

**OFFICIAL JOURNAL
of the
CONSTITUTIONAL CONVENTION
of the
STATE OF TEXAS**

SIXTY-EIGHTH DAY
(Tuesday, May 21, 1974)

AFTER RECESS

The Convention met at 9:30 o'clock a.m., pursuant to recess, and was called to order by the Vice-President.

The roll was called and the following were recorded as present: 152 Present, 4 Absent-excused, 24 Absent. (Record 1, Appendix)

The Reverend Lanny Henninger, University Avenue Church of Christ, Austin, Texas, offered the invocation as follows:

Father God, we are thinking now of those persons in our state who begin today without credentials, without hope, without friends in Congress. People who fight hard battles with implacable foes. People who wage daily war against pain, ignorance, disease, prejudice, and exploitation. We ask -- through your servant Son -- that they might find able and determined counselors within the walls of this House. Set aside our personal ambitions that we might truly be "of the people, by the people, for the people." Amen.

LEAVES OF ABSENCE

Delegate Hall of Webb was granted leave of absence for today on account of illness on motion of Delegate Grant.

Delegate Poff was granted leave of absence for today on account of compassionate reasons on motion of Delegate Hanna.

Delegate Sanchez was granted leave of absence for today on account of important business on motion of Delegate Clayton.

Delegate Lombardino was granted leave of absence for today on account of important business on motion of Delegate Madla.

(President in Chair)

ARTICLE V ON SECOND READING

The President laid before the Convention as unfinished business Article V.

Question: Shall Article V as amended be adopted?

Delegate Williamson offered the following amendment to Section 1 of Article V:

Amend Section 1 of Article V to read as follows:

Section 1. JUDICIAL POWER. The judicial power of the state is vested in a judicial system composed of a Supreme Court of Civil Appeals, a Supreme Court of Criminal Appeals, Courts of Civil Appeals, Courts of Criminal Appeals, Administrative and Tax Courts, District Courts and Circuit Courts. All courts shall have jurisdiction as provided by law, but jurisdiction of courts of the same level must be uniform throughout the state.

The amendment was read.

Delegate Jones of Harris raised the Point of Order that the amendment was substantially the same as amendments that had been previously defeated.

Delegate Jones raised the further Point of Order that the amendment was not germane to Section 1.

The President sustained the first Point of Order.

The President overruled the second Point of Order.

Delegate Williamson moved to appeal the Ruling of the Chair.

The motion to appeal the Ruling of the Chair failed for lack of sufficient seconds.

DELEGATES PRESENT

Delegates Gammage, Lary, Head, Rosson, Schwartz, Von Dohlen, Temple and Canales who had previously been recorded as "Absent" were announced "Present".

LEAVE OF ABSENCE

Delegate Newton was granted leave of absence for the remainder of today on account of personal business on motion of Delegate Massey.

Delegate Williamson offered the following amendment to Section 2 of Article V:

Amend Article V, Section 2, Subsection (a), to read as follows:

(a) The supreme court shall be the highest court of the state and shall consist of the Chief Justice of Texas and eight other justices, of whom a majority shall be necessary to decide a case. It shall have such jurisdiction and administrative and rule-making authority as provided in this article and by law.

The amendment was read.

Delegate Calhoun moved to table the amendment.

The motion to table prevailed by a non-record vote.

Question: Shall Article V as amended be adopted?

May 21, 1974

SPEAKER OF THE LOUISIANA HOUSE OF
REPRESENTATIVES INVITED TO ADDRESS CONVENTION

Delegate Williamson moved to suspend Rule 1, Section 12 in order to invite E. L. Henry, Speaker of the Louisiana House of Representatives, to address the Texas Constitutional Convention today.

The motion prevailed by a non-record vote.

ARTICLE V ON SECOND READING

The President laid before the Convention as unfinished business Article V.

Question: Shall Article V as amended be adopted?

Delegate Williamson offered the following amendment to Section 3 of Article V:

Amend Article V, Section 3, to read as follows:

Section 3. COURTS OF APPEALS. There shall be not more than 15 courts of appeals as provided by law, each consisting of a chief judge and two other judges.

The amendment was read.

Delegate Calhoun moved to table the amendment.

The motion to table prevailed by a non-record vote.

LEAVES OF ABSENCE

Delegate Bowers was granted leave of absence for the remainder of today on account of important business on motion of Delegate Henderson.

Delegate Short was granted leave of absence for the remainder of today on account of illness in family on motion of Delegate Tarbox.

Delegate Truan was granted leave of absence for the remainder of today on account of important business on motion of Delegate Garcia.

Delegate Green of Navarro was granted leave of absence for the remainder of today on account of inclement weather on motion of Delegate Whitehead.

Delegate Williamson offered the following amendment to Section 7 of Article V:

Amend Article V, Section 7, by adding a new subsection to read as follows:

(d) The Legislature may create Administrative and Tax Courts with jurisdiction as provided by law.

The amendment was read.

Delegate Peveto moved to table the amendment.

The motion to table prevailed by a non-record vote.

DELEGATES PRESENT

Delegates Ragsdale, Jones of El Paso and Hudson who had previously been recorded as "Absent" were announced "Present".

LEAVE OF ABSENCE

Delegate Moore was granted leave of absence for the remainder of today on account of important business on motion of Delegate McKnight.

Delegate Olson offered the following amendment to Section 11 of Article V:

Amend Article V, Section 11, paragraph (a)(1) to read as follows:

The Supreme Court shall provide for the efficient operation of the judicial system. The court may direct the transfer of cases and assignment of judges from one court to another within each level of the judicial system. The court may delegate responsibility for administration to the Chief Justice and administrative judges provided for in Subsection (a)(2) of this section.

OLSON
WALLACE

The amendment was read and failed of adoption by the following vote: 68 Yeas, 79 Nays, 2 Present-Not Voting, 31 Not Voting. (Record 2, Appendix)

DELEGATE PRESENT

Delegate Geiger who had previously been recorded as "Absent" was announced "Present".

LEAVES OF ABSENCE

Delegate Reyes was granted leave of absence for the remainder of today on account of important business on motion of Delegate Leland.

Delegate Weiting was granted leave of absence for the remainder of today on account of important business on motion of Delegate Agnich.

Delegate Hale offered the following amendment to Section 19 of Article V:

Amend Article V by deleting the last sentence in Section 19.

HALE
CLOWER

The amendment was read.

Delegate Heatly moved to table the amendment.

The motion to table was lost by the following vote: 39 Yeas, 114 Nays, 3 Present-Not Voting, 24 Not Voting. (Record 3, Appendix)

Question recurring on the adoption of

May 21, 1974

the amendment, the amendment was adopted by a non-record vote.

Delegate Hale offered the following amendment to Section (g) of the Transition Schedule of Article V:

Amend Section (g) of the Transition Schedule for Article V to read as follows:

(g) TRANSFER OF PROCEEDINGS AND RECORDS. All courts, except those authorized by Article V and the County Court presided over by the County Judge of a County who also presides over the county commission, are hereby abolished and all matters pending before them are transferred to the appropriate successor courts authorized by Article V. County Courts presided over by County Judges who also preside over the county commissions are continued in effect unless and until otherwise provided by law, with such jurisdiction and functions as now or hereafter provided by law. The courts into which the matters are transferred assume full jurisdiction of the matters and have full authority to dispose of them and to execute or otherwise give effect to all orders, judgments, and decrees issued by their predecessor courts. Courts authorized by Article V succeed to all records and property of courts abolished by this subsection.

The amendment was read.

Question: Shall the amendment be adopted?

RECESS

On motion of Delegates Blanchard and Hale the Convention at 12:02 o'clock p.m. took recess until 1:30 o'clock p.m.

AFTER RECESS

The Convention met at 1:30 o'clock p.m., pursuant to recess, and was called to order by the President.

The President laid before the Convention as unfinished business Article V with an amendment by Delegate Hale pending.

Question: Shall the amendment be adopted?

DELEGATES PRESENT

Delegate Wolff who had previously been recorded as "Absent" was announced "Present".

Delegates Weiting, Reyes and Truan who had previously been recorded as "Absent-excused" were announced "Present".

LEAVES OF ABSENCE

Delegate Leland was granted leave of absence for the remainder of today on account of important business on motion of Delegate Washington.

Delegate Parker of Jefferson was granted leave of absence for the remainder of today

on account of important business on motion of Delegate Harris of Galveston.

Delegate Nabers moved to table the amendment.

The motion to table was lost by the following vote: 45 Yeas, 98 Nays, 1 Present-Not Voting, 36 Not Voting. (Record 4, Appendix)

Question recurring on the adoption of the amendment, the amendment was adopted by a non-record vote.

Delegate Hale offered the following amendment to the Transition Schedule for Article V:

Amend the transition schedule as contained in the Judiciary Committee Report by deleting subsection (o) and substituting in lieu thereof the following:

(o) RETIREMENT FUND TRANSFERS. Any participant in a county retirement, disability and death compensation fund who becomes a judge, officer or employee of the Unified Court System pursuant to Article V, this transition schedule, or legislative enactment pursuant thereto, has the option of continuing to participate in the county fund or of transferring membership and accrued service credit and contributions to a State retirement system under such regulations as provided by law, as follows: (1) if such participant becomes a judge, to the State Judicial Retirement System, or (2) if such participant becomes an officer and employee other than a judge, to the State Employees Retirement System.

The amendment was read and was adopted by a non-record vote.

LEAVE OF ABSENCE

Delegate Hock was granted leave of absence for the remainder of today on account of important business on motion of Delegate Von Dohlen.

DELEGATES PRESENT

Delegate Sanchez and Green of Navarro who had previously been recorded as "Absent-excused" were announced "Present".

Delegate Nowlin offered the following amendment to Article V:

Amend the Committee Report on Article V by inserting the following to be submitted as an alternative provision to the "Section 9" proposed by the Committee:

Section 9. Election of Judges. (a) The Chief Justice and justices of the Supreme Court shall be elected by the qualified voters of this State every six years on a nonpartisan ballot in the manner provided by law. Judges of the courts of appeals shall be elected by the qualified voters of their respective districts every six years on a nonpartisan ballot in the manner provided by law.

(b) Vacancies in the offices of justices and judges of the Supreme Court and the Courts of Appeals shall be filled until the

May 21, 1974

next succeeding election by the Governor with the advice and consent of the Senate.

(c) District and Circuit court judges shall be elected on a nonpartisan ballot by the qualified voters as provided by law. Judges of the district and circuit courts shall serve four year terms. Vacancies in the office of district and circuit courts shall be filled until the next succeeding general election by the Governor with the advice and consent of the Senate.

(d) Justices of the peace shall be elected by the qualified voters of the county or precinct every four years in the manner provided by law. Vacancies in the office of justice of the peace shall be filled by the county commission until the next succeeding general election.

(e) Municipal judges shall be selected in the manner provided by law or by charter as authorized by law.

The amendment was read.

Delegate Ogg moved to table the amendment.

The motion to table prevailed by the following vote: 97 Yeas, 48 Nays, 1 Present-Not Voting, 34 Not Voting. (Record 5, Appendix)

LEAVE OF ABSENCE

Delegate Agnich was granted leave of absence for the remainder of today on account of important business on motion of Delegate Koriath.

Delegate Baker offered the following amendment to Section 9 of Article V.

Amend Article V, Section 9 to read as follows:

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS,

That the following be submitted as a separate proposal to the voters of Texas, which, if adopted by a majority of the electors voting on the question, shall replace Article V, Section 9 of the majority proposal or if adopted by a majority of the electors voting on the question and the constitution proposed by the Constitutional Convention is not adopted, shall replace the corresponding sections of Article V of the Constitution of 1876, as amended, as follows:

Section 9. SELECTION OF JUDGES. (a) There is hereby created a judicial nominating commission of eleven members, a majority of whom are non-lawyers. The governor, lieutenant governor, and speaker of the house of representatives acting together shall select the members of the judicial nominating commission and designate one as the presiding commissioner. The members are selected on a nonpartisan basis with due regard to representation of the sexes, ethnic groups, and geographical regions of the state.

(b) Members of the commission serve six-year terms, and no person may serve more than one full term. Vacancies are filled by the selection committee for the remainder of

the term.

(c) No member of the commission may hold an elective or salaried public office or office in a political party, or be eligible for appointment to a state judicial office during the term for which appointed.

(d) When a vacancy occurs in the office of the Chief Justice of Texas, a supreme court justice, or a court of appeals judge, the vacancy is filled by the governor, with the advice and consent of the legislature in the manner provided by law, from a list of three nominees submitted by the commission within forty-five days after the vacancy occurs. In selecting nominees, the commission shall consider only those who are well qualified from experience and knowledge of the law. If the governor fails to make the appointment within sixty days after receiving the list of nominees, the lieutenant governor shall make the appointment from the list. A justice or judge appointed pursuant to this subsection shall be subject, in the manner provided by law, to approval or rejection on a nonpartisan ballot at the first general election held more than ten months after the appointment is made, and every sixth year thereafter.

(e) If the supreme court determines that the chief justice is temporarily disabled, it shall designate another justice of the supreme court to serve temporarily as acting chief justice until the disability ends.

(f) District and circuit judges are elected by the qualified voters of their respective districts every four years in the manner provided by law.

(g) A vacancy in the office of judge of the district or circuit court is filled by the governor, with the advice and consent of the senate, until the next succeeding general election.

(h) Justices of the peace are elected by the qualified voters of the county or precinct every four years in the manner provided by law. Vacancies in the office of justice of the peace are filled by the county commission until the next succeeding general election.

(i) Municipal judges are selected in the manner provided by law.

The amendment was read.

DELEGATE PRESENT

Delegate Wyatt who had previously been recorded as "Absent" was announced "Present".

LEAVE OF ABSENCE

Delegate Miller was granted leave of absence for the remainder of today on account of doctor's appointment on motion of Delegate Rodriguez.

Question: Shall the amendment be adopted?

ESCORT COMMITTEE APPOINTED

The President announced the appointment of the following Committee to escort The Honorable Edwin Edwards, Governor of Louisiana and The Honorable E. L. (Bubba)

May 21, 1974

Henry, Speaker of the Louisiana House of Representatives, to the President's Rostrum: Delegates Harrington, Clower, Grant, Edwards, Williamson, Sutton, Bailey, Peveto, Hubenak and Calhoun.

AT EASE

The President announced at 2:58 o'clock p.m. the Convention would Stand at Ease pending the arrival of Governor Edwards and his party.

IN SESSION FOR
ADDRESS BY THE HONORABLE EDWIN EDWARDS

The Honorable Edwin Edwards, Governor of Louisiana and Mrs. Edwards, The Honorable E. L. (Bubba) Henry, Speaker of the Louisiana House of Representatives, Governor and Mrs. Dolph Briscoe and Lt. Governor and Mrs. William P. Hobby were announced by the Doorkeeper of the Convention and were escorted to the rostrum.

The President called the Convention to order at 3:15 o'clock p.m., stated the purpose of the session and introduced The Honorable E. L. (Bubba) Henry as follows:

Governor Briscoe, Governor Edwards, Lieutenant Governor Hobby, State Officials, Delegates, Guests, Ladies and Gentlemen:

This is a most unusual and historic occasion. Most of us in this chamber are deeply involved in the final stage of the first major effort in almost a century to revise and rewrite the Constitution of Texas.

The constitutional revision process in Texas is not something which we have undertaken casually or a responsibility we take lightly. It is not a task which we, the delegates, have entered into alone or in a vacuum.

Texas Governors and Legislatures before us, as well as a variety of citizens' organizations, considered the necessity for what we, the delegates to the Texas Constitutional Convention of 1974, are now doing and advanced the cause of constitutional revision. The people of Texas voted for revision and have been involved in the process throughout. The 37-member Constitutional Revision Commission studied in detail our 1876 Constitution, reviewed the revision efforts of other States, and recommended a proposed new Constitution to the Convention.

Although there have been numerous attempts to revise state constitutions throughout the nation in recent years, the most recent effort has been that of our neighboring State of Louisiana. On April 20th, barely a month ago, the document proposed by the Louisiana Constitutional Convention was adopted by an overwhelming vote of the people of Louisiana to replace their 1921 Constitution.

By means of written communications, visits by several members of the Texas Joint Constitutional Convention Planning Committee to the Louisiana Convention, fact-gathering visits by members of my staff to Louisiana, and the graciousness of various of our neighbors who have supplied to us documents

and information about the Louisiana Convention, we in Texas have already profited from the experience of our sister State to the east.

This afternoon, we have the unique opportunity to hear and learn from the personal experiences and observations of two of the principal leaders of the revision movement in Louisiana--the two public officials who are most responsible for the success of the Louisiana Constitutional Convention.

The Honorable Edwin Edwards, Governor of Louisiana, who actively participated in the work of the Convention and spearheaded the statewide campaign for its adoption, will address the Texas Constitutional Convention in a moment.

No less important in the successful revision of the Louisiana Constitution, however, was a man with whom I have much in common and for whom I have the utmost respect and admiration.

That man, like me, is a graduate of Baylor University. Like me, he is presently serving his third term in his state legislature. Like me, he was elected by his colleagues at the beginning of his third term in the House of Representatives to serve as Speaker of the House. And like me, he was a delegate to and presiding officer of his State's Constitutional Convention.

My respect for Speaker E. L. Henry is increased by the fact that I am well aware of the tremendous responsibility that he has had, both as Speaker of the House and as Chairman of the Louisiana Constitutional Convention. My admiration for him increases when I consider that the Louisiana Convention has been concluded, he has already taken its proposed document to the people, and the voters of Louisiana have adopted the new Constitution which he was so instrumental in developing.

I know that every delegate and every State official of Texas assembled here today share my pride that Governor Edwards and Speaker Henry could accept our invitation to address the Texas Constitutional Convention of 1974.

It is now my distinct honor and pleasure to introduce to this Convention The Honorable E. L. (Bubba) Henry, ... Speaker of the Louisiana House of Representatives and Chairman of the Louisiana Constitutional Convention.

Speaker Henry

The Honorable E. L. (Bubba) Henry then addressed the Convention as follows:

Thank you very much. I don't propose to take but a few minutes of your valuable time and we'll get on with it.

President Daniel, Governor Briscoe, and Lieutenant Governor Hobby, it's a great pleasure and a great honor to have been asked here today to speak with the distinguished ladies and gentlemen of this Convention relative to perhaps what went on in Louisiana, or perhaps what's going on in the State of Texas insofar as the process of the drafting of the Constitutional Convention is concerned.

So much has happened to me in the last two years since I got involved in the confusion of a Constitutional Convention and

May 21, 1974

since we elected a Cajun Catholic Governor from South Louisiana, which we didn't think would ever happen for a long time in this state. But I have to stop and scratch myself to make sure that things really are happening as they are.

You know, the "rednecks" had pretty well controlled Louisiana politics for years, and years, and years, and I'm not really certain they're dead forever. But, there was a -- maybe for the next six years, but when the new governor was elected, well a substantial portion of the legislature was Catholic and Cajun and it made those of us who were Baptist and "redneck" have to adjust to the circumstances.

For instance, I wanted to be elected Speaker of the House and Mr. President, you know the agonies of trying to get the votes there. I had not supported the governor. And governor's do take a part from time to time in politics in Louisiana. Take Governor Edwards, when he first started out, you won't believe this but he was as tall as I am, and you see what's happened to him now.

But, nevertheless, as things developed it seemed that I was going to have to make some deals if I got elected Speaker of the House of Representatives two years ago, and I learned because a "redneck" cohort of mine didn't make any deals, and he didn't get to be governor either, that maybe I should make a few deals.

Well, the first thing those Catholics and Cajuns requested that I do was take a crash course in French, and that wasn't too bad. But then they told me I had to take a course in Catholicism. That was difficult, because at that time in my young life I didn't know but two words in Catholicism, that was "rhythm" and "bingo". But I did take the course and I find myself from time to time on pieces of legislation that are extremely important to my colleagues in South Louisiana announcing a vote with the Gregorian chant. Which entitles me to tell this story, and then Senator Schwartz, I'll get on with the business at hand.

Senator Schwartz came over to Louisiana, we saw him that night, and he hadn't been seen since. I didn't even know he was still alive. I feel much better seeing him. Tell them what I told you about senators one of these days.

It seems that the parishioners of a small Catholic church were gathered one morning for the saying of the mass, and as they sat very quietly in their seats, the good Father gets up and says, "My name's Father Pierre, I don't make but \$150.00 a month, and that's not enough." And that's just about what happened in the church. But the Monsignor was visiting with them that day, and shortly he gets up. He says (chanting) "My name's Monsignor Beck and I don't make but \$250.00 a month and that's not enough." And they were really embarrassed by this point because the Bishop was visiting with them that day, and low and behold the Bishop gets up all of a sudden and he said (chanting) "My name's Bishop Hannah and I don't make but \$350.00 a month and that's not enough." Well they were flabbergasted, about ready to break and run from the church when out of the choirloft in the back came a quiet

small voice and said -- (chanting) "My name is Freddie Stein and I'm the organist, I make \$15,000.00 a year and there's no business, like show business."

And I -- I rather suspect that that's what some people think that you're involved in now, and we were involved in Louisiana for that year, a bunch of show business. It is a pleasure to be here, and it is an honor to be here, but I'll have to admit, I came in the balcony there and watched your progress -- or process -- for a few minutes earlier in the afternoon, and it recalls to mind my most horrible nightmare. And that's the fact that the Louisiana Constitutional Convention has been extended and it's not over yet.

Thomas Jefferson said one time that every generation should rewrite its constitution. And I think for one time Ole' Tom might have been wrong, because I'm not sure that we could stand it more than once in every lifetime.

No question about it, the drafting of a constitutional document is a very painful process. At times it's a very slow process, as you all are finding out. And at times it becomes a very, very bitter process. It's awfully amazing to me in retrospect looking at the Constitutional Convention of Louisiana, to know that we understood a great deal of this before we undertook to draft that document, but it wasn't really until we got immersed in the drafting of the document that we really had begun to understand, I think, what all the problems were. We read our history and we know that in Philadelphia almost 200 years ago when those great men started to write that document that it was not all peaches and cream, a rose garden.

You recall that they went there, not to draft a constitution, but to revise the Articles of Confederation. If you will recall in reading your history they couldn't even get a quorum for a number of days, and a number of the delegates that were elected to that convention never showed up at all, including James Monroe and Patrick Henry. And after it was all over Patrick Henry toured the State of Virginia opposing the adoption of that document calling our National Constitution the most fatal plan that the mind of man could conceive to enslave a free people.

Yet, we seem in our own minds to conjure up great notions of lofty debate and intellectual discussions amongst those men where bells ring, and bands start to play. I guess it's somewhat like childbirth on a national scale where we soon forget the pain involved and only relate to the joys of the moment. But because of this social amnesia that you and I have to live with, it's caused problems or it caused problems for us during the drafting of the Constitution in Louisiana, and it's causing you problems here today in the State of Texas.

We seem always to think that our convention should be different. A little loftier, perhaps less chaotic than anyone else's Convention, but we always tend to, we tend to view a Constitutional Convention in the same way that we view the legislature. We loathe the slow process, we loathe to speak of compromise because too many times it seems that we equate compromise with the lack of integrity. And we forget too very, very many times in the discussions and the debates

May 21, 1974

that involve, that if we are indeed, to have a real constitution, that a real constitution must in truth, and it must in fact, be a compromise of the beliefs of all our people. And it can't be the personal or political or the social or the regional beliefs of just some certain few.

When I say we, I don't mean just the delegates, I mean the media, I mean the public at large, but I suppose that's the problem that we've inherited, that you and I are going to have to live with. I can understand the problems in the confusion that you're having to go with, and I empathize with you because of what you're going through. And I think I can tell you at the same time that there's good news ahead if you want good news to be ahead.

Just as we were talking a few minutes ago about the National Constitution, I think you're going to be able to find out that once you complete the process of the draft of this document, once it comes to the point where the daily debates are over and consequently the daily debates are not carried on the television screen and on the front page of the papers, you're going to find people all over this state looking at the product, because right now, right now the people, if they are as they were in Louisiana, were confused with the process during the times of the deliberation of that document. Once the product is completed I suggest to you that people are going to start taking an overall view of what you've done, and not necessarily the process by which you came to accomplish it. I think some of you who are disenchanted, perhaps right now, because you haven't been able to have the input, perhaps, of this document that you wanted to have, on second reflection, are going to be able to take pride in the progress that you have made in the draft of this document. And I think that's going to be good. And I think that if there is one truism about a new constitution, it's that a constitution, a new constitution can in no way please everyone, in every respect. Any intelligent individual who views your constitution, or views any new constitution, if they view it honestly and intellectually will not be satisfied in every respect because it's not the nature of a constitution, if it is in fact drawn for all the people, to be satisfactory in all its parts. I think if you can sell this concept once your document is drafted, what a constitution really is anyway, then you can be successful and Texas can have a new constitution.

I think that you've got one other problem that you're going to have to overcome. We've been successful in Louisiana, and Lord knows, we're proud and we're tickled to death. I think that one way, maybe, to solve the problem of rising crime in this country might be to just convene one great, great big Constitutional Convention, and every time somebody goes afoul of the law, we sentence them to the Convention for one year, or five years, or ten years; I think you know what I'm talking about. I think that might lessen the rising crime rate.

But, if you draft this document, and if you go away from here with the document

drafted, irrespective of how good it is, and you do nothing else more, then you might as well quit right now and save your taxpayers some money. Because you've got to take your document to your people. And I say you've got to take your document to your people because if you don't do it, it won't get done.

In Louisiana we were fortunate enough to have a governor who had campaigned on an issue of Constitutional Revision, or a new Constitution, who got out with it when it came time to have the document ratified. The AFL-CIO, who didn't like much of our document endorsed the document, supported it on a statewide basis. The League of Women Voters who didn't like a great deal of our document realized that there was much more good in it than bad, and they supported our document. And I can go on, and on, and on, but had it not been for 131, or maybe 130, of the 132 we elected who took that document and went into every nook and cranny of Louisiana, and took the message of that document to the people, we would not have been successful. Because it's necessary, it's necessary for you as it was for us, to overcome that inertia against change, which we all possess. They told us in Louisiana wait, let's wait, wait again, we've waited since the 1940's for a new constitution. But we've got a third choice. Defeat this document and we'll get a new constitution. Well, that's not the case and that is not the truth, and you're going to have to take it to your people and convince them that they have two choices -- the new constitution or the old constitution. And you're going to have to take the high road, because you're going to have honest critics who are going to be confused as to what's in the document, and you're going to have to meet that criticism and you can't overcome it.

We live in a day and an age when our people in this state and in this nation demand that we reorganize our governmental processes. As intelligent men and women from different areas and walks of life, of different political persuasions and cultural and social backgrounds I am convinced that you can draft a constitution that will be for the best interests of all the people of the State of Texas, and I am convinced that once you draft that document you can convince the people of this great state that it is in their best interests.

From Louisiana we wish you success. And I'll say this, that in the coming year the eyes of Louisiana are going to be on you. Thank you and good luck.

The President then presented The Honorable William P. Hobby, Lieutenant Governor of Texas who introduced The Honorable Dolph Briscoe, Governor of Texas who addressed the Convention as follows:

Thank you, Governor Hobby, President Daniel, Dean Aikin, Governor and Mrs. Edwards.

It is certainly a privilege for me today to welcome Governor and Mrs. Edwards to Texas, to have the opportunity to present them to the Delegates of the Texas Constitutional Convention of 1974.

Our distinguished guest, Governor Edwards, has achieved an outstanding record

May 21, 1974

of public service for the people of Louisiana, at the city, the local level, the state level, the national level. As Governor of Louisiana he was instrumental in calling a Constitutional Convention in our neighboring state. You've heard of the work that he did in making possible the passage of the new constitution for the State of Louisiana.

He's had a distinguished career. And one in which, I think, we can all take great pride. If you happened to read the newspapers closely this morning, you will find that he achieved another award just recently, and one that I think he most justly deserves from the Men's Fashion Associations of America, and the Men's Wear Retailers Association of America, as the best dressed officeholder in the United States. And the two groups presented Governor Edwards with their annual Lu Lu Award, saying that the Governor projected the highest standard of personal appearance of public officials. Now, they say too that this award in the past has always been presented to a fashion journeyman, and this is the first time that a member of the political fraternity has received such an award. And Governor, we congratulate you on that, which you justly deserve.

But I want to present to you too, a man who has made a mark on the State of Louisiana. A man who has made a mark nationally. A fellow who is a delight to be with, in meeting in the National Governor's Conference, and the Southern Governor's Conference, a man who is a true friend of this State of Texas, and who we're delighted and honored to have with us today, and may I present to you, both Governor and Mrs. Edwin W. Edwards.

Governor Briscoe introduced The Honorable Edwin Edwards, Governor of Louisiana who addressed the Convention as follows:

Please be seated. Thank you very much. Thank you. Thank you very much.

Dolph, they told me you'd have made it, but the cowboy boots kept you out of the finals. But, then without the cowboy boots, you wouldn't be Governor of Texas. And that's a much higher honor.

I've learned something today, and that is what a great debt of gratitude we in Louisiana owe you folks here in Texas. It wasn't until about an hour ago that I realized that Billy Williamson was here serving in the legislature, and we thank you very much for it.

I think it's refreshing that one from Bubba Henry's home town has moved into Texas and has been able to ingratiate himself in your love and attention and become a member of this body. I think the way that he has exhibited the charitable attitude and the willingness to compromise by offering to throw the county judges to the wolves, to give up his niche in life, is really a very symbolical of the kind of conservatism that exists in North Louisiana. And if you read the election returns of my election, you know whereof I speak. And I wanted to say to the Senior Senator, Senator Aikin, that just as soon as Shreveport gets in your district

will end your career. Because they seem to have some kind of faculty or ability to keep people from succeeding themselves in public life. But we are working on that. It's been discussed, the governor and I, and the Lieutenant Governor, speak of moving Shreveport into Texas, and Port Arthur into Louisiana, and we -- decided that it would be cheaper to do that than to move all those Cajuns back to Louisiana.

I did make a commitment to Governor Briscoe, however, and that is in the event we can't get that done between now and November, we will let them stay for the general election in Port Arthur, and generally the Cajuns vote on the Democratic side, so I suppose that makes everybody happy but Sissy Farenthold, but nevertheless, I know that this body doesn't want to involve itself in partisan politics but Elaine and I are very pleased to be here with you, and to share just a few moments with a little bit of levity and a few serious moments.

I've been in public life now, for 21 years in one capacity or the other, and all that time I have waited for the day that I could make a speech when I didn't have to worry about offending anybody -- and here I am. And for two years since I've been Governor, I've been waiting for an opportunity to speak to the legislature where I didn't have to remember that the senators out voted the representatives, and here I am.

Here it's five to one about, on a weighted basis, and in Louisiana about three to one, but nevertheless, I hope you senators accept my remarks with the knowledge that today and for the purpose of this meeting that that fellow sitting on your right votes just as heavily as you do, and we're all in this business together trying to write a new constitution, so we'll talk about some things that I think may be of interest to you, and hopefully, give you some small help.

Before I do that though, of course, Bubba Henry, who is from North Louisiana, a Protestant, you know, he can talk about knowing "rhythm" and "bingo" as two Catholic words and all that, but if that's the extent of his studies in Catholicism, I can say he really didn't learn very well, because after the rhythm business, I heard his wife one day all of a sudden say "Bingo". And that rhythm business is supposed to prevent that "Bingo" from happening. So, Bubba you still have a lot to learn.

I am, although my name is Edwards, a person who, in making a decision to run for Governor, recognized early that the key to success and resting this century-old political power that the North part of the state had over the state, in statewide elections, the key to it was to cohere and motivate the Cajun vote in South Louisiana. And how are you going to do that with a name like Edwards? You know, Fonteneau, Veudrine, all that makes it very easy. So for months I practiced and finally developed a kind of a Cajun accent. I'm having a hard time losing it since the election, but Cajuns you know, are noted for the fact that we are very charitable, fun loving, love other people, very liberal in our views, also very shrewd. And I'll tell you a little story which bears that out.

Senior Senator, Senator Aikin, that just as soon as Shreveport gets in your district you court reporter--I don't think you ought to

May 21, 1974

take this down. No, it's all right, it's all right, Cher, go ahead.)

A Cajun fellow in Paris, several years ago, was involved in an assassination plot with an Italian and a German fellow. They were caught, convicted, and all three sentenced to die at one time on the guillotine. The rule in France at the time was that if on the appointed date of your execution you managed to escape death, you were set free of your crime. Similar to the way it was in the old West, if the rope broke, or the tree limb broke or something and you didn't die on the hanging day you were set free. So, on the appointed day the three of them were led to the platform where the guillotine was, and the executioner pointed to the German fellow and he said, "You're first, how do you want to go? Face up or face down?" And with typical German audacity and courage, he said, "I have nothing to fear, I will face the blade face up." So, they strapped him face up in the guillotine, got him all ready, threw the switch, the blade came crashing down, it stopped six inches from his neck, caught in a defect in the slide that it traveled in. They took him out and said, "You're free--go home. You escaped death." He says to the Italian fellow, he said, "You're next. How do you want to go?" This Italian said, "Mama Mia, if I gotta de choice, I go faca down, I say Hail Mary while the blade comes." So they put him face down in the guillotine, strapped him in, threw the switch, it came crashing down, stopped in the same defective place, took him out, scared to death, trembling, and said go home, you're set free.

The Executioner turned to the Cajun fellow and said, "Well all right, you're next, how do you want it? Face up or face down?" And this Cajun fellow said, "I gotta told you somethin', I'm not gonna git in that thing 'til you get it fixed." So a classic example of how shrewd we are.

But a further indication of our lack of shrewdness is the fact that our legislature's in session, and I've left over there, and with them in session and Bubba Henry not there to preside over the House, and so I'm going to be very brief and get away from here as fast as I can, because it takes about three hours to run an impeachment bill through, and, I don't want to be gone more than two hours and fifty-nine minutes.

But let me speak rather off-the-cuff, and kind of from the heart to you about what you're doing. I certainly think it's appropriate that you recognize that we didn't come here from Louisiana to give you any advice or to suggest to you what you should have in your constitution, or what it would take to capture the imagination or please the will of the people of Texas. I suppose you have some of the same philosophical problems that we have. I imagine the people of San Antonio and that area, and the urban center may have a different political persuasion and philosophy than do the wheat farmers of the Panhandle, or the multi-millionaires of Midland and Odessa, or the conservatives of North Dallas. I'm certain that a state with twelve million people as large as this one is, must have identifiable areas of people where the philosophies are different from

other areas. And your job, of course, is to try to weld that difference into one document that will be acceptable, at least, to a majority. You have one disadvantage that we did not have. Here the editorial writers in the papers are supporting your work, and that's a disadvantage.

We had the good fortune of having every major newspaper in the state editorialize against the document. And the more they gave their reasons, the easier it was to explain to ordinary men and women why they should vote for it. I say that facetiously, of course, although it is true that we did have much editorial opposition. I understand that the editorial writers, and most of the press in Texas have supported you, and have given good, accurate and effective coverage to your deliberations. And I think the Texas Press Association is to be commended for that, because this is a very important endeavor.

It seems to me that anyone looking at a constitution which is almost 100 years old, as it reflects the motivations, the beliefs, the philosophy of people in Texas in 1876, as compared to what they are now, must easily be able to come to the conclusion that there is ample room for some great change. Certainly our great-grandfathers of that day and age did not marry our great-grandmothers to give birth to our grandfathers, to marry our grandmothers, to give birth to our fathers to marry our mothers, that we may come into the world, shackled by the same governmental processes that they thought were good a 100 years ago. Certainly they must have expected that we would come into the world with some better way of doing things. And certainly one looking at a document that was adopted by the people of this state at a time when women couldn't vote, and blacks couldn't vote, and non-property owners could not vote, when about 66 percent of the voting electorate in Texas today could not have even gotten into the polls to vote, certainly must recognize that in all those decades of the progress of mankind there has developed a need for a better document in this state, and I think your presence here today represents the will of the people of Texas--as reflecting their judgment.

And so you have the task of drafting a document that falls between two extremes. One, a document which I have long espoused as a constitutional lawyer, is simply providing a bill of rights to guarantee to people within an organized society, the basic freedoms and liberties which they are entitled to in an organized society. And in addition to that, a system by which they can govern themselves with some elasticity and flexibility, and room for expansion, so that it can be changed from year to year, and decade to decade without the amending process on the document. It was one of the errors that came to us in Louisiana.

Our last constitution was adopted in 1921. But in that time since then, in less than fifty-three years, seven hundred and thirty-five efforts were made to amend it. And over five hundred and fourteen times, it was, in fact amended. So that it then became the longest constitution of the 50 states. But it didn't reflect the needs and the aspirations and the hopes of Louisiana in the last quarter of the Twentieth Century, although it properly served our rural and

May 21, 1974

agricultural state in the 1920's and '30's.

And I'm certain that you're going to be faced with that same problem, as you have been. Trying to decide what you can leave in, and what you can change. What better way of doing things? You can provide for the constitution. I don't know, but I suppose you've already found something that I learned, much to my agony, that people are probably not ready for just a simple, basic constitution that just has a bill of rights in one simple form of government. For some reason it's hard to explain to the trustees of the Board of The University of Texas that they should be certain that the money from those oil lands belongs to The University of Texas. They seem to have some kind of fascination for that sort of thing.

And the county judges seem to have some sort of fascination for having the county judges protected in the umbrella of a constitution. And those who support a right to work law have some kind of fascination to believe that that belongs in a constitution, and those who are opposed to it, want a prohibition against it in a constitution. Although really none of that really belongs in a constitution. And we had that long raging philosophical battle in Louisiana, and finally had to come to a principled compromise. You start out with a bill of rights and a basic system of government, which really went well, created very little problems. And then, the Convention got into "what do you put in that really isn't constitutional, but has to be put in to make certain that this group, or that interest, or this particular interest will not oppose the document." And therein, of course, is when you run into the emotion, the hot rhetoric, the name calling, efforts to leave out, or the efforts to put in. And somewhere between the two extremes you have to find that balance. And it's a very torturous and a difficult road. Because if you leave out too much that people believe belongs in the constitution, you will incur successive minorities building up opposition to the document, so that on election day for ratification a majority of the people will vote against it.

On the other hand you should be careful not to put too much non-constitutional matter in, so that it will become a real viable document, a basic constitution. Where to draw the line in Texas, of course, I have no way of knowing. Many of you will agonize over that issue between now and the time that you adjourn this Convention.

But we live in a day and age where unlike when the founding fathers wrote our present Federal Constitution 200 years ago everything that is said, every word whispered, is immediately broadcast for consumption by the public. We are deprived of the privilege of secret deliberations. Of course, that's good. But in the process, as we deliberate and one day, one stands for this principle, and then two or three days later, he makes a principle compromise and determines, well, we will not hold fast to that principle, instead we will take this--readers who two days ago saw that Senator or Representative So and So took this position, and now he's voting for this kind

of compromise, sometimes get confused and feel like maybe, something unworkable or improper was done in that two day period. Although really all that was done was an exhibition of the highest kind of courage. And that is the reasoning, principle, compromise that is necessary in the Democratic processes to get something accomplished.

But somehow the message seems to get across to people who are just as interested as you are in this new document and who are interested in what it's going to do for them and to them, and for this state. Somehow they are willing to listen patiently and to reserve judgment, and that was the one thing that we felt in Louisiana we always had on our side in spite of the misunderstanding, and the cloud that sometimes hung over the Convention, the willingness of the people of the state to wait until it was confected, and then judge the document as a whole document.

Another problem we had was how many of these most controversial issues we would have on alternate ballots. We finally opted to go for only one alternate, and that was in the field of higher education. I believed that the fewer of those that you can have, the better it is. Although there are many who argue otherwise. In Louisiana one of the main objections to our present constitution was the repeated amendment processes. Hence we felt like if we just offered them one document which they could vote on, yes or no, up or down, with a real small number of alternates, that it would be better in getting them to consider voting for the entire document. And we finally ended up with only one, and I thought that was in the best interest. Here you may determine that four or five or six alternates are so close as reflecting or not reflecting the majority of prevailing public opinion that it's necessary in more areas than that to give them an alternative.

Of course, that's a value judgment that you're going to have to make. When it's all over with I suppose that whether you have faced the task is simply whether or not you have prepared a document which serves all of the people of the state, or as many as possible. Because all these people who come to you and as they should, organized labor, The University of Texas, the judges, the lawyers, the farmers, the civil service workers, all who come to you wanting their little thing in or out, are doing so legitimately, exercising their right, and obligation to try to protect their interests as they represent those interests. And then you have to make the decision.

But as a delegate, you have to always be persuaded or guided by the principle that you have really not served the farmer if you give him so much that you make it impossible for the consumer to buy his products. And you have not served the lawyer if you have given him so much and taken so much from the public at large that they will not accept your wishes or the mandate of organized government and there's revolution in the streets. And you have not served organized labor if you make it impossible for the businessman to provide a working condition for him nor have you served the businessman if you make it impossible for those in labor to work for them. And group by group, pitted against

May 21, 1974

their interests, symbolically, and in many instances actually, must all find some common meeting ground where it is possible for each to succeed. Otherwise none will succeed. And herein I think is where you will have your greatest decisions. How far you can go in the public interest without doing violence to the public interest and still at the same time make it possible for all of these competing groups to live and to work and to prosper under the new document.

I want to echo with the Speaker who said, and then I'll close, and that is: You wrote this document after hearings, after arguments, after debates, after listening to people in the streets and in the restaurants, listening and reading to those in the news media who share your concern for a document, talking to constitutional lawyers, talking to other elected officials, and it becomes your baby. And I would urge you as he has, after you close this Convention, not to say, well we've done our job, now it's up to the people. Because I think one of the disturbing and surprising facts, as you're going to find, probably, unless I'm far off the mark, not ten percent of the people of Texas are really going to know what's in this document on the first day of August. And it's going to be up to you as a delegate who was instrumental in confecting and forging it to get the message to them as what it does, and what it says, and how it affects their lives, and what good it will do for them as an individual citizen.

You needn't worry about the bankers and the lawyers, and the AFL-CIO, and the judges, the schoolteachers and civil service, they'll get to their people the message as it rifles in on their particular problems and will take positions for or against the document as it affects them in that narrow spectrum of interest. But you see, it's that average citizen out there who doesn't belong to one of those organizations, who is not part of a special interest group, who ultimately would have to make a decision, yes or no, based upon his faith in you and your ability to convince him that this document represents his best interest.

And in many ways that's going to be an interesting, sometimes exasperating, but a very rewarding task for you. Because you will be given the unique opportunity during this period of time between the close of your Convention and the date of the election to speak to groups and to speak to the public and to use your own words to explain to them why you think they should accept this document.

As I have followed as well as I could from the Houston papers, which I read as often as I can, the workings of this Convention, one thing has impressed me and that is your willingness, as was the willingness of the Convention in Louisiana, to speak out on issues and to make decisions. I thought when I heard that the legislature had convened itself into a Constitutional Convention that that was a political error. As a matter of fact, when we provided the legislation to adopt the Convention in Louisiana, I suggested to the legislature that legislators not be permitted to run because you live in that fish bowl of public

criticism and you are subject to so many pressures. But I admire you for the attitude that you've taken and your willingness to address yourself to the problem. The legislature didn't follow my wishes in that, by the way, and ended up allowing legislators to run, and about 40 ran and were elected to the Convention. And I must say but for their experience and their willingness to engage in principle compromise, we may never have gotten a document written because those who came there with no political experience at all with hard fixed views about what should or should not be were less willing to compromise and understood less the political processes by which you get things done. And in the long run, that's what's important. Because it serves your people or those to whom you have commitments very little if you succeed in getting into the document what they want in, but it's so written that it can't pass or will not be adopted by the people. And you don't do any good if you succeed in writing something into the document which makes it impossible to get it passed, and so people of your political persuasion who have served under the heat of political campaigns and have been in public life are more able to make those principle compromises, which I think in the long run result in good government, and the writing of a good constitution.

I want to close on this note. First of all, Mr. Speaker, I want you to know that the Legislature of Louisiana has voted to provide you some memento of this occasion, and as soon as we can find some indestructible material we are going to make a gavel for you, and bring it. And you -- then I want to thank you for the support that this state has given us in Louisiana in the present energy situation in this country. Your governor and I, and the governor of Oklahoma, and the governors of four or five -- and this has nothing to do with the Convention, but I don't want to miss this opportunity. The governors of four or five other states, that for 50 years, have produced 84 percent of the nation's energy have become increasingly concerned about the unwillingness of other parts of the country to accept their national responsibility, and that's to resolve the energy shortage in America.

It's high time that we from these energy producing states explain to the Eastern Seaboard that they cannot expect us to continue indefinitely to supply the energy needs at prices that they want to dictate, while we have to buy the automobiles at prices that they dictate also. It's high time that we recognize that the 50 billion, that's with a B--barrels of oil that are offshore the Atlantic Seaboard, and the unmeasured trillions of cubic feet of gas there belongs to all Americans, just as do the supplies of oil and gas in the Gulf of Mexico and off the coast of California, belong to all Americans. And that the short-sighted people on the Atlantic Seaboard who seem to have myopia about their obligation to help us with the problem, but who yell the loudest with their tin cups at the filling stations, have as much an obligation to help us as a nation resolve this problem as we do.

And that the eleven thousand oil and gas wells drilled in the coastal waters of this

May 21, 1974

country in the last thirty-five years with only four incidences of any kind of spills, is a pretty good record. It's probably better than getting in and out of bathtubs, to be honest with you. And that there is no justification for them to take the position that someone wants to despoil their coastline, and there is no justification for those states to take their jaundiced and narrow view that they are going to sit on all of that oil and gas and expect us to continue to lace our fertile soils with pipelines and punch holes in our coastline and in our fertile crop lands to produce oil and gas, which are depletable resources, so that they can have as much as they want, whenever they want it, at prices that they think they are willing to pay for it.

In the first place, physical limitations make that impossible. And the second, the interests of our individual states, who must look to these depletable resources around which many of us have built much of our economy, make it impossible for us to continue in that area.

And so I come to you as Texans who love this state, and love this country, as people in Louisiana love this country, and urge you to continue to fight in getting the message across to all Americans, that this is an American problem, and that we can solve it. But we'll only solve it when we look realistically to the five hundred year supply of coal that this country has, and to the huge amounts of shale oil in four western states, and when we look to the reserves on the Atlantic-Alaskan Slope, and when we look to the reserves on the Atlantic Seaboard, with the same eagerness and in many instances, greed, that the oil and gas was looked at in New Mexico and Oklahoma and Louisiana and Texas, we have done our part, and it's time for them to begin doing things that they can do.

Oh, I'd take a different attitude if they didn't have it. I'd gladly share anytime, and always with my fellow Americans if they did not have within the grasp of their own reach the ability to help resolve the problem, which they blindly refuse to accept. Let no one kid you, the energy crisis is not over with. We just got a little breathing spell, and thank goodness for that. But if this country allows itself to fall into the lethargy and the complacency that we have experienced for the past thirty years, and the short-sightedness in this field, then the next crisis coming, and it's not too far from today, it's going to be a great deal longer, and a great deal more severe, and a great deal worse.

Let us as people who recognize that energy can be produced without doing violence to the surface of our land, or to the surface of our waters, and who will recognize the value of oil and gas as fossil fuels. Let us try to continue convincing them as we can, as good Americans, not by threatening embargoes, or threatening reprisals, but by simply encouraging them to move into an area that they've been reluctant to move in by letting them know that the great oil and gas industry of America, which taught engineers around the world to drill in sandy deserts, and in six hundred feet of water in the Irish Sea, and

the Gulf of Mexico, and off the coast of Alaska. This same industry has the capacity to develop oil and gas wherever the reserves are, and to do so consistently with a high obligation of environmental concern.

And let us try to convince them that we have as Americans a solution to the problem. But it is an American problem, and must be solved on an American level by all Americans. And not simply by a few states who have had the capacity, and who have had the willingness, and who've made the sacrifice to develop our resources, but who now ask other states with the same capacity to do likewise, as we move into the last quarter of the century.

In twenty years of—twenty-two years of public life, as I'm sure many of you in your public life, I've had to take some unpopular positions. Unpopular because at the time it did not reflect popular thinking. I did so because I felt my own expertise and knowledge and understanding of the problem would prove me to be right. I did so in the knowledge that people would judge me fairly, and that history would judge me based upon what actually happened as I saw it and as I moved, in many instances, against popular opinion.

To become Governor of Louisiana I had to break six traditions that had prevailed in Louisiana for seventy-five years. I did so because I thought I was right, and the times were right for a person of my religion, my area, my political persuasion; the attitude of the state was such that we were able to move in that direction. This Constitutional Convention which we just came out of and which resulted in a good constitution, resulted because men and women were willing to take unpopular ideas at the time and the knowledge that the public would judge them fairly, and accept and give them an opportunity to make them work.

In that philosophy I leave you. Because apparently it has prevailed here, and you have been willing to make the hard decisions in principle compromise, knowing that while today it may not be popular with this group or that, on balance, it was good for Texas. And everybody knows what's good for Texas is good for everybody. Thank you. (Standing ovation)

The President expressed appreciation to Governor Edwards and Speaker Henry and presented each of them with gavels from the Texas Constitutional Convention of 1974 as mementos.

UNANIMOUS CONSENT TO RECORD VOTES

The following delegates requested unanimous consent to be recorded as voting on the following record votes. There was no objection:

Delegate Aikin requested to be recorded as voting "Yea" on Record Vote 4.

Delegate Allred requested to be recorded as voting "Nay" on Record Vote 2.

Delegate Bynum requested to be recorded as voting "Yea" on Record Vote 4.

Delegate Cates requested to be recorded as voting "Nay" on Record Vote 2.

May 21, 1974

Delegate Cates requested to be recorded as voting "Yea" on Record Vote 4.

Delegate Coody requested to be recorded as voting "Nay" on Record Vote 2.

Delegate Geiger requested to be recorded as voting "Nay" on Record Vote 4.

Delegate Madla requested to be recorded as voting "Nay" on Record Vote 2.

Delegate Semos requested to be recorded as voting "Nay" on Record Vote 4.

Delegate Uher requested to be recorded as voting "Nay" on Record Vote 4.

Delegate Vecchio requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Von Dohlen requested to be recorded as voting "Nay" on Record Votes 2 and 3.

Delegate Wolff requested to be recorded as voting "Nay" on Record Votes 2 and 3.

Delegate Whitmire requested to be recorded as voting "Yea" on Record Vote 4.

Delegate Wyatt requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Wyatt requested to be recorded as voting "Nay" on Record Votes 3 and 4.

RECESS

On motion of Delegate Mauzy the Convention at 4:12 o'clock p.m. took recess until 9:30 o'clock a.m. tomorrow.

TEXAS CONSTITUTIONAL CONVENTION

1974

1224

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
• Mr. President			• Doyle			• Lee			• Russell		
• Adams, D.			• Dramberger			• Leland			• Sage		
• Adams, H.			• Earle			• Lewis			• Salem		
• Agnich			• Edwards			• Lombardino	X		• Sanchez	X	
• Aikin			• Evans			• Longoria			• Santiesteban		
• Allen, Joe			• Finnell			• McAlister			• Schieffer		
• Allen, John			• Finney			• McDonald, F.			• Schwartz		
• Allred			• Foreman			• McDonald, T.			• Scoggins		
• Andujar			• Fox			• McKinnon			• Semos		
• Atwell			• Gammage			• McKnight			• Sherman, M.		
• Bailey			• Garcia			• Madia			• Sherman, W.		
• Baker			• Gaston			• Maloney			• Short		
• Bales			• Geiger			• Martin			• Simmons		
• Barnhart			• Grant			• Massey			• Slack		
• Bigham			• Green, F.			• Mattox			• Snelson		
• Bird			• Green, R.			• Mauzy			• Spurlock		
• Blake			• Hale			• Meier			• Sullivant		
• Blanchard			• Hall, A.			• Menefee			• Sutton		
• Blythe			• Hall, W.	X		• Mengden			• Tarbox		
• Bock			• Hanna			• Miller			• Temple		
• Boone			• Harrington			• Montoya			• Thompson		
• Bowers			• Harris, E.			• Moore			• Traeger		
• Braecklein			• Harris, O.			• Munson			• Truan		
• Brooks			• Head			• Murray			• Tupper		
• Bynum			• Heatly			• Nabers			• Uher		
• Caldwell			• Henderson			• Newton			• Vale		
• Calhoun			• Hendricks			• Nichols			• Vecchio		
• Canales			• Hernandez			• Nowlin			• Vick		
• Cates			• Hightower			• Nugent			• Von Dohlen		
• Clark			• Hilliard			• Ogg			• Wallace		
• Clayton			• Hoestenbach			• Olson			• Washington		
• Clower			• Hollowell			• Parker, C.			• Waters		
• Cobb			• Howell			• Parker, W.			• Watson		
• Cole			• Hubenak			• Patman			• Weddington		
• Coleman			• Hudson			• Pentony			• Whitehead		
• Coody			• Hutchison			• Peveto			• Whitmire		
• Cooke			• Johnson			• Poerner			• Wieting		
• Craddick			• Jones, Gene			• Poff	X		• Williams		
• Creighton			• Jones, Grant			• Powers			• Williamson		
• Daniel			• Jones, L.			• Presnal			• Willis		
• Davis			• Kaster			• Preston			• Wilson		
• Denson			• Koriath			• Ragsdale			• Wolff		
• Denton			• Kothmann			• Reyes			• Wyatt		
• Doggett			• Kubiak			• Reynolds			• BRYANT		
• Donaldson			• Laney			• Rodriguez					
• Doran			• Lary			• Rosson					

X - EXCUSED
ABSENCE

1 Roll Call

Yea-152	TOTALS	Nay-0	NV-28	ARTICLE	DATE: 1
YEA	N-V	NAY		Comm. 10	JAN 2
100-200	100-200	100-200		Rep. 20	FEB 3
0 0	0 0	0 0		Subs. 1	MAR 1
1 1	1 1	1 1		Amm. 2	APR 2
2 2	2 2	2 2		Quo. 3	MAY 3
3 3	3 3	3 3		3 R 4	JUN 4
4 4	4 4	4 4		Subm. 5	JUL 5
5 5	5 5	5 5		Mino. 6	AUG 6
6 6	6 6	6 6		Mot. 7	SEP 7
7 7	7 7	7 7		Alt. 8	OCT 8
8 8	8 8	8 8		Sep. 9	NOV 9
9 9	9 9	9 9		2 R 0	DEC 0
				SECTION	
				10 1	
				20 2	
				30 3	
				40 4	
				50 5	
				60 6	
				70 7	
				80 8	
				90 9	
				00 0	

TEXAS CONSTITUTIONAL CONVENTION

YEA N-V NAY

Mr. President
 • Adams, D.
 • Adams, H.
 Agnich
 Aikin
 Allen, Joe
 Allen, John
 Allred
 Andujar
 Atwell
 • Bailey
 Baker
 Bales
 Barnhart
 Bigham
 • Bird
 Blake
 Blanchard
 Blythe
 • Bock
 • Boone
 Bowers X
 • Braecklein
 Brooks
 • Bynum
 • Caldwell
 Calhoun
 Canales
 Cates
 Clark
 • Clayton
 Clower
 Cobb
 Cole
 • Coleman
 Coody
 Cooke
 Craddick
 • Creighton
 Daniel
 Davis
 Denson
 • Denton
 • Doggett
 • Donaldson
 • Doran

YEA N-V NAY

• Doyle
 • Dramberger
 Earle
 • Edwards
 • Evans
 • Finnell
 • Finney
 • Foreman
 Fox
 Gammage
 • Garcia
 • Gaston
 Geiger
 Grant
 Green, F. X
 • Green, R.
 Hale
 Hall, A.
 Hall, W. X
 • Hanna
 Harrington
 • Harris, E.
 • Harris, O.
 Head
 • Heatly
 • Henderson
 • Hendricks
 • Hernandez
 Hightower
 • Hilliard
 • Hoestenbach
 Hollowell
 • Howard
 • Hubenak
 • Hudson
 Hutchison
 Johnson
 Jones, Gene
 Jones, Grant
 • Jones, L.
 • Kaster
 • Koriath
 • Kothmann
 Kubiak
 • Laney
 • Lary

YEA N-V NAY

• Lee
 • Leland
 Lewis
 Lombard, no X
 Longoria
 • McAlister
 McDonald, F.
 McDonald, T.
 McKinnon
 McKnight
 Madia
 • Maloney
 Martin
 • Massey
 Mattox
 Mauzy
 Meier
 Menefee
 Mengden
 Miller
 Montoya
 Moore X
 • Munson
 Murray
 Nabers
 Newton X
 Nichols
 Nowlin
 • Nugent
 Ogg
 • Olson
 Parker, C.
 Parker, W.
 Patman
 • Pentony
 Peveto
 Poerner
 Poff X
 Powers
 • Presnal
 • Preston
 Ragsdale
 Reyes
 Reynolds
 • Rodriguez
 Rosson

YEA N-V NAY

Russell
 • Sage
 Salem
 Sanchez X
 Santiesteban
 • Schieffer
 • Schwartz
 Scoggins
 • Semos
 Sherman, M.
 Sherman, W.
 Short X
 Simmons
 Slack
 • Snelson
 Spurlock
 Sullivant
 • Sutton
 • Tarbox
 • Temple
 • Thompson
 Traeger
 Truan X
 Tupper
 Uher
 • Vale
 Vecchio
 Vick
 Von Dohien
 • Wallace
 • Washington
 Waters
 • Watson
 Weddington
 • Whitehead
 Whitmire
 Wieting
 • Williams
 • Williamson
 Willis
 • Wilson
 Wolff
 Wyatt
 Bryant
 X- Excused
 Absence

#2 Adoption of the Olson Amendment to Art IV
 Sec 11.

Yea-68

TOTALS Nay-79 PNU-2 NU-31

YEA	N-V	NAY
100-200	100-200	100-200
0	0	0
1	1	1
2	2	2
3	3	3
4	4	4
5	5	5
6	6	6
7	7	7
8	8	8
9	9	9

ARTICLE	SECTION
Comm.	10
Rep.	20
Subs.	1
Amm.	2
Quo.	3
3 R	4
Subm.	5
Mino.	6
Met.	7
Alt.	8
Sep.	9
2 R	0

DATE: 1
 JAN 2
 FEB 3
 MAR 1
 APR 2
 MAY 3
 JUN 4
 JUL 5
 AUG 6
 SEP 7
 OCT 8
 NOV 9
 DEC 0

TEXAS CONSTITUTIONAL CONVENTION

1974

1226

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombard' 10	X		Sanchez	X	
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short	X	
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.	X		Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.	X		Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers	X		Harris, E.			Moore	X		Traeger		
Braecklein			Harris, O.			Munson			Truan	X	
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton	X		Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohien		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner			Wieting	X	
Craddick			Jones, Gene			Poff	X		Williams		
Creighton			Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korioth			Ragsdale			Wolff		
Denton			Kothmann			Reyes	X		Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez					
Doran			Lary			Rosson					

X-Excused
Absence

3 Motion to Table the Hake
Amendment to Art V, sec 19.

Yea - 39	TOTALS	Nay - 114	PNU - 3	NV - 24	ARTICLE	SECTION	DATE: 1
YEA	N-V	NAY			Comm.	10	JAN 2
100-200	100-200	100-200			Rep.	20	FEB 3
0 0	0 0	0 0			Subs.	1 10	MAR 1
1 1	1 1	1 1			Amm.	2 20	APR 2
2 2	2 2	2 2			Quo.	3 30	MAY 3
3 3	3 3	3 3			3 R	4 40	JUN 4
4 4	4 4	4 4			Subm.	5 50	JUL 5
5 5	5 5	5 5			Mino.	6 60	AUG 6
6 6	6 6	6 6			Mot.	7 70	SEP 7
7 7	7 7	7 7			Alt.	8 80	OCT 8
8 8	8 8	8 8			Sep.	9 90	NOV 9
9 9	9 9	9 9			2 R	0 00	DEC 0

TEXAS CONSTITUTIONAL CONVENTION

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland	X		Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombard, J.	X		Sanchez	X	
Aikin			Evans			Longoria			Sanfesteaban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short	X	
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.	X		Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivan		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.	X		Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers	X		Harris, E.			Moore	X		Traeger		
Braecklein			Harris, C.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton	X		Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.	X		Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			Poff	X		Williams		
Creighton			Jones, Grant			Powers			Williamsen		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korioth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez					
Doran			Lary			Rosson					

X-EXCUSED ABSENCE

RECORD # 4 MOTION TO TABLE HALE AMENDMENT TO ART. V

YEA-45	TOTALS MAY-98	PNV-1	NV-36	ARTICLE	DATE: 1
YEA	N-V	NAY			
100-200	100-200	100-200			JAN 2
0 0	0 0	0 0	Comm. 10	SECTION	FEB 3
1 1	1 1	1 1	Rep. 20		MAR 1
2 2	2 2	2 2	Subs. 1	10 1	APR 2
3 3	3 3	3 3	Amm. 2	20 2	MAY 3
4 4	4 4	4 4	Quo. 3	30 3	JUN 4
5 5	5 5	5 5	3 R 4	40 4	JUL 5
6 6	6 6	6 6	Subm. 5	50 5	AUG 6
7 7	7 7	7 7	Mino. 6	60 6	SEP 7
8 8	8 8	8 8	Mot. 7	70 7	OCT 8
9 9	9 9	9 9	Alt. 8	80 8	NOV 9
			Sep. 9	90 9	DEC 0
			2 R 0	00 0	

1974

TEXAS CONSTITUTIONAL CONVENTION

1228

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland	X		Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombard, T.	X		Sanchez	X	
Aikin			Evans			Longoria			Santiesteban		
Allen, Jo			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short	X	
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivant		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.	X		Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya	X		Thompson		
Bowers	X		Harris, E.			Moore	X		Traeger		
Braecklein			Harris, C.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers	X		Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clower			Hollowell			Parker, C.	X		Waters		
Cobb			Howard			Parker, V.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveo			Whitmire		
Cooke			Johnson			Poerner	X		Wieting		
Craddick			Jones, Gene			Poff	X		Williams		
Creighton			Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korloth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez					
Doran			Lary			Rosson					

X-Excused
Absence

5 Motion to Table the Nowlin
Amendment to Art V, Sec 9.

Yea- 97

TOTALS Nay- 48 PNU-1 NU- 34

YEA	N-V	NAY	ARTICLE	SECTION	DATE: 1
100-200	100-200	100-200	Comm.	10	JAN 2
0 0	0 0	0 0	Rep.	20	FEB 3
1 1	1 1	1 1	Subs.	1 10	MAR 1
2 2	2 2	2 2	Amm.	2 20	APR 2
3 3	3 3	3 3	Quo.	3 30	MAY 3
4 4	4 4	4 4	3 R	4 40	JUN 4
5 5	5 5	5 5	Subm.	5 50	JUL 5
6 6	6 6	6 6	Mino.	6 60	AUG 6
7 7	7 7	7 7	Mot.	7 70	SEP 7
8 8	8 8	8 8	Alt.	8 80	OCT 8
9 9	9 9	9 9	Sep.	9 90	NOV 9
			2 R	0 00	DEC 0