

LOWTHER INTERVIEW #13

Loren Pennington: This is the 13th in a Flint Hills Oral History series of interviews with Mr. James Lowther at his home at 1549 Berkeley Road in Emporia, Kansas. As usual the interviewer is Loren Pennington, Professor Emeritus of History at Emporia State University. And today's date is May 29, 2012. And as usual we remind the user of these interviews that Mr. Lowther and I, though we have never been close friends, we have known each other for some thirty years and consequently these interviews are conducted on a very informal basis. Jim, last time we talked a good deal about your connection with various committees in the Legislature in your years in that body and we talked about a number of subjects, including the "qualified admissions" to the state universities. We talked about KPERs, the retirement system for Kansas Public Employees. We talked some about the gun laws and your attitude on them and about "high roller" trucks and your attempts to get them to drop their bumpers down low so as to not wreck cars in case of rear-end or front-end collisions. And we talked about juvenile treatment in the courts. Is there anything you want to say about any of these topics before we go on today?

James Lowther: No, I don't think so.

LP: Well, in that case we said kind of one of the things topically that we would wind up on is to get your views of the five governors under which you served. So let's do that. Who was the first one?

JL: Well, the first one was, of course, in office when I got there mid-term, Governor Bob Bennett.

LP: Republican?

JL: Republican Governor from 1975 to 1978.

LP: What was your view on him?

JL: Well, I got along with him real well. I came in, as I say, mid-term. I didn't know much about what was going on. There were actually three or four of us Republicans that were new for one reason or another at mid-term, and he and his staff were quite helpful. I felt that Bennett was probably as open in dealing with the Legislature itself and with individual legislators as any of the five governors; probably more open and willing to visit and talk. He would have some legislators come up to his office or in an office for sandwiches—he would provide and cater in sandwiches at noon to talk about issues coming up and this and that. I thought that was helpful. His wife Olivia loved to entertain. I remember going out there more than once for rather elegant dinners.

LP: Where is there?

JL: Cedar Crest.

LP: Oh, okay.

JL: Going out to Cedar Crest for some rather elegant dinners. I remember meeting with him off the Capitol—I think it was the Speaker's apartment—with a group of legislators; he really was good at communicating. One of the things that also I remember about Bennett was when he would deliver his State of the State or other messages to the full Legislature, the Senate and the House, his speeches were just overflowing with eloquence. He had quite a command of the English language.

LP: Rhetoric was his long suit?

JL: Yes, his long suit. And he really liked to be politically up there. But he did not make it for re-election against Governor-to-be Carlin—John Carlin, because I think he continued he grow a goatee. And he continued to wear that and he was getting all kinds

of advice to shave it off because he was projecting an image that was not positive in a lot of voter's minds.

LP: What was it, a kind of a Colonel Sanders attitude?

JL: It was kind of a weird looking goatee. It wasn't as flattering as Colonel Sanders. But he did not shave it off, and then Carlin pulled a coup in the Hutchinson-Wichita area, especially when he accused Bennett of causing utility bills to go up. Carlin had a mailing right at the last minute, and it was too late for a correction or a counterattack by Governor Bennett in his campaign. And that helped a lot, too, in getting Carlin elected.

LP: Was the election pretty close?

JL: I can't remember that but I think it was; I'm not sure now. But at any rate, [Bennett] wanted to reform government a lot and was going to eliminate one department and combine other departments. As a freshman mid-term I was on the Governmental Organization Committee (GO Committee) and some of these [things] were kind of controversial. He also believed in local government and local control, better government is closest to the people and that type of thing. And I got caught in a crossfire on that issue. When Bennett had proposed elimination of what was called, or is called, out-district tuition. And I'll explain that. When a student decides to enroll in a community college—then we called them junior colleges (JUCOs)—the county in which that student resides, his home county or her home county, when the student enrolls [his or her county] has to send an out-district tuition payment to that community college.

LP: If [the community college] is out of his [county]?

JL: Yes, I'll give you an example. In Emporia if a high school graduate decided to go to Butler County Community College in El Dorado, then the Lyon County Commission would have to appropriate out-district tuition money to follow that student.

LP: And of course in Emporia we did not have a junior college. Every student who went to a junior college was outside [Lyon County].

JL: Yes, that was true in most counties. There are only nineteen [community colleges].

LP: If you don't have a junior college in your county, county commissioners have to out of the tax money pay the tuition for the students to go somewhere else.

JL: Yes, and I think Washburn got something so that they were participating in that.

Well, Bennett thought that wasn't fair. Here in Lyon County the commissioners were all uptight about that issue. They were strapped for funds and I remember Vic Imasche was county commissioner and was constantly on my back about that. They didn't want to have to fork up that extra money to send students to Butler County or any other junior college when we had a perfectly viable university right here in Lyon County. So I was supporting that. Well, this came up on a vote and the community college people finally got organized. They have a lot of clout because there are nineteen of them. And they have a lot of votes in the Legislature in the House so they were going to block this. I had some Republicans come to me and start playing hardball and saying that I should not vote for that or they were going to fight to block funding for the new proposed Visser Hall on the (Emporia State) campus.

LP: What's now the Education Building?

JL: Yes. If I wanted to see Visser Hall be a reality I better not vote for this thing. And it was a threat and I learned early on then about how things sometime work in the legislative process.

LP: In other words, you had to vote to continue out-district tuitions or you weren't going to get Visser Hall?

JL: That's the threat, that was the threat. And I think I ended up voting for ending out-of-district tuition anyway, and we still got Visser Hall.

LP: In spite of the blackmail so to speak, you ignored it and. . . .

JL: If I remember right, I did ignore it.

LP: You voted to end out-of-district tuition, and you still got Visser Hall.

JL: As I recall, that's correct, yes. You know, research in the archives of the voting on that bill, if you could identify that, would prove me right or wrong. But I just felt like I had to do what I felt was right at the time, [and in the end I think the bill did not pass]. Sometimes, a lot of times, in dealing with issues like this when a legislator isn't feeling strongly about something, it's no problem for them to say, "OK, I'll support your deal," or, you know, rather than make a stand. But if you have a situation where a legislator is feeling strong about an issue pro or con and is getting pressure to change his position and change his vote then you see a different situation. But anyway, Bennett was, I thought, a pretty good governor and I was disappointed when John Carlin upset him. It was considered an upset, Carlin being a Democrat from Smolan, a small town. He was a dairy farmer in a small town near Salina. And he had been Speaker of the House the previous two sessions.

LP: That was one of the few times the Democrats were controlling the House?

JL: Yes.

LP: OK.

JL: The Democrats controlled the House twice during my twenty-one years there.

LP: And Carlin was the Speaker both times?

JL: No, Carlin was the Speaker the first two years and then later on it was Marvin Barkus.

LP: Oh.

JL: But in this case, he was a former speaker that ran for governor and won. So Carlin came in then and served from '79 to '86 and I got along. . . .

LP: Was he the first of the four-year governors? You know, four year term?

JL: No, no.

LP: Bennett was?

JL: Bennett ran for another term but he got beaten by Carlin.

LP: And he had been in it for one four years?

JL: Yes, but he could have been elected for eight.

LP: Yes, he could have been elected for eight.

JL: I can't remember who the first Governor was that was eligible.

LP: In other words, all the time you were there governors had four year terms?

JL: Four year terms, yes. As for Carlin, I didn't have much communication with him like I did with Bennett. It was a lot different; for one thing Carlin was a Democrat and I was a Republican and new, so I wouldn't have had many opportunities to converse with him. But he put the strong arm on me once. One night we were running late, late at night in a session and there was a contentious issue concerning—I'm trying to remember

now—the Kansas Department of Transportation (KDOT), funding for KDOT, the KDOT programs. I believe that was it. At any rate, every vote for this was needed because it was very close and that night his representative, Bob Wooten, came up to me and said the Governor wants to see you in his office. So I went down there, left the chambers, and he was somewhat threatening about the support for Emporia State and hoped that we could continue the appropriations necessary to fund Emporia State and all, but he also needed my vote on this. I believe it was a highway issue. And so I told him then I hadn't expressed any dissatisfaction with this bill or opposition and so we left amicable. But I thought that was interesting.

LP: You recall he was threatening Emporia State to get you to vote for it?

JL: Yes. Another type of this is a previous incident we discussed where they'll use something on you to try to sway your vote. But Carlin never did anything too radical. I think the biggest issue that came up during his two terms, as I recall, would have been the severance tax and he was quite adamant in his support for that. He was unbending and he fought for that and it finally, finally did pass after several sessions of debate and argument. I believe that was the most controversial issue while he was Governor. The next Governor that came in of course was Mike Hayden and Mike Hayden was a Republican. And again here, Mike had been the Speaker of the House in 1983 to 1986 and he was Speaker for two terms, in other words, four years—two two-year terms. And before he'd been Speaker he was a member of the group that supported Wendell Lady for Speaker, and then also for an unsuccessful run for Governor. But Mike was a member of this group that met fairly regularly for breakfast.

LP: You were a member of it too, I take it.

JL: Yes, I was recruited soon after being up there as a new Representative. There was an acronym. I remember the acronym but I can't remember what it stood for. It was called, "YELLOW". [I remember now: Young Energetic Legislative Leaders Out to Win.] But anyway, these were legislators who'd been in the House a bit longer than before I was there and [when] they were new they were kind of rambunctious and somewhat rebellious. They had seats on the back row of the House and they were somewhat of a mindset to run things, or try to run things the way they wanted.

LP: They were back benchers?

JL: Yes, but they kind of raised holy heck.

LP: Now you say that they were kind of radical and rebellious? Then [how would you] class them on the Republican scale, right to left?

JL: They weren't radicals; they just didn't want to [yield] to the Speaker's rubber stamp. They didn't like Pete McGill when he was Speaker. He was Speaker when I got there and they didn't care for him. He was too conservative. I would say the group was mostly moderate type

LP: Moderate Republicans?

JL: Moderate Republicans.

LP: Not right-wingers either?

JL: No, no, no. Not right-wingers and not radical either way. But they definitely had opinions that they felt strong about. Well Mike Hayden was a part of this group and we would meet for breakfast and talk about issues and what stance to take and he was kind of one of us, you might say. Well, when he was elected Speaker of the House—I say he served two two-year terms—he grew hard to reach. Several of us couldn't figure this out,

because usually the Speaker's office with the Speaker of your own party, the Speaker's office is open if you have concerns or questions you want to talk about. But Mike began to, I don't know what word to use, withdraw? But he just was not open to communications with the old group or with anybody as far as I know. When he became Governor then, I had less communication with him during his term, '89 through '90, than I did any other governor, really. It was really a strange deal.

LP: So a one-term governor?

JL: It was '87 to 1990.

LP: Yes, he served one four-year term.

JL: Yes, one four-year term, because he was upset by Joan Finney then. OK?

Well, Mike, he was a nice enough guy and all that and I got along with him alright and most people did, but he just was difficult to communicate with. And I felt like compared to all the other governors, there were times when he should have been having legislators up to his office and sounding them out to how they felt, and should we toe the mark on this or should we give up on this and go for something else—you know, this type of thing. But he didn't do it, to speak of, and so we sort of managed to get together on groups of our own, caucuses of our own, and sort of ran the House that way without much input from Hayden.

But anyway, as you recall—maybe you don't—but in 1991 Joan Finney was elected Governor and served '91 to '94. I had quite a time with her as Governor, I thought, because she came up with some ideas and pushed some things that I didn't necessarily support. I don't know whether she was coming from a populist standpoint or what, but she, for example, made a big issue of initiative and referendum. And I did

some research on it and I didn't feel like that would be in the best interest of the state to implement initiative and referendum. Part of the problem with initiative and referendum is the way it's drawn up. The devil's in the pudding there, because if you don't draw it up right you have some weird, weird results down the road.

LP: Initiative, of course, allows people by petition to get a vote of the people on a particular issue.

JL: Yes, in California they've had Proposition 13, if you remember, the property tax lid. It turned out to be disastrous over the years, [and was] finally repealed I believe. But she wanted initiative and she wanted the referendum, so instead of the Legislature having to decide and issue, they would. . . .

LP: Put it up for a [popular] vote?

JL: Back off and say well, we'll just send this to the people and let the majority decide.

LP: So initiative is the people propose laws and referendum is where they vote on them.

JL: Yes. Initiative is when a group gets enough petition support of signatures to put it on the ballot for a vote. A referendum is when the Legislature decides well, we don't want. . . .

LP: The Legislature proposes the law but has the people vote on it.

JL: Yes, we don't want to go on record as voting for this so we'll just send it to the people.

LP: What do you think this is? It's used by the Legislature to escape responsibility?

JL: Well, I think it could have been used that way a lot, when you think how contentious some of the sessions have been on certain issues. Even as we speak today, in the just-adjourned session, there probably were several issues they'd like to have passed on to the

popular vote. But you know, the problem is that the average voter is not that well informed and they don't understand a lot of the issues and finally the election rolls around and they go to a poll and how do you know what guides their vote? And some crazy things can get voted in because they're just voting without really knowing. I think that happens, too, with some candidates; people just say well, I like him because of he's this party or that party or it's a woman instead of a man; it's just like betting on a jockey instead of a horse. I've always just had a feeling that if you look at the number of people in, we'll say Kansas, that are qualified to vote who don't register in the first place. And then take those who actually do register and look at the small percent who end up going to the poll on election day. There's tremendous disinterest, tremendous apathy, and I think to have initiative and referendum would not be good government; it could really cause some problems. Governor Finney would write or call me or have her representatives call to try to get my vote on that and we had a lot of debate, but I never would support that issue. Another thing that bothered me during her four years as Governor: she would veto a lot. She was probably vetoing more bills than most governors do, for some reason. Back in '92 was the second time that the Democrats had control of the House of Representatives and the Speaker of the House then was Marvin Barkus; the President of the Senate was Bud Burke. The Governor had several 11th hour vetoes that year, in '92, and Burke was poised to call the Senate back to consider several overrides, but Barkus wouldn't do it.

LP: This would be at the end of her four-year term?

JL: This would have been in her mid-term.

LP: In her mid-term.

JL: '92, yes.

LP: In other words, she had vetoed a bunch of bills and the question is, do you call the Legislature back to vote on them again to see if they won't override her veto.

JL: Yes.

LP: And the Democratic leader of the House said, "No, we're not going to do that."

JL: Yes, he issued a press release saying that he had decided that none of the vetoes could be overridden. Well, you know, I took issue with that. And he really didn't give any explanation of why we at least shouldn't vote to sustain or override.

LP: Anything she vetoed stood.

JL: Yes. And we couldn't go back in, and if the House didn't go back in then the Senate couldn't go back in, so he just told Burke to go jump in the lake. But anyway, earlier in that session, '92, we had overridden by lopsided votes, in both the Senate and the House some vetoes by Governor Finney. The list of bills she vetoed was so long that it never got fully reported in the news; they couldn't cover it all. And there was something in there that would upset everyone if it was vetoed or not vetoed, one way or another. One major veto was an anti-casino gambling measure; at that point in time had passed both Houses with a veto-proof vote. In other words, over two-thirds of the House and two-thirds of the Senate had passed an anti-casino bill.

LP: In other words [the Legislature] was against having casinos?

JL: Yes, and she vetoed that.

LP: That's kind of strange; in other words, she wanted to have casinos?

JL: Right, yes. And you know, basically the Legislature did come around on that but at that point there was another veto for Emporia State University. There was some

additional funding for increased enrollment that they had been working on, trying to get, and I think it was \$140 some thousand dollars, and that veto was really a damaging cut to the University. And I felt like we could drum up enough votes to override that. But there had been a 1% across the board reduction that passed on the last day of the session that cost Emporia State over \$200,000. Of course I fought all those, but sometimes you lost. But we felt again that we should have a chance to override that veto. There were some other vetoes that didn't help Emporia State University—one was \$100,000 in planning funds for Beach Music Hall. That left that project in question for another year. There was another veto that I felt was bad because Governor Finney had promised not to veto and that was money for the university libraries, including money for the William Allen White Library. At any rate, this is the type of thing I ran into with Finney. I found myself a lot of times on the opposite side of the aisle, opposite opinion, and with the Democratic Speaker in control, he was able to give her quite a bit of support.

LP: Did Barkus generally give her this support?

JL: Yes, I think he did. But generally I went along with Barkus pretty much. I thought he was a pretty smart guy—he was an interesting person and I thought he. . . .

[End of Side A]

[Side B]

LP: You got along pretty well with Barkus but Barkus was continually supporting the Governor Finney in vetoing these bills.

JL: That's true. When the chips were down, he became quite partisan and denied the House the chance to override.

LP: Did the Republicans control the Senate at that time?

JL: Yes.

LP: The Senate and the House?

JL: The Democrats controlled the House.

LP: The Democrats controlled the House and the Republicans controlled the Senate.

JL: Yes. I don't think the Democrats have ever controlled the Senate. Bud Burke was President of the Senate then and he wanted the Senators to have a chance to vote to override some of those vetoes, but when Barkus wouldn't call the House in, that was it and we went home. But Barkus was the Speaker for two years, one term, and then the Republicans came back in '93 and took over the House again and R. H. Miller was Speaker. But any rate, in 1994 Graves was elected Governor.

LP: That's William Graves, right?

JL: Bill Graves, and I was looking here at some notes. This was only the third time in more than thirty years Kansas Republicans picked a Governor, a Republican Governor. He had ran against Congressman Jim Slattery, a Democrat from—I believe he was from Topeka. And Graves won 64% of the vote in the [general election]. There was a three member, three person primary [which included] Gene Bicknel, a wealthy owner of a large number of Pizza Huts around the country, and Fred Kerr. Fred was very popular. I think he was from Kingman and he'd been a state senator and would have been a good governor. So the Republicans had quite a choice there during that primary and Graves won over Fred Kerr and Bicknel, who was from Pittsburg I believe. But back in '72, Bob Docking had defeated Maurice Kay with 62% of the vote when Docking was elected to a fourth term. But anyway, you were mentioning earlier how many times the Democrats

had held the governor's office and apparently Graves' election was only the third time in thirty years that the Republicans elected a Governor.

LP: Yet we think of Kansas as a strongly Republican state. How do you explain that?

JL: I can't explain it. I'd have to do some research. I think there were issues at the time that colored the thinking of the electorate. Earlier in the Republican ranks there'd been a Governor who was questionable, some shady things going on, and big in-fighting going on in the party that gave the Dockings quite an edge.

LP: [George Docking?]

JL: Well, I remember now, George and Bob Docking. But anyway. . . .

LP: The Democrats suggest that maybe the Republicans lost the Governorship so many times because they put up a bunch of lousy candidates.

JL: Well, that was part of it too; they probably didn't have the best candidates.

LP: They tended to put up extremists rather than moderates.

JL: Well, I can't remember that. I can't contest to that, but I'm sure, as you've mentioned here, there's several factors involved in causing that to happen.

LP: It almost seems that in Kansas Democrats don't win elections, Republicans lose them.

JL: It might be that, it might be a truism. Yes, that might be. Anyway the election of pile them high and tight Bill Graves. . . .

LP: He was a trucker.

JL: Trucker, yes. Came as a welcome relief to Finney, and Graves was pretty well known around because he'd been Secretary of State. So he had a popular Lieutenant-Governor, Sheila Frahm, and he was a good communicator. He would call in a group of

legislators in the House and sit down and talk about issues and which way to go and how to handle problems.

LP: Let's just back up a minute. Is Sheila Frahm a Democrat or a Republican?

JL: Republican, Republican. She was his running mate.

LP: I thought she was a Democrat.

JL: Sheila Frahm was Graves' Lieutenant-Governor. She was a Republican.

LP: Later on she became temporarily a Senator.

JL: Well, yes, when Dole had to step down because he was running for President.

LP: Yes.

JL: In '96, Graves appointed her to fill that two years as a United States Senator. And she ran for reelection and got beaten by one Sam Brownback. So then she was pretty well done politically, but at that time she was pretty popular and she was from Colby so she would get the western Kansas vote. During Graves' terms as Governor there were several things that we passed that dispute what the current Republican Party is saying about the previous governors, including Graves, that they were tax and spend governors and that caused all the problems we've got today. I reviewed one year there for example, in 1995, we had a lot of different proposals to cut spending and reduce taxes. An example would be we'd cut unemployment insurance rates 20%, and saved Kansas businesses around \$43 million. You know, a business has to pay a tax on unemployment. . . .

LP: To support the unemployed.

JL: And then he put in a policy for every four state employees leaving, hire three, etc.

And [there was] better budgeting. I think I mentioned this previously, but we looked at

zero-based budgeting, performance-based budgeting, etc. and biannual—we looked at going to a biannual budget, which we never did.

LP: You were running a frugal government?

JL: We thought so. We cut automobile taxes 50%. This was phased in. A lot of the automobile tax money paid at your courthouse goes to school districts. A dramatic 50% cut would have been devastating, so we had to phase it in. But we phased it in over seven years, which meant that it went in so gradually that a person never realized that they were only paying half of what they would have paid. If it'd been all at once, you know, they would have recognized that. So the fact is that you're paying today half what you would have paid without that legislation for your car tags. So if you're complaining about how much they are today, look at what they could have been if we hadn't passed that in the Graves administration.

LP: What you're suggesting to me is that the Republicans were running a frugal operation but for the right-wing it isn't frugal enough?

JL: Well, either that or they're overlooking or discounting it—they want to make you think that we were tax and spend back then. Another thing we did, instead of hiring a bunch of new district court judges, we came up with an idea that would allow retired judges to hear backlog cases and that relieved the pressure. Otherwise the judges had wanted to add judges all over the state in different areas because of heavy loads. So that saved a lot of money, [and still does]. We had a two-year moratorium on taxes that businesses pay for unemployment [benefits]. This saved over \$300 million dollars over the two years for Kansas businesses. And to me those things we did there had more of an impact and helped economic development, helped create jobs, and didn't wreck the State

as the road we're on now does, in my opinion. But at any rate, Graves was the last Republican Governor that I served under because then Sebelius was the Democratic Governor after him. I think that covers the governors pretty well. One of the issues I mentioned earlier on was the election in '94, which saw the first influx of the far, far right into state and federal levels.

LP: Do you think the Republican Party had generally had been a moderate party up to that time?

JL: Yes. And then it began to go farther and farther to the right and in my last couple of years, a couple of sessions in the Legislature saw some of us moderate Republicans teaming up with the Democratic party members in order to either pass or defeat certain proposals and that was really the first time that that had happened. If you remember, Newt Gingrich was elected the Speaker of the House in Congress at that time and he was thought of, at least I thought of him, as a loose cannon, rather a radical; I still do. But at that time he would send out tapes and here's a cover letter for one of Gingrich's tapes, this would have been in '94 or '95, '96. He had a political group—I don't know what you'd call it, it was called GOPAC. And he sent tapes unsolicited. He would send me and other legislators a tape, and this particular mailing said this was another in a regular series of GOPAC audio cassettes. And this particular tape referred to here was a lecture that Gingrich had delivered in August of 1990 to a group at the Heritage Foundation, which is a conservative organization. And you know, some of his things he'd write, I just couldn't believe. But anyway, this particular tape included with it a document entitled, "Language." It was a key mechanism of control, he called it, drafted by GOPAC political director so-and-so and the words in this are tested language from a recent series

of focus groups where he actually tested ideas in language and he thought this would be useful in campaigning and writing speeches and campaign messages, etc. And I noticed the influence on a lot of those new Kansas legislators of his efforts and this language. A key mechanism of control here that I referred to was the optimistic, positive governing words and contrasting negative words to use. I'm not sure they were opposites, but courage, crusade, children, family, light, freedom, etc., preserve, proud, peace were all positive. But you overhear words like failure, collapse, urgent, destroy, liberal, insecure, taxes— those were all contrasting negatives.

LP: I take it you apply these words to the Democrats?

JL: Yes. [What] I'm leading up to here is that my last session was the '96 session—January, February, March, April of 1996—and frankly, I could see what was coming with this kind of stuff going on and so I was kind of glad to—and I thought it was overdue—to give up my seat after being in there that long, probably longer than I should have. And I am glad I did because apparently it's only gotten worse over time since then.

LP: Who was your replacement?

JL: When I decided not to run, Dr. Lloyd Stone, Professor of Education at Emporia State University, threw his hat in and was elected three times.

LP: Of course, now our representative is Don Hill.

JL: Yes, after three terms, Don Hill ran in place of Stone and I'm trying to think now; I could figure it out . . . but Hill's been in there more than that now.

LP: And certainly is classed as a moderate Republican.

JL: Yes, and he has been fighting the fight alright.

LP: In fact, as a Democrat I think he's done so well I'm almost thinking of voting for him.

JL: He has an opponent, a Democratic opponent. At the time, one of the reasons why I was getting out was that we began to have this situation where for the first time we'd have primary fights, between Republicans. In other words, an incumbent Republican had done a good job perhaps; there was no reason to vote him out but a far-right and often a pro-life candidate would file and here we had a division developing within the party. And during my elections the biggest problem I had was dealing with some of these far-right Republicans. Some of them were stridently pro-life. I think we're talking now about times back when they had Operation Rescue and some of those rather violent demonstrations going on. But I would get letters—I don't remember who from specifically, but I don't want to name names anyway. But I would get threatening letters telling me that I was going to Hell. These people were very outspoken and very strong in their beliefs and they were not politically astute because you don't really get anywhere by coming on that way; you develop more opposition by coming on that strong. You don't get anywhere without some modification. When they jumped in in some of these campaigns they caused quite a friction in the party and they were making a single issue out of the election instead of looking at all the issues involved. There was one lady who was a very good legislator. Her name was Ellen Samuelson and she got beaten in the primaries by a pro-life candidate. He jumped in and they had a lot of pro-life people out beating the bushes and Samuelson narrowly lost. So she filed as a write-in, she got in in time to file as a write-in candidate and ended up winning that.

LP: Having lost in the primary she won in the general election?

JL: By filing as a write-in. Because there was no really strong Democrat. In fact, that was one of the things that upset me back then, as well as now, is that a lot of times there was not a strong Democrat candidate running, so the primary would be the whole ball of wax. The whole ballgame, you might say. Whoever won the Republican primary was a walk-in, a shoe-in come November, you see what I mean? And too often that has been the case and that's one way that the conservatives got an early start on getting these super-conservatives, I should say, a foot in the door in the Kansas Legislature because in the primary vote totals are very small. At least they usually are, compared with the general election where more people vote. But in the Republican primary there's just not that many votes cast, so a type that we classify as a strident pro-life can drum up a lot of votes from their supporters. And so they could win the primary that way. Whereas a lot of other Republicans, perhaps they didn't even bother to vote in the primary. In other words, there were a lot of moderates that would have won their primary race for election or re-election if they just had the turnout, but they didn't get the voter turnout. And the challenger did, by the fact that there's single issue, strong feelings here involving those people.

LP: I noticed one other thing about some of the primary elections. It is not simply the right ideological wing, but you have times, for instance, when moderate Republicans are targeted by the Chamber of Commerce and this sort of thing. I think that happened to Don Hill.

JL: That's a new development as we tape this. I don't believe the State Chamber of Commerce ever had jumped in an election like they have currently.

LP: This is a very recent development?

JL: The Emporia Chamber, I can say this, along with quite a few other Chambers around the state, refused to send their dues to the State Chamber.

LP: Because the State Chamber is targeting some of these people?

JL: Right. And the State Chamber is getting a lot of their money, at least it's been reported, from political committees funded by Koch—David Koch and Charlie Koch.

LP: From Wichita.

JL: From Wichita, yes. Koch Industries and Americans for Prosperity is one group.

LP: In fact, there are more people who are concerned with, what shall I say, economic issues than with ideological issues such as abortion, gay marriage, all of this type of thing.

JL: Yes, they're not social issues at all.

LP: They're not social issues at all but are economic issues.

JL: When I was in the Legislature, [these ideological issues] hadn't surfaced at least to where they were identifiable. It may have been starting. But there was a group that, I can't remember this acronym either, it was called TABOR. Oh boy, I can't remember that. But anyway in Colorado they passed a measure to put a brake on government and a brake on taxes, and after a few years everything was going to Hell in a handbasket and they repealed it all. It was called TABOR, and when I was just getting out [of the Legislature] the universities were up in arms about this because it was very detrimental to the universities—it would have been very detrimental to our universities.

LP: Was this in Colorado?

JL: Yes, they repealed it in Colorado finally. I can't remember what that word stood for, but it was a very limiting . You couldn't have hardly any growth and it limited any

funding support. There was quite a movement in Kansas at that time among the universities and their supporters to block this issue from coming before the State Legislature, and it never has actually, in its true form, come before the State Legislature. There have been efforts to put lids on spending of various types, and limit government growth, etc. In my opinion, the conservative movement that started back in '94 is still growing stronger. The main issue is to limit the size of government and limit or even reduce the tax burden, and fewer services, more opportunities you might say; they call them opportunities for people to make it on their own rather than through state services or support.

LP: What do you think is the future of the Republican Party in Kansas?

JL: Well, I wouldn't be surprised if the Democrats in Kansas could come up with a strong candidate to run against the current Governor of Kansas, Sam Brownback, that they might have a good chance at winning because I notice his support in the polls; I mean those who think he's doing a good job has been decreasing quite a bit. It's pretty low as we speak. Also, I think that if the moderate Republicans can come up with a strong opponent—I don't think they can do it in time, but if they could come up with a strong opponent to Brownback than they might have a chance to win the primary election.

LP: When is Brownback up for reelection?

JL: Oh, that's right. He's not up.

LP: He's not up?

JL: He's not up this election.

LP: That's right.

JL: But I'm still thinking it might not be too soon. I don't know, maybe not. But at any rate, I don't know what the future is for the Party, but right now the registered voters are lopsidedly Republican and I imagine it's going to continue to be that way as it always has. But that doesn't mean, as you know, that when the election comes around that all Republicans vote for Republican candidates, and there's a tremendous number of independent voters that are registered to vote, but they are independent, undeclared. In fact, there are more registered voters that are independent in Kansas than there are Democrat registered voters. And they can often sway who then might win an election and it may be the independent vote that has caused or determined, I should say, the result of some of the gubernatorial elections we've had; that's one more reason to add to those that we mentioned earlier in the tape about why the Democrats have been able to be elected governor.

LP: Well, Jim, you left the Legislature then in what year?

JL: In the spring of 1996.

LP: I guess my question to you is what have you been doing since?

JL: Well, Governor Graves in August of '97 appointed me to the State Civil Service Board; it will be fifteen years that I've served on that. And I'm chairman of the State Civil Service Board, which has at times quite a few hearings. It's an administrative body, of course. Five persons, five member Board. Sometimes we have quite a few, sometimes we have just a few hearings. It's under the State Civil Service Act, so that's one thing I've been doing on the state level. Other than that I've been active in the community, I think, in various ways.

LP: How about the [Lyon County] courthouse?

JL: Well, I was recruited by the district judges to help sell the vote for the sales tax to fund the new courthouse. And I'm not ready to tell you because I can't remember the year on that. But Judge Wheeler, Merlin Wheeler, approached me and I met with him and some other judges, etc., so I said yes and we embarked on a campaign throughout the county—it was a county-wide vote.

[End of tape 13]