of Education.

LP: You mean Governor Hayden?

JL: Governor Hayden, yes. About bringing Washburn into the state system and he told the State Board that they needed to support him on Washburn if they wanted to see their five-year funding for the junior colleges go into place and be increased. And so my reaction was that I was really upset over that strategy. I accused him of political blackmail; that's what I did.

LP: In other words, the Governor was able to put the pressure on all of these areas out there that are running community colleges by saying if you want to get state aid to the community colleges you're going to have to give it to Washburn University. Is that the emphasis?

JL: I think that's right.

LP: Or you're going to have to bring Washburn University into the Regents System?

JL: Yes. And I was quoted in the Associated Press throughout the state about that.

Hayden's effort to change Washburn's status and I called "political blackmail." And I fought that, and I think I can say now in retrospect, successfully, finally. But, you know, when you're faced with community colleges, you see, there are nineteen, I believe, and they have a lot of representation in the House of Representatives, a lot of votes.

LP: [When you talk about pressuring] the community college representatives, you're [talking] about a lot of people.

JL: In the Regents, we have six universities. We don't have that many votes, you see, in the Legislature.

LP: Well, you may have more votes in Lawrence and Manhattan because you have more representatives.

JL: Well, that's true, but even so, it was an uphill battle in a lot of respects. But I had long opposed this plan of bringing Washburn in.

LP: Why?

JL: Because I thought it would hurt all other universities, including especially Emporia State University.

LP: And especially Emporia State because of the proximity [to Washburn].

JL: That's right. Because we had people here enrolled from Topeka, still do at Emporia State, because the tuition was so much higher [at Washburn]. But by bringing Washburn in, their tuition would drop to a level of Emporia State, and a lot of Topeka, Shawnee County residents would just go to school there, rather than coming to Emporia. It would have been punitive to the future of Emporia State University. I remember one time, there was a State Senator named Paul Hess. He was chair of the Senate Appropriations Committee and he was on a crusade to cut, to cut spending, and cut, cut. And he just came out and said, "I want to close Emporia State."

LP: I remember him well.

JL: You do?

LP: As a matter of fact, I believe he is an historian.

JL: I don't know about that.

LP: OK. Well, go ahead.

JL: But he married a good friend of mine—his wife was in the House, Shelly. Anyway, he and I had quite a few debates and arguments.

LP: Do you think it was that they were close to closing Emporia State? There was a lot of talk of it.

JL: There was a lot of talk in the Legislature. And you know, there were representatives I can remember arguing with, you kind of hate to name names, but with Representative Keith Ferrar, who was from Ulysses or somewhere. And you know his interest wasn't universities. He was worried about the water tables and conservation and the wheat situation and the agribusiness and highways. If everybody said oh, we've got to close the university, well he would be one of those who would probably say OK.

LP: He'll save some money that can be spent on these other things.

JL: Yes.

LP: Did you see any fear that Emporia. . . ?

JL: I didn't have much help from Senator [Jerry] Karr at the time. I kidded him about that at the time, but. . . .

LP: Senator who?

JL: Jerry Karr [State Senator from Emporia]. In '88, for one thing, Hayden was a Republican and Karr was a Democrat, and Karr's base of support [was Emporia State]; I believe his wife was on the faculty.

LP: Oh, yes.

JL: And the students. . . .

LP: He was on the faculty at one time.

JL: Yes. Well, I thought maybe he should give me a little more help there but at any rate, he had an opponent, a Republican opponent, who was candidate for the Senate and her name was Ernie Woodbury, Mrs. Phil Woodbury. And so I was trying to put pressure, I should say, on Ernie to take a strong position on that issue.

LP: What was her name?

JL: Ernestine.

LP: Oh, Ernestine.

JL: Mrs. Phil Woodbury, yes. She ran against Jerry Karr and Jerry beat her, of course.

LP: You weren't exercising a little political blackmail here, were you?

JL: Well, I thought the Governor was.

LP: OK.

JL: [I think] Hayden was bent on getting a huge tax break for Topekans and anybody in Shawnee County and Topeka.

LP: Why would he do this when he was in fact from Atwood, way out in western Kansas?

JL: Well, as I say, it was tied in with the community colleges and the overall picture and he was trying to get votes out that way and around the state. And he was trying to get votes in Shawnee County. So, I don't know; it's hard now to recall all the motivation behind that, but I felt that if I had any issue to be charged up about, that would be the one I should take on.

LP: Because that was a local issue here in Emporia?

JL: Absolutely.

LP: It was probably a bigger issue in Emporia than any other place in the state.

JL: Well, I'm sure that's true.

LP: Except maybe Washburn itself.

JL: It was very difficult sometimes to generate support from somewhat disinterested legislators, you know. But at any rate, I remember I had editorial support from the *Gazette*. The *Gazette* was behind me 100% and so was the radio station. But in the

spring and summer of '88, and one time they had started nicknaming it “Blood and Guts,” for the fight that was going on there in the '88 session. The bill to bring Washburn in in that year died in the final hours, and I had as big a counterattack to try to kill it as I could muster. And after the Senate approved it in one day, I think it was on a Friday, then the following Sunday we were still in session at the end. And I got the House to kill it, and on Monday they wanted to reconsider; the Governor pressured to reconsider our action and so we did and it didn't pass—so that put a nail in that.

LP: How close was the vote?

JL: I can't remember the vote, but it was fairly close.

LP: Jim, Washburn is now in the system.

JL: Not as a Regent university, is it? They've been . . . they've secured more and more support, you know.

LP: Well, it's not completely in the system perhaps, but anyway, Emporia State's still here.

JL: Yes. I found a long article that I had written in January of '86, that would have been the beginning of the '86 session on this issue. So it [didn't start] with Hayden in '88, it had been around and it was around off and on over the years. But I had a lot of good arguments, I thought, that I presented, including Washburn in the State system would further dilute limited resources. The universities were being cut, forcing tuitions up and here they wanted to bring Washburn in on top of all that, which would further dilute the support available for the existing Regent system.

LP: And of course we had already brought in Wichita, which was another municipal university.

JL: Yes. Oh, yes, well that was years ago, yes, that was in the 60s, I believe. I had served, and I think I was chair for a while of a committee that was a Joint House-Senate Committee called the Legislative Educational Planning Commission (LEPC)—Legislative Educational Planning Committee. Our focus was on higher education issues, so I was glad to have had the experience being on there because I had a lot of information and a lot of data at my disposal that an ordinary legislator wouldn't have had. So I kept saying that Washburn was fulfilling its role as an urban university, doing an excellent job and so the Committee, the LEPC, after a study of this issue, made no recommendation. They more or less went along.

LP: Washburn was doing all right as it was, leave it alone.

JL: Yes, and that was in '86, but anyway, it goes on and on and there was still a push for it. But I think, I have kind of lost track, but you've said you thought Washburn was a member of the Regents? I don't think they are, because I think they still have a lot of their local mill levy and sales tax support.

LP: I think that is correct.

JL: But at any rate, the prospect of all that was dim for the future of Emporia State University and that's one reason why I did fight that for several sessions to hopefully see it did not happen.

LP: Emporia State University has declined substantially in the number of students over the last several years.

JL: Well, I think the peak was during the Viet Nam crisis.

LP: We had about 7500 and now we're down to [5000].

JL: Yes; they were there to avoid the draft, a lot of them.

LP: Yes, yes.

JL: But yes, it has gone down some, but I'm not sure, I'd like to see the figures to see whether Emporia State has gone down disproportionately, you know, compared to Pittsburg .

LP: [It has dropped.]

JL: It has?

LP: When I came here [in 1960] Emporia State was the biggest one of the three and now it's the smallest.

JL: Well, you know, critics point to the fact that our location is a big problem now. With the current transportation of the turnpike and everything, students at the drop of your hat will say I want to take plastics so they'll go to Pittsburg to take something to do with plastics. Or they'll have something else they want and they'll go to Fort Hays. The distance doesn't make the difference—it's not a factor in where students go as much as it used to be, but we're in a situation where we are in proximity to Wichita State, Washburn, as well as KU and K-State.

LP: Pittsburg and Fort Hays are more or less separated from Manhattan.

JL: Yes, Fort Hays had always made a big thing out of representing western Kansas.

LP: Western Kansas and Pittsburg in southeastern Kansas.

JL: Southeast, yes. Right.

LP: They have. . . .

JL: Capitalized on it.

LP: They have capitalized on that sort of thing. Emporia, geographically, is probably in the poorest position.

JL: Right. We are competing with Wichita State and we are competing with Washburn, we are competing with KU, we are competing with Kansas State. That's true. And so I've always been champion of the [Emporia State] University, too, and I'm pleased to see things happen like when the business school is accredited or we got accreditation there for the School of Library Science and Information Management. And they were able to get some advance degrees okayed by the Board of Regents. In my years in the Legislature, I used to have to argue with the Board of Regents executive secretary, who was Stanley Koplik. And Koplik didn't want to grant Emporia State any new majors or any new master's degrees or anything like that, you see. So we were lucky to get to the Ph.D program in the School of Library Science. But I always felt that by developing a strong school of education, the Teacher's College, we had something we could hang our hat on here in Emporia, you see what I mean? And [that is] not to take away from the College of Liberal Arts, or any of the other of the schools in the University. But still, you have to have some things like the Library Science Program and the School of Education. We've also made some big strides in the Business School, and we have to have certain things that we can use to attract the students. And I think the current situation is looking up at the University with the new leadership there; but we'll just have to see how all that works out. But over the years it has been one little struggle or sometimes big struggle after the other.

LP: Stanley Koplik, whom you mentioned, of course [did not have a very good reputation] on the Emporia State campus.

JL: You might say he wasn't a welcome person on campus.

LP: That's correct. He and I once—I won't go into detail—got into a conflict in front of one of the presidents of ESU and afterwards the president patted me on the back for taking Koplík to task.

JL: Yes. Well, I can remember President Visser appearing up there before the LEPC, the Educational Planning Committee. And one interesting exchange that occurred,—I'm trying to think of the gentleman's name; he was a lobbyist for Washburn for years and years—named David [Monacle]. And he was a pretty nice guy, but he took issue with Visser's comments against Washburn in that meeting we had one afternoon and Monacle literally tore into him.

LP: Tore into Visser?

JL: And then later got some things published in the *Topeka Capital Journal*. But needless to say, feelings on that were running pretty high at the time. So I think that covers that for now.

LP: I think now Emporia State and Washburn are getting along quite well, whereas they used to think of themselves as enemies.

JL: I think that's true. All this strife I've been kicking around here is in the past. That's true. They are in a new era now; it's a new situation and it's probably not any great benefit to unearth a lot of these old problems, frankly. But there are other issues that we can talk about.

LP: Where should we start next time?

JL: Well, let's see. There's the hospital closure issue, there's the classification, reappraisal and classification issue, the severance tax issue, there are a lot of issues like that that I could cover to some degree or less that might be of interest. The severance tax

was an emotional issue starting back in '81-'82; that was an early fight. And the hospital issue was later on in my career, when I was on Appropriations. I chaired the House Appropriations Sub-committee for budgets for the hospitals and got saddled with the job of making a study to see which one we should keep open and which one we should close. And that wasn't exactly a strawberries and cream—peaches and cream situation.

LP: Well, next time let's start off with those issues. The hospital closing issue, the classification of property issue and the severance tax issue. That would be a good place to go ahead next time and we are almost to the end of our tape here.

Any concluding comment you have for today?

JL: No, other than in harkening back to all these days in the Legislature, things moved a little fast a lot of times and it's difficult now to try and recall the factions that developed and the changing factions as the issue changed and who was on which side, and whose side I was against. It's just hard to put that back together after all these years. I did send out a weekly newsletters, but most of them have long since disappeared, so it's hard to recapture some of the things that were happening and the reason behind them and who was for this and who was against it, etc. But I think I can do some. . . .

[End of interview nine.]