



**Texas Government 2306.112 CL**  
Summer One 2022 LRC Rm 255  
Monday - Thursday 12pm – 2:15pm

### **Instructor Information**

**Instructor:** James Bailey

**Email:** [jbailey2497@com.edu](mailto:jbailey2497@com.edu)

(When emailing please indicate your name and class, ie – 2306)

**Office Hours:** before & after class

**Location:** LRC 255

### **Required Textbook:**

Ken Collier, et.al.

*Lone Star Politics*, 6<sup>th</sup> ed.

Sage / CQ Press, (5<sup>th</sup> ed. is ok.)

ISBN: 978-1-5443-1526-0

A student attending College of the Mainland is not under any obligation to purchase a textbook from the college-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer.

### **Course Description**

This course will cover the origin and development of the Texas constitution, structure and powers of Texas' state and local government, federalism, inter-governmental relations, political participation, the election process, public policy and the political culture of Texas.

**Course Requirements:** Students are expected to keep up with assigned readings, regularly attend class and be on time, take notes, participate in class discussions and activities, and exhibit appropriate behavior in the classroom. If a student misses a class, it is that student's responsibility to obtain class notes from another student. Students are also required to take all exams and complete all written reports related to each exam..

### **Determination of Course Grade**

**I. Grading Formula:** The final grade will be based on **four grades:** three regular tests and the Final Exam. Each test/exam will count one-fourth of the final grade with 20% of each coming from a written report. If "extra credit" is done a fifth grade will be added and averaged with the four above to attain a final grade. More than three

classes absent can lower your final by several points.

**II.** All tests will be predominantly multiple-choice with four subtle options. The basic rule of thumb is to choose the "best" answer. Warning: There may be more than one choice that is technically correct but only one "best" answer. **For each test/exam every student must prepare and bring to class by the test day an internet research report which will count 20 points on the test taken that class period.** [Adherence to instructions, relevance, coherency, grammar and spelling count on all reports.]

**III.** For all tests and the Final Exam each student should prepare **one hand written "note sheet."** All "note sheets" must be written on the back and front of 8.5 by 11 inch paper with **no Xerox or computer word processing.**

These "note sheets" will be treated as an "alternative assessment" and bonus points will be added to the student's score based on the skill and knowledge exhibited on both multiple choice test and notes. [On the Final Exam a student may use all previous "note sheets": the three previously prepared plus one created especially for the final exam.]

**IV. Internet research reports must be submitted before taking each test or exam. Students may present a printed copy in class or submit a copy by email.**

**Grading scale:** A=90-100, B=80-89, C=70-79, D=60-69, F=60-

### **Late Work, Make-Up and Extra Credit Policy**

A student who has a legitimate excuse for missing a test will be permitted to take a **make-up test** in the Testing Center on COM campus. **Late work** will result is individual and will result in points taken off. **An Extra credit project** is available by written request and must be approved by six class-time hours before the Final Exam. It is due 24 hours before the Final Exam is given. **All extra credit projects must:**

**SLOs Core Objectives & Assignments**

1. be based on internet research on a question appropriate to Government 2306, (i.e. “In what way is the Texas and California (or any other state) political milieu different?” or “Why is author Ayn Rand so polarizing in today’s politics today?” or “What is the Republican Party alignment today?” or “What are the differences between polling organizations?”) or write a paper describing a political event; provide details of what happened; and give your assessment. You must consult with me prior to attending.

- 2. be word-processed [2-3 pages] and titled with your “approved” question,
- 3. begin with your best five web citations listed in order of research value; each to be followed by a short paragraph indicating the website’s specific value,
- 4. end with a one page summary describing **two reasoned conclusions: First**, an answer to your original question and **Second**, a statement of what you learned about internet research of a current political topic.

For the conclusions section a **caveat**:

**Important questions must be answered:**

- What elements of a website makes it more trustworthy for citizen research?
- What difficulties did the student encounter in separating trustworthy information from misleading bias or propaganda?

**Attendance Policy:**

**Promptness and regular attendance are required. Email me if you are absent. Excessive tardiness or absence (3 or more) without acceptable reason will result in loss of points on your final grade. Use my email address at the top of page one.**

**Communicating with your instructor: ALL** electronic communication with the instructor must be through your COM email. Due to FERPA restrictions, faculty cannot share any information about performance in the class through other electronic means.

<b>Student Learner Outcomes</b>	<b>Connects to Core Objective</b>	<b>Assessed via this Assignment</b>
1. Explain origin and development of the Texas Constitution.	Critical Thinking	Exam
2. Demonstrate knowledge of state and local political systems and their relationship to federal government.	Critical Thinking	Exam
3. Describe separation of powers and checks and balances in theory and practice in Texas.	Critical Thinking	Exam
4. Demonstrate knowledge of legislative, executive, and judicial branches of Texas government.	Critical Thinking	Exam
5. Evaluate role of public opinion, interest groups, and political parties in Texas.	Social Responsibility	Exam Essay
6. Analyze state and local elections.	Social Responsibility	Exam
7. Describe the rights and responsibilities of citizens.	Personal Responsibility	Exam
8. Analyze issues and policies and political culture in Texas.	Critical Thinking	Exam
9. Complete written reports and in-class oral participation on issues in Texas government and politics.	Communication	Reports/ In-Class Participation
10. Evaluate choices & actions of others or one’s own, and relate consequences to decision-making.	Personal Responsibility	Exam

**Academic Dishonesty** such as cheating on exams is an extremely serious offense and will result in a grade of zero on that exam and the student may be referred to the Dean of Students for appropriate action.

## Concerns/Questions

If you have any questions or concerns about any aspect of this course, please contact me. My email address is at the top of page one. If, after discussing your concern with me, you continue to have questions, please contact Dr. Wakao at swakao@com.edu or 409-933-8107.

## Course Outline

### I. Culture, Constitution, Community

- A. Power, Politics and Ideology
- B. American Federalism
- C. Texas: Culture, Society
- D. The Texas Constitution
- E. Local Government in Texas

☒ **Test 1: July 22** lecture thus far + Collier *et.al.* chapters 1, 2 & 11 reports on [www.politicalcompass.org](http://www.politicalcompass.org) and <http://people-press.org/typology/quiz/> Syllabus Readings 1, 2 & 3.

### II. Legislature & Governor

- A. The Legislature
- B. The Legislative Process
- C. The Governor
- D. The Plural Executive

☒ **Test 2: July 29** - lecture since last test Collier, *et.al.* chapters 3, 4 and 5 report on: Texas Legislature Online & [www.politifact.com/texas](http://www.politifact.com/texas) Syllabus Readings 4, 5 & 6

### III. Elections, Parties & Interests

- A. Political Behavior & Opinion
- B. Elections & Campaigning
- C. Political Parties

☒ **Test 3: August 5** - lecture since last test + Collier, *et.al.* 8, 9 and 10 + reports on [www.votesmart.org](http://www.votesmart.org), [factcheck.org](http://factcheck.org), [flackcheck.org](http://flackcheck.org) Syllabus Readings 7, 8 & 9

### IV. Courts, Justice and Budgeting

- A. The Judicial System
- B. Questions of Justice
- C. Fiscal & Social Policy

Film: *The War Room*

☒ **Final Exam: August 11** - lecture from beginning & Collier *et.al.* 12, 13 & 14 a report contrasting [www.opensecrets.org](http://www.opensecrets.org), [www.followthemoney.org](http://www.followthemoney.org) & [propublica.org](http://propublica.org) Syllabus Readings 10, 11 & 12

## Institutional Policies and Guidelines

**Grade Appeal Process:** Concerns about the accuracy of grades should first be discussed with the instructor. A request for a change of grade is a formal request and must be made within six months of the grade assignment. Directions for filing an appeal can be found in the student handbook. <[https://build.com.edu/uploads/sitecontent/files/student-services/Student\\_Handbook\\_2019-2020v5.pdf](https://build.com.edu/uploads/sitecontent/files/student-services/Student_Handbook_2019-2020v5.pdf)>. *An appeal will not be considered because of general dissatisfaction with a grade, penalty, or outcome of a course. Disagreement with the instructor's professional judgment of the quality of the student's work and performance is also not an admissible basis for a grade appeal.* [https://build.com.edu/uploads/sitecontent/files/student-services/Student\\_Handbook\\_2019-2020v5.pdf](https://build.com.edu/uploads/sitecontent/files/student-services/Student_Handbook_2019-2020v5.pdf)

### **Academic Success & Support Services:**

College of the Mainland is committed to providing students the necessary support and tools for success in their college career. Support is offered through our Tutoring Services, Library, Counseling, and through Student Services. Please discuss any concerns with your faculty or an advisor.

**ADA Statement:** Any student with a documented disability needing academic accommodations is requested to contact Holly Bankston at 409-933-8520 or [hbankston@com.edu](mailto:hbankston@com.edu). The Office of Services for Students with Disabilities is located in the Student Success Center.

**Counseling Statement:** Any student that is needing counseling services is requested to please contact Holly Bankston in the student success center at 409-933-8520 or [hbankston@com.edu](mailto:hbankston@com.edu). Counseling services are available on campus in the student center for free and students can also email [counseling@com.edu](mailto:counseling@com.edu) to setup their appointment. Appointments are strongly encouraged; however some concerns may be addressed on a walk-in basis.

**Textbook Purchasing Statement:** A student attending College of the Mainland is not under any obligation to purchase a textbook from the college-affiliated bookstore. The same textbook may also be available from an independent retailer, including an online retailer.

**Withdrawal Policy:** Students may withdraw from this course for any reason prior to the last eligible day for a “W” grade. Before withdrawing students should speak with the instructor and consult an advisor. Students are permitted to withdraw only six times during their college career by state law. The last date to withdraw is June 30<sup>th</sup>.

**FN Grading:** The FN grade is issued in cases of failure due to a lack of attendance, as determined by the instructor. The FN grade may be issued for cases in which the student ceases or fails to attend class, submit assignments, or participate in required capacities, and for which the student has failed to withdraw. The issuing of the FN grade is at the discretion of the instructor. The last date of attendance should be documented for submission of an FN grade.

**Early Alert Program:** The Student Success Center at College of the Mainland has implemented an Early Alert Program because student success and retention are very important to us. I have been asked to refer students to the program throughout the semester if they are having difficulty completing assignments or have poor attendance. If you are referred to the Early Alert Program you will be contacted by someone in the Student Success Center who will schedule a meeting with you to see what assistance they can offer in order for you to meet your academic goals.

**COVID-19 Statement:** All students, faculty, and staff are expected to familiarize themselves with materials and information contained on the College of the Mainland’s Coronavirus Information site at [www.com.edu/coronavirus](http://www.com.edu/coronavirus). In compliance with Governor Abbott's May 18 Executive Order, face coverings/masks will no longer be required on COM campus. Protocols and college signage are being updated. We will no longer enforce any COM protocol that requires face coverings. We continue to

encourage all members of the COM community to distance when possible, use hygiene measures, and get vaccinated to protect against COVID-19. Please visit [com.edu/coronavirus](http://com.edu/coronavirus) for future updates.

## Information about Your Instructor

I grew up in Van Zandt County, Texas and by working as a movie projectionist was able to graduate from Van HS and Tyler Junior College by 1961. With a National Defense Education Loan I got my BA at East Texas State University (now Texas A&M at Commerce) two years later with a major in History and a minor in Government. Teaching freshmen as a Graduate Assistant in the History Department I completed 24 graduate hours in History and Government and began working on a Masters thesis.

In 1964 I moved to Galveston County and began teaching at Dickinson HS and during the next three years began teaching as an adjunct History and Government instructor for Alvin and Mainland Community Colleges which I continue to this day. In the Summer of 1970 I earned six undergraduate hours in Puebla, Mexico with courses on Pre-Columbian Art and The History of Mexico.

In 1977, after twelve years of research involving hundreds of interviews, countless trips to archives and 33 more graduate hours in History and Sociology at the University of Houston at Clear Lake I received my MA degree. In 1980, I received a “Practicum” grant from the University of Texas to create activities for economics classes. For this project I worked for several weeks with executives and employees at Phillips Petroleum at Adams Terminal and Bartlesville, Oklahoma. In 1986-87 I added nine more graduate hours in Government at the University of Houston including courses in British Government where I interviewed municipal workers in central England; Political Parties with Dr. Richard Murray and International Relations where I produced a paper with the hypothesis that the Soviet Union would morph into European socialism without a revolution.

In 1991, I completed a course in “Quality Management” under Columbia’s University’s 90 year old W. Edward Deming which profoundly influenced the way I see students and my role as teacher. After retiring from Dickinson ISD in 2002 I remain active in professional and civic pursuits.

## Internet Reports for Each Test

**For Test One** the student must write a report using three different websites. Described as follows:

1. Go to [www.politicalcompass.org](http://www.politicalcompass.org) and read the welcome; follow the instructions; take the “test” (10 to 15 minutes) and upon completion read the short essay, “About the Political Compass.” Carefully analyze “**My Political Compass.**”
2. Go to <http://people-press.org/typology/quiz/> and follow the instructions to take and evaluate the quiz.
3. **You may also incorporate ideas from the first three readings or the lectures in any way you like.**
4. **Write a report** ( $\pm 500$  words) describing your political ideology using the political terms that you learned in class and on the three above websites. If you gave the survey to someone else tell what you discovered. Please title your report with your name in possessive form followed by “Political Ideology” i.e. [Ana Nova’s Political Ideology].

**For Test Two** the student must write short reports on **two** different websites. Described as follows:

1. Go to [www.politifact.com/texas](http://www.politifact.com/texas) and find the “Truth-O-Meter” Select one quotation, click on the issue description under the True/False meter and take notes on your result. Summarize your findings in a 100 word paragraph.
2. Go to **Texas Legislature Online**. Under “Who Represents Me?” type your address and submit. On the list go to “state senator” and click on the hyperlink to get to the senator’s webpage. Click on “District Information” and review the various features under “**District Analysis**” and especially “**District Profile.**” Do the same for your state representative. Write a 200 word report on the three most interesting facts about the Senate and Representative Districts in which you can vote. Be sure to mention the name of your senator and state representative.

**For Test Three** the student must write an essay evaluating **3** different websites. Described as follows:

1. Go to [www.votesmart.org](http://www.votesmart.org) and enter your zip code; click your “State Representative” and look for “Recent Ratings” and “more ratings.” From this information note what both liberal and conservative groups appear to be saying about your representative.
2. Go to [www.factcheck.org](http://www.factcheck.org) and evaluate that website Then, click on “[flackcheck.org](http://flackcheck.org)” hyperlinked on that page. Compare and contrast the usefulness of each website for voter wariness.  
(Total for both above:  $\pm 300$  words)

**For the Final Exam** the student must write a short report ( $\pm 200$  words) on the difference between  
(1) ease of use and  
(2) the information to be found on three different but similar websites:

[www.opensecrets.org](http://www.opensecrets.org).  
[www.followthemoney.org](http://www.followthemoney.org)  
and [www.propublica.org](http://www.propublica.org).

All appear to analyze the influence of money in our political system. **Be sure to give examples and explain which website is your preference and why.**

## Some Success Tips for Students :

1. Attend every class
2. Pay attention in class
3. Make a detailed notesheet
4. Study lecture notes after every class
5. Use the study guide
6. Use the study technique that works best for you (highlighting, flashcards, study groups)
7. Read the textbook carefully and for retention
8. Organize your time
9. Take advantage of the extra credit opportunities

## Gov. 2301 Syllabus Readings

### #0 Defining American Democracy

1. The surface of American society is covered with a layer of democratic paint, but from time to time one can see the old aristocratic colors breaking through.  
- Alexis de Tocqueville [1835]
2. Of all tyrannies, a tyranny exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for

our own good will torment us without end, for they do so with the approval of their own conscience . - C. S. Lewis

3. Of all forms of government and society, those of free men and women are in many respects the most brittle. They give the fullest freedom for activities of private persons and groups who often identify their own interests, essentially selfish, with the general welfare. - Dorothy Thompson
4. The two greatest obstacles to democracy in the United States are, first, the widespread delusion among the poor that we have a democracy, and second, the chronic terror among the rich, lest we get it. [1941]  
- Edward Dowling
5. As long as the differences and diversities of mankind exist, democracy must allow for compromise, for accommodation, and for the recognition of differences.  
- Eugene McCarthy
6. Democracy is a device that ensures we shall be governed no better than we deserve.  
- George Bernard Shaw
7. Voting is one of the few things where boycotting in protest clearly makes the problem worse rather than better.  
- Jane Auer
8. In politics, an organized minority is a political majority. - Jesse Jackson
9. Everybody's for democracy in principle. It's only in practice that the thing gives rise to stiff objections. - Meg Greenfield
10. The thing about democracy, beloveds, is that it is not neat, orderly, or quiet. It requires a certain relish for confusion. - Molly Ivins
11. An imbalance between rich and poor is the oldest and most fatal ailment of all republics.  
- Plato
12. The death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment. - Robert M. Hutchins

## #1 Texas, The Urban Powerhouse

Henry G. Cisneros, David Hendricks, J. H. Cullum Clark and William Fulton, *Houston Chronicle*, 5-16-21

In 1966, lawyer Herb Kelleher met a client, investment banker Rollin King, for a drink in the bar at the venerable St. Anthony Hotel in downtown San Antonio. Kelleher was looking to start a business, and King, a pilot, had noticed that Texas business executives often chartered planes to fly between large cities in the state because ordinary airfares were so high.... The legend is that King drew a triangle on a cocktail napkin, showing how the new airline would connect the state's major markets. Like so much mythology about Texas, this legend is only partly true. King did not draw a triangle on a cocktail napkin that day. But he did hatch the idea with Kelleher, who went on to be the airline's CEO. The following year, they incorporated what is now Southwest Airlines, and four years after that, Southwest became the first substantial discount air carrier — connecting Houston, Dallas and San Antonio. It's now the third-largest airline in the United States, carrying more passengers than even United Airlines....

And they understood that Texas' prosperity depended not on rural areas and cowboy mythology but on an interconnected urban economy based in four large metropolitan areas. In other words, they understood that the Texas Triangle is — as urbanist Joel Kotkin put it decades later — the “economic guts” of the state. Indeed, in starting Southwest Airlines, Kelleher and King practically invented the idea of the Texas Triangle. Dallas–Fort Worth and Houston were both large, prosperous metropolitan areas, but their economies were separate. (In those days, business leaders in the two cities tried hard to stay out of each other's way.) San Antonio was mostly a military town. Austin was a small state capital with a university.

But in the half century since the Triangle was supposedly drawn on the cocktail napkin, these four metropolitan areas have grown rapidly and their economies have become increasingly interdependent. The Texas Triangle has become one of the fastest-growing and most economically powerful regions in the world.

In writing our new book, “The Texas Triangle,” we are very much inspired by the spirit of Rollin King's apocryphal cocktail napkin. We believe the Texas Triangle defines the “New Texas” and will play a dominant role in determining its economic future, its demographic patterns and its political priorities. It's very much in the interest of the state as a whole to

encourage the continued growth and success of the Texas Triangle.

### **An economic powerhouse**

Today, some 19 million people live in the Texas Triangle — defined solely as the 35 counties that make up the metropolitan areas of Houston, Dallas–Fort Worth, San Antonio, and Austin. That’s about two-thirds of the people who live in Texas — and almost the size of metropolitan New York City. What’s more, in the last decade, 85 percent of the population growth in Texas has occurred in the Triangle. Dallas–Fort Worth and Houston have added more people than any other metropolitan area in the nation, a little more than 1 million each. Austin and San Antonio together added almost another million. The Triangle includes five of the 13 biggest cities in the nation — the densest concentration of large cities in America. And with the latest census news — showing that Texas’s population increased robustly while California’s has actually dropped in the last year — the Triangle has become even more of a demographic powerhouse than before.

Economically, too, the Texas Triangle is a powerhouse. The four metropolitan economies had a combined GDP of approximately \$1.3 trillion in 2018 — about 6.3 percent of the U.S. economy and almost 70 percent of the Texas economy. The Triangle is bigger than the regional economies of Los Angeles, Hong Kong, London or Paris; it’s double the size of the Chicago region’s economy. If the Texas Triangle were a separate country, it would have the 15th-largest economy in the world, larger than the economies of Indonesia, Turkey, Saudi Arabia or the Netherlands. And the Triangle is not just a gigantic economic outpost. It’s a center of corporate decision-making. Forty-nine of the Fortune 500 companies are based in the Triangle, about as many as there are in all of California and almost as many as in New York state. Furthermore, the Triangle’s metropolitan economies are deeply intertwined, thus strengthening the power of the Triangle as an economic region.

### **Not without tension**

We live today on an urban planet. For the first time in history, more than half of the world’s people live in cities — and virtually all of the world’s population growth will take place in cities for the foreseeable future.

At first glance, Texas may not appear to be a logical candidate to participate in this new urban world. After

all, the whole mythology of Texas — reinforced constantly in popular culture through stories like Larry McMurtry’s “Lonesome Dove,” icons like Willie Nelson and movies like “Giant,” based on Edna Ferber’s unflattering 1952 West Texas novel — is decidedly rural.

Moreover, the transition to the “New Texas” is not without tension. Although 85 percent of the state’s population is within Texas’ 25 metropolitan areas — the state’s political decision-making too often lags behind in recognizing this reality. As recently as 2019, then House Speaker Dennis Bonnen was caught on tape threatening to make the 2021 legislative session “the worst ever” for cities. Sheer demographic and economic numbers leave no doubt that the anti-urban attitudes of some state lawmakers are increasingly out of date.

### **Potential pitfalls**

Any review of the promising prospects of the Texas Triangle also must consider factors that could curtail that success. History is replete with examples of seemingly inevitable economic juggernauts that were derailed or diminished by man-made errors or natural setbacks. An honest assessment of the Texas Triangle’s trajectory requires that we consider the pitfalls on the path ahead.

An obvious hurdle would be a massive global recession that undermines the dominant sectors of the Texas Triangle metros. Despite many built-in advantages, the Triangle — like everywhere — is vulnerable to deep global economic downturns, such as the COVID-19 crisis of 2020. And despite the growing diversity of the Triangle’s regional economy, it’s still particularly vulnerable to major setbacks in the oil and gas industry, as the world also experienced in 2020.

Another risk is that public policy failures, particularly by state government, might slow the growth of the Texas Triangle metros. Toxic partisan infighting between Democrats and Republicans in Austin could entangle the state’s leading cities and metros with new restrictions on their ability to manage ongoing growth and could even undermine what has been a broad consensus in favor of growth-oriented policies.

As the Texas metros grow in political power and electoral clout, it should be clear that the fight is greater than the squabbles of the recent past over social issues such as transgender bathroom rules. But the risk is that the Legislature might become more reluctant even than

it has been to invest in urban and suburban schools, leading to shortages of skilled workers. Faced with growing fiscal pressure, the state might fail to invest in infrastructure improvements necessary to the Triangle's future growth.

Failure to prepare for future pandemics or climate change might undermine the Triangle's future. Among the United States' leading cities, Houston is one of the most vulnerable to hurricanes and rising sea levels. All the Texas Triangle cities face long-term challenges from hotter weather, drought and increasingly destructive storms.

### **A lot has changed about Texas since 1960.**

Even as Texas has built a modern urban economy and a conservative Republican political structure, it faces a very different set of public challenges than it did 60 years ago. Ironically, many features of the "Old Texas" that have fueled the state's success have the potential to undermine the future success of the "New Texas." Recent economic success owes much to Texas' small-government tradition, including the absence of a state income tax, flexible labor markets and a relatively light-touch approach to business regulation (though federal investment has been critical in several economic sectors).

At the same time, however, Texas underfunds its schools, and education attainment is low compared to other powerful states. Texas ranks last in the percentage of residents with health insurance. Housing affordability is a growing problem even in a state traditionally known for inexpensive housing and traffic congestion is a major issue in all of the Triangle's cities. Texas also struggles to ensure that its water and energy infrastructures keep up with the demands of a rapidly growing population.

Now that Texas is an urban state, it must shed its own self-image as rural. Texas' enormous growth requires new thinking about policies and priorities — thinking that embraces Texas' urban growth, especially in the Triangle.

*Cisneros is a former mayor of San Antonio and was HUD secretary from 1993 to 1997. Hendricks is a former writer and editor at the San Antonio Express-News. Clark is a member of the economics faculty at Southern Methodist University in Dallas and is director of the Bush Institute-SMU Economic Growth Initiative at the George W. Bush Presidential Center in Dallas. Fulton is the president of Rice University's Kinder Institute for Urban Research in Houston. This piece is an excerpt from their book "The Texas Triangle" published by Texas A&M Press.*

## #2 America's selective libertarianism

Jonah Goldberg, *Houston Chronicle*, 8-18-14

There's an old rule in journalism: All you need are three good examples to prove a trend. And by that measure, writer Robert Draper had more than he needed to declare a new "libertarian moment" in American politics. In a *New York Times Magazine*, Draper made exactly that case. His chief evidence: Young people are more libertarian today, and libertarian ideas are having a renaissance on the right. Also, self-described "libertarian-ish" Sen. Rand Paul's star is on the rise, thanks in part to national exhaustion with foreign interventions. Plus: recent victories for legalized weed and gay marriage.

All of these things are largely true, but Draper is still wrong, or at least not quite as right as he (or for that matter, I) would like.

As liberal writer Jonathan Chait notes, much of the polling showing that young people are libertarian has been done by organizations eager to find that result. So while it is true that young people are more "libertarian" on social issues and foreign policy, they are also more progressive on the role of government. Pew finds that 53 percent of millennials favor "bigger government." Meanwhile, Chait writes, "older Americans oppose 'bigger government' in the abstract by a margin of some 40 percentage points. That young voters actually favor 'bigger government' in the abstract is a sea change in generational opinion, not to mention conclusive evidence against their alleged libertarianism." Chait's right.

On the other hand, it's also true that young people are more libertarian than ever before. How can that be? Lots of reasons. I'll give you three. First, as *The Federalist's* Ben Domenech points out, the millennials are the biggest generation in American history. Ideologically, it contains multitudes. It can be collectively more socialist while still containing more libertarians than ever before.

Second, it's the most diverse generation in history, and non-whites (young and old) favor bigger government by wide margins. A slim majority (53 percent) of white millennials want less government, according to Pew, but a huge majority of nonwhite millennials (71 percent) want more government. Make of that what you will.

Last, not only is the millennial generation collectively



inconsistent, most individual young Americans are inconsistent, too — just like everyone else.

Everyone considers themselves libertarian on the issues they are libertarian about. If you think government shouldn't collect your email and phone logs, you're libertarian on national security issues. If you think you have a right to carry a firearm, you're libertarian about guns. And so it goes with drugs, property rights, free speech, health care, etc. Conservatives are very libertarian about some things and very conservative about others. Ditto liberals and most socialists.

Ideologically consistent libertarians are far from legion. And even among the faithful there is still considerable disagreement about issues like abortion or drug legalization beyond marijuana. In principle most Americans simply want government to do good where it can and do no harm anywhere else.

Moreover, people want to maximize freedom in the abstract, but they are loath to pay much of a price for it in their own lives. I wish it were otherwise, but people tend to be libertarian only after it's demonstrated to them that the government can't deliver the results they want. And that, I think, is the elephant in the room Draper largely misses. Example is the school of mankind and they will learn at no other, Edmund Burke observed. What he meant was that you can't just tell people X won't work; they have to see and experience the failure of X on their own. Noam Chomsky didn't suddenly become more persuasive during the Bush years. The reality of the Iraq war turned people off military interventions.

To the extent that libertarian ideas are gaining new currency outside the GOP, it's because of government's failures. Particularly for young people — especially more affluent young people — the yawning chasm between the efficiency of the private sector and the haplessness of the public sector is poisonous to faith in government. The VA scandal, the clownish rollout of the Obamacare website and the near wholesale inability of Barack Obama to deliver on his economic promises have done more to breathe new life into libertarianism than a thousand lectures about Friedrich Hayek's "Road to Serfdom" ever could.

*Goldberg is a fellow at the American Enterprise Institute and editor-at-large of National Review Online.*

## #3 Conservatism, Texas-style

Adapted from Steven E. Levingson, *Washington Post*, 3-31-10

The following is an interview with Sean P. Cunningham (Texas Tech) who has written "Cowboy Conservatism: Texas and the Rise of the Modern Right." He tells the story of how the solidly Democratic Texas of the 1960s swung to the Republicans after 1980.

### **Why did Texas go conservative?**

Well, Texas has always been a conservative state, at least in the majority. But until the 1960s, it was also solidly Democratic — and those partisan loyalties usually overpowered ideological convictions. Remember that Texas, as conservative as it was, overwhelmingly voted for FDR four times. It also overwhelmingly backed LBJ over Goldwater in 1964. What changed in the 1960s and 1970s was that, for several reasons, most of which involve a collective frustration with national circumstances, most conservative Texans began to prioritize their ideology ahead of their partisan loyalties. Reagan deserves a lot of credit for this, by the way. He was extremely popular in Texas as early as 1968 and his charismatic message helped to slowly alter the perception of the GOP as an elitist, country-club party to a more populist one.

### **How does the change reflect the birth of modern conservatism nationally?**

Texas is a good place to study the birth of modern conservatism nationally because, by the 1960s and especially into the 1970s, it was more demographically, economically, and culturally representative of the mainstream, as broadly speaking as you can get. What you then see is that the birth of modern conservatism at the national level was a multifaceted and complicated process. For some, the issue was race and hostility to civil rights. For others, it was abortion and the perceived assault against Christianity and family tradition. For some, it was about taxes or big government. For others, all of these issues were connected as one fundamental problem of entitlement, irresponsibility, and immorality.

But there was no single issue or moment responsible for the birth of modern conservatism. What drove conservatism in Alabama was different than what drove it in Southern California which was different than Wyoming. The genius of the GOP, especially in Texas, was to formulate a simple, accessible message to speak to all concerns at once.

### **What does the Texas experience tell us about the future of political parties?**

The Texas experience tells us that for a party to be successful, it must always be waging a campaign for voters' hearts and minds. **The party that controls the**

**narrative, that is more effective in marketing its ideas, that is more aggressive in defining its opponents – that’s the party that usually wins.**

The Texas experience also tells us to expect the unexpected, and to adjust quickly once change happens. Issues evolve and increase or decrease in salience – this creates a dynamic political culture. Candidates unwilling or unable to aggressively and proactively shape their own image, or at least shape their opponents’ image, usually lose. So in a sense, I think, the future of political parties is directly connected to advancements in marketing and public relations.

**Political parties are basically becoming PR firms.**

## #4 Our Part-Time Legislature

Morgan Smith, *Texas Tribune*, 2-14-13

In his two decades in the Texas Legislature, Rep. Garnet Coleman has learned to hustle. The Houston Democrat has gone bankrupt once, come close to it one time after that and managed to rebuild his finances yet again while remaining in office. During certain periods, he said, his wife has worked two jobs to support their family so he could stay in the Texas House.

"I'm using this word not in the negative connotation, but it's when you feel like a hustler," he said, describing his lean times. "You feel like you are hustling your dollars, and you don't have the confidence that the money is going to be there."

To supplement the meager \$600-per-month legislative pay, Coleman said he would maximize the \$150 per diem to help support his family while the Legislature was out of session. He got a fuel-efficient car to drive from Houston to Austin to stretch mileage reimbursements. Instead of dining out with his colleagues during the session, he said, he would return home to eat microwave meals. He would find the cheapest living arrangements possible, which one session included a garage apartment infested by mice. "You do everything you can to legally realize more money and revenue for yourself and your family and really lower expenses," he said.

The state's founders envisioned the part-time Legislature as a place where there would be no room for full-time politicians. Tying lawmakers to their districts for all but five months every two years would keep them connected to the constituents they had been elected to serve. But in the modern Legislature, the paltry pay that goes along with being expected to earn a living elsewhere can have the opposite effect — narrowing the ranks of potential office-holders to only those who can

afford to do it full time. That's because for most members, the demands of public office aren't quite limited to January through May in odd-numbered years. The needs of their constituents and the issues they must follow to make public policy don't go away during the interim, nor do the campaigns they must orchestrate to stay in office.

"When I decided to run, I looked at, well, 140 days every other year, you can probably hold your breath that long," said former state Rep. Rob Eissler, a Republican from The Woodlands who was first elected in 2002.

As his responsibilities as a lawmaker grew, that impression quickly changed, he said.

"It starts to engulf you. You lie in bed at night trying to think of ways to make things better, and that you have opportunity to do it," he said.

Now a lobbyist after losing his 2012 primary, Eissler said the chance to continue to help shape public policy is part of the reason he's back in Austin.

"What's funny is that now I can get paid for things that I was doing for nothing," he said.

Of the states that offer legislative salaries — nine offer only per diem compensation — Texas finishes close to last, according to figures from the Manhattan Institute's Empire Center Project. That's in front of South Dakota, which pays members of its Legislature \$12,000 per two-year term, and New Hampshire, which pays its lawmakers \$200 a year. The next-closest of the heavily populated states is Florida, where legislators, who meet for 60 days each year, pull in about \$30,000 annually. In California, full-time legislators are paid roughly \$95,000 a year; in New York, they make almost \$80,000 to work year-round.

Voters in Texas last approved a lawmaker pay hike in 1975, an increase from \$400 a month to the \$600 a month they are currently paid. Back then, Texas lawmakers were still among the lowest paid in the nation. The win came after then-Dallas Rep. Paul Ragsdale successfully qualified for food stamps, an effort to make a political point about the inadequate pay. A story also emerged at the time that Dave Allred, a House member from Wichita Falls and son of a former Texas governor, had been sleeping in his Capitol office during the session to save money.

According to the Houston Post, Allred visited friends' houses when he needed to take a shower. He told the newspaper he put up with the living conditions

“because, and I know this sounds schmaltzy, I love public service.”

Despite Allred’s zeal, questions linger over whether it is fair to impose what can be a significant financial hardship on public servants who still must earn a living on the side — and whether the system gives greater opportunities to lawmakers who are independently wealthy.

The constituents of a lawmaker who must devote time to working outside state government are at a disadvantage, said Rep. Elliott Naishtat, an Austin Democrat and attorney. He added that a part-time, low-pay Legislature empowered legislative staff and lobbyists — who are paid full-time to monitor issues affecting state policy — over elected officials.

“It’s difficult to run a \$180 billion venture or ‘business’ on a limited, part-time, biennial basis,” he said. “Those of us who have to work for a living have less time to devote to being the best legislator that we can be because we have to work.”

Not all lawmakers agree. Rep. James White, a Hillister Republican who left his job as a schoolteacher to take office in 2011, said he didn’t consider the low pay a “hardship.” But he did acknowledge that as a single man without a family it was easier for him than others to keep a modest lifestyle. When he is not in Austin or campaigning, White does consulting work for the forestry industry to generate income.

Because of the flexibility it offers, consulting can be an attractive option for lawmakers who need to pay their bills, said Coleman, who also runs a Houston consulting firm. But even there, it’s difficult to avoid the challenges that face lawmakers in most professions.

“People don’t like to pay folks who aren’t there,” Coleman said, noting that the novelty of hiring a legislator can quickly wear off.

And the employers who are eager to hire a lawmaker might not be doing it for the right reasons, he said.

“Wink, wink, they are really trying to get you to work on their issues inside the government,” he said. “And if it’s somebody who is legitimate, they don’t want the risk of the actual legislator getting into trouble, because it pushes back on them, it makes them look bad.”

There hasn’t been a major move to raise lawmakers’ annual compensation since 1989, when a measure that would have set salaries at around \$23,000 a year — or one-fourth of the governor’s pay, which the Legislature sets — failed 2-to-1 at the ballot box.

More than two decades later, the political tides remain unlikely to shift.

“I don’t see it as I work and I am a member of the Legislature,” Coleman said. “I see it as I work so I can be a member of the Legislature.”

## #5 Lawmakers & conflict of interest

Neil Thomas, *Texas Tribune*, 8-9-17

Like most higher education institutions, Houston Community College officials had a lot they wanted state legislators to do for them in Austin earlier this year. The school found a champion in a veteran Democratic senator from Dallas. Sen. Royce West, who sits on both the higher education and finance committees, came through big for HCC and other community colleges, shepherding dual-credit legislation — which an HCC administrator called a “high-priority opportunity” — through a committee, the floor of the Texas Senate and onto the desk of Republican Gov. Greg Abbott....

During the legislative session, HCC also selected the law practice of Rep. Ana Hernandez, D-Houston, for its legal services pool, despite ranking Soto Hernandez 17th out of 20 bidders based on criteria including qualifications and experience. Two months earlier, Hernandez had filed House Bill 254 to help standardize the course numbering system used in public colleges — a proposal HCC administrators called a “key bill” during the legislative session. It’s not clear whether HCC has used West’s or Hernandez’s firms for legal services yet.

“Almost a **quid pro quo**” is how political scientist Mark Jones describes the situation. The Rice University professor said it’s a “smart move” for public education institutions to contract with state legislators because “you are more likely to have them as a friend if you hire their firm. It goes without saying that state legislators occupy a privileged position, compared to rivals who do not occupy the same position, because they can influence legislation that directly affects these public entities,” Jones said. “And ignoring contract bids from state lawmakers, he said, “could come back to haunt you.”

Both West and Hernandez said they did not consider their relationship with HCC to be a conflict of interest. New public information excludes smaller contracts. In Texas, lawmakers earn just \$7,200 per year as part-time public servants. They all have regular jobs —

many are lawyers or doctors or consultants. And some of them have business relationships with public entities — such as community colleges, utility districts and housing authorities — that depend on the Legislature to approve their budgets, decide how much taxpayer money they receive and pass the laws that regulate their operations. Some of those entities owe their very existence to the Legislature.

Under state ethics laws, such apparent conflicts of interest aren't prohibited. Lawmakers are banned from doing business with the state or counties — but only when that business relationship is specifically approved by legislation while they're serving at the Capitol. But that doesn't cover thousands of other public entities like community colleges — which means it's perfectly legal for West and Hernandez to earn money doing legal work for HCC after promoting bills that would help the school.

Until recently, such financial disclosures were largely hidden from voters — available only if you waded through the records of thousands of public entities. But in 2015, [a law was passed and signed by the Governor], which for the first time shed light on financial deals between public entities like HCC and businesses they contract with, which required those businesses to reveal who controls them — as well as anyone they hire to hammer out deals with public entities. [The law] was designed to ensure the public could discover whether legislators have conflicts of interest that voters should know about.... Since... the Texas Ethics Commission has published "Form 1295" disclosures on its website. The Texas Tribune searched these filings and found that several state lawmakers were involved in almost 100 contracts with public entities. The number could be higher: Form 1295 filings are only required for contracts of at least \$1 million, or those that require approval by the public entity's governing body....

Anthony Gutierrez, executive director of Common Cause Texas, a nonpartisan group that advocates for public accountability, says there's a "huge potential for conflicts of interest" when politicians get involved in public contracts. He says Texas needs a "drastic overhaul" of its "toothless" ethics rules so that "transparency is built into the system."

#### **Who decides a conflict of interest? Lawmakers**

The state Constitution requires legislators to disclose any "personal or private interest" they have in bills that

come before them, then recuse themselves from voting on those bills. But the Texas Government Code says that rule doesn't apply if the benefit a legislator could get from a bill is the same as anyone else in their industry. However, the code also says state officers and employees "should not" engage in business activities that "could reasonably be expected to impair" their "independence of judgment" while performing official duties.

The kicker is that the Ethics Commission can't enforce this section of the code against lawmakers. If state employees violate these directives, they can be fired. But if legislators — who are elected by the voters — violate the same provisions, nothing happens. That's because the commission has repeatedly ruled that it's a matter of "personal ethics" for legislators to decide if their own outside employment is a conflict of interest. Craig McDonald, director of Texans for Public Justice, a liberal watchdog group, said West and Hernandez appear to be "doing special favors" for organizations in which they have a business interest.

#### **Lawmakers explain HCC contracts**

Hernandez's law firm, Soto Hernandez, won a three-year spot in the HCC pool to provide legal advice in the area of "general education services" — although the firm doesn't list education services as one of its practice areas. HCC's Evaluation Committee ranked Soto Hernandez fifth out of eight "small" firms (and 17th out of all 20 firms) that competed to be in that section of the pool.

In addition to sponsoring HB 254, Hernandez voted for three bills that HCC had identified as priorities: HB 1638, the bill that West sponsored in the Senate; Senate Bill 887, which mandated disclosure of certain loan information to students; and Senate Bill 2118, which allowed certain community or junior colleges to offer bachelor's degrees in the "high-need" fields of nursing, applied science and applied technology....

Hernandez told the Tribune she is new to running a law firm and is unsure about how the HCC legal services pool works. She could not say what providing "general education services" to HCC might entail.

Meanwhile, West filed Senate Bills 2086 and 2122, which made it easier for community college students to transfer to four-year universities — a legislative priority for HCC. West helped vote both bills through committees before their progress stalled in the House. Like Hernandez, he also voted for several other bills

that HCC supported. West said pushing legislation that could benefit a college that his law firm may do legal work for was not a conflict of interest, saying “the bills benefit most students in Texas.” He cited his voting record on ethics reform and said he believes in transparency....

### **Taking action is “on the voters”**

Abbott spokesman John Wittman told the Tribune that the governor, who declared an “ethics emergency” this year, “will continue to advocate for stronger ethics reform going forward” because he believes lawmakers should “be voting with the taxpayers’ pocketbooks in mind, not their own.” But experts do not expect much progress. Brandon Rottinghaus, a professor of political science at the University of Houston, said, “Just about the only time you’ll find bipartisanship in Austin is bipartisanship against ethics reform.”

This year, ...House Bill 501, which requires legislators to disclose contracts with public authorities worth \$10,000 or more — much lower than the current \$1 million threshold. Lawmakers would also be required to report any work as bond lawyers for political subdivisions — a practice Abbott has called “unethical” and “particularly reprehensible” because the lawmakers are paid not by corporations but by taxpayers. Abbott signed the bill, which will take effect in 2019.

However, under Texas law it will remain a question of “personal ethics” whether lawmakers who author bills that help their clients decide to recuse themselves from votes, committee hearings and other legislative activities that affect those clients.

Without a stronger ethics law, the “appropriate” way for lawmakers to be disciplined for conflicts of interest involving their private business dealing is — according to a 1975 legal opinion from the Attorney General’s Office — for their colleagues in the Legislature to vote for their punishment or expulsion.... In his view, it’s then “on the voters” to decide whether to act on that information.

## **#6 How the Legislature really works**

Ken Herman, *Austin American-Statesman*, 3-21-17

We’re just about halfway through the 140-day legislative session. [In first 70 days], 8,274 pieces of legislation had been filed and 1,241 had been approved. Sounds pretty productive until you realize that 1,226 of the approved measures were resolutions honoring stuff like really nice dead

people, a hometown church or winners of the Robstown school district’s coveted “Proud You’re A Picker Award.”

So, utilizing basic arithmetic, this means in half a legislative session, 15 real pieces of legislation have been approved by our hard-working legislators and the other ones. At that rate, we can look forward to a total of 30 real pieces of legislation by the time the session ends May 29. Doesn’t sound like much, I know. But look at it this way: Thirty problems solved for all time....

**There are several things you need to understand about how things work at our Texas Capitol.**

**First, things work.**

**Second, there is method to the madness, which is reassuring because there also is madness in the method....**

The session began Jan. 10; March 10 (the 60th day of the session) was the deadline for filing bills....

No measures other than those declared emergencies by the governor can be considered on the House or Senate floor prior to that 60th day.

The concept here is to make time for committees’ thoughtful consideration of bills.

**Committee hearings are the heart of the legislative process.** And bills don’t get to the House or Senate floor without proof they have the votes for approval. Among the rarest creatures at the Texas Capitol are bills voted down in a chamber. Bills sometimes get significantly amended in floor debate. But they’re rarely killed. **So the committees and backrooms can be where important decisions are made.** You’re cordially invited to the committee hearings. But all you know about the backrooms is that they’re in the back.

Some facts about most committee hearings: Legislators wander in and out during them. Sometimes it’s just because they really don’t care. Sometimes it’s because they have another committee meeting to attend. Sometimes there’s some important backrooming to be done...

Another thing to know about committee meetings: These are not elections. **I often see complaints that Committee X approved Bill Y although a zillion witnesses testified against it and only four people testified for it. The best examples so far this year are the Senate committee hearings on the sanctuary cities and transgender bathroom bills.**

Seems wrong, right? Wrong. One side's ability to drum up a parade of witnesses does not necessarily impact lawmakers' votes. This can be especially true of bills involving folks (sometimes called "lobbyists") who've taken advantage of the unlimited generosity allowed by our campaign finance laws.

You know what might be even rarer than a bill that gets voted down in a legislative chamber? A legislator whose mind is changed on a bill as a result of witness testimony at a committee meeting. I'm sure it happens. I'm also sure it doesn't happen very often. And, just like witness testimony rarely impacts votes, neither do Capitol steps rallies. They're probably good for the souls of the rallyers, but don't count on changing any legislators' hearts or votes. What matters most to them is pleasing voters back home and lobbyists in the Capitol — and not necessarily in that order.

Here's another thing to know about the legislative process. When your side is losing on a particular issue, you don't score points with this tired whine: Instead of working on (issue my side is losing on), why don't lawmakers spend more time on (major issue everybody agrees is a major issue)? ....

## #7 Large donors bankroll many Texas candidates

Sarah Ferris, *Houston Chronicle*, 7-18-13

Texas congressional candidates rely far more heavily on large donors than office-seekers in other states do, a Houston Chronicle analysis of federal campaign data for the 2012 election cycle found. Three-quarters of Texas' congressional candidates collected less than 5 percent of their campaign funds from donations under \$200 last year, a rate that is lower than all but nine other states.

A majority of checks from high-dollar Texas contributions went to Republicans, with just 15 percent of large donors siding with Democrats. Houston, the top city for big-dollar campaign cash, supplied 28 percent of all large donations from Texas last year. The reliance on larger contributions increases the political influence of wealthy donors, said Pete Quist, research director for the National Institute of Money in State Politics. For congressional contenders, it means a shorter path to campaign dollars.

### A powerful minority

"It's a lot easier for the candidates to just go up to these few donors and get the robust funding of their

campaigns done," Quist said.

To fuel the record-setting spending of the most recent election campaign, candidates turned to a powerful minority composed of 31,385 mega-donors across the country. That wealthy stratum, including 2,700 Texans, funded nearly one-third of last year's \$6 billion election in spending.

Dallas billionaire Harold Simmons, who led Texas in Super PAC spending last year, recorded donations of \$25 million. He gave money to 15 candidates, including high-profile out-of-state Republicans Rep. Michele Bachmann, R-Minn., and Sen. Marco Rubio, R-Fla.

Texas ranked third in big-dollar donations across the nation, behind only New York (fueled by Wall Street) and California (fueled by Silicon Valley and Hollywood).

More than half of Texas candidates reported receiving at least 15 percent of their cash last year from mega-donors, a total of about \$200 million.

### Mega-donor support

Republican Rep. Roger Williams of Weatherford, a former Texas secretary of state, had the second-largest share of campaign haul from mega-donors nationally — totaling 38.7 percent. The only candidate with a higher share of big-money contributions was House Minority Leader Nancy Pelosi, D-Calif., at 40 percent.

Less than 2 percent of Williams' \$3.1 million campaign chest last year came from small donations, compared with the 64 percent recorded by Rep. Alan Grayson, D-Fla., who received the most of any victorious candidate.

Sen. Ted Cruz relied on wealthy donors for nearly one-third of campaign funding, second among Texans. But the tea party freshman also raked in the most money from small donors: Donations under \$200 comprised 17 percent of his fundraising, which is 5 percentage points higher than the national average.

### Wealthy 'gatekeepers'

Lee Drutman, a senior fellow with the Sunlight Foundation who compiled and analyzed data on a national scale, called wealthy donors "gatekeepers" who largely decide what candidates can run for office.

Drutman said the people who can write the biggest checks for a campaign become "the people you're going to listen to" as a candidate or elected official. And that sometimes affects policy, he said. "It means that you cannot afford to alienate any rich donors. That really

limits the policies that you can support as a lawmaker,” he said.

Drutman said it’s difficult to combat the growing clout of mega-donors when it costs \$1.5 million to run for a House seat and \$10 million to run for a Senate seat. “As costs of election continue to rise, it becomes harder and harder to compete if you don’t have ability to tap into large donors,” Drutman said. “In the hour of Super PACs and ‘dark money’ organizations, every candidate wants to make sure they have a big war chest.”

## #8 Five Ways the Supreme Court Transformed Campaign Finance

Paul Barrett, *Boomberg Business Week*, 1-14-15

In 2010, when the Supreme Court dropped a bomb called *Citizens United v. FEC* on the campaign-finance system, liberals warned that hard-to-track political spending by outside interest groups would explode. If anything, the alarms underestimated the decision's effects. That's the finding of a study released [in January, 2015] by the left-leaning Brennan Center for Justice at New York University School of Law. The Brennan Center analyzed spending in U.S. Senate elections since 2010. That focus makes sense, because in each of the past three two-year election cycles, control of the Senate was thought to be up for grabs. Spending by outside groups—the sort of spending deregulated by Citizens United—could be expected to be elevated. Here are some highlights or—depending on your opinion of the heavy-spending industrialist Koch brothers on the right, or money-where-his-mouth-is climate activist Tom Steyer on the left—lowlights:

### 1. Super PACs and other outside groups

**doubled their spending.** These organizations, which under Citizens United can take contributions of unlimited size, spent \$486 million in 2014 Senate elections, more than twice what they spent in 2010. And those figures are underestimates. The Federal Election Commission data they're based on don't include spending on certain "issue ads" that doesn't have to be reported.

### 2. Outside groups spent more than the candidates themselves in 2014's closest races.

Let that sink in: The PACs, some of them devoted to narrow single-issue agendas, arguably have more media influence than the people running for office. Across the 10 competitive races for which the Brennan Center had candidate spending data,

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outside groups accounted for 47 percent of spending. Candidates: just 41 percent. Remember those quaint things called political parties? They accounted for only 12 percent. In four contests (Alaska, Colorado, Iowa, and North Carolina), candidates ponied up only a third or less of the total expenditures.

### 3. It's a rich person's game.

Of the 10 heaviest-spending super PACs in the most competitive Senate races in 2014, Brennan reported, "all but two got less than 1 percent of their individual contributions from small donors of \$200 or less.

Average contributions from donors of more than \$200 were in the five- and six-figure range. Across all federal elections since Citizens United was decided in 2010, there has been more than \$1 billion in super PAC spending. Just 195 individuals and their spouses gave almost 60 percent of that money—more than \$600 million."

### 4. It's getting darker out there.

"Dark money" in Senate races—that for which outside groups don't have to disclose donors' identities—has more than doubled to \$226 million. Almost half of the \$1 billion in 2014 dollars outside groups invested in Senate elections over the past three cycles was dark money.

### 5. Democrats have checkbooks, too.

It's always worth digging into the tables in reports like this. One lists the top 10 outside spenders in 11 "toss-up" Senate races. Seven of the 10 are conservative (the National Republican Senatorial Committee, Crossroads GPS, U.S. Chamber of Commerce, National Rifle Association's Political Victory Fund, and so forth). But the two biggest spenders are the Democratic Senatorial Campaign Committee (\$54.6 million) and the Senate Majority PAC (\$46.6 million). The other liberal group that made the list at No. 7 was liberal investor and philanthropist Tom Steyer's Next Gen Climate Action Committee (\$19 million). As a group, the seven conservative groups outspent their three liberal rivals.

## #9 Should it be easier to vote in Texas?

Ross Ramsey, *Texas Tribune*, 3-9-22

People wait in line to cast their votes in the primary election at Collin College in McKinney on March 1, 2022. People waited in line last week to cast their votes in the primary election at Collin College in

McKinney. Credit: Shelby Tauber for The Texas Tribune

You call a popular, busy restaurant to make a reservation. They tell you they only take reservations from 5 to 6 p.m. You make a note to call back. When you do, the line is busy and you can't get through. They didn't prevent you from dining there. They just made it too hard. It's easy to see that they're going to lose some customers, but maybe it doesn't matter — maybe they're so busy and profitable that they can afford to make things inconvenient.

Now imagine letting the managers of that restaurant run your elections.

That's how the state's new election laws make it harder to vote. Republicans pushing the new law said they were trying to make sure elections in Texas are more secure — harder to cheat. But numerous investigations have failed to produce more than a smattering of fraud in Texas elections, and none large enough to change election outcomes.

In the process of addressing a problem they cannot prove exists, they've created friction where it's not needed, inventing new hassles instead of knocking down existing obstacles.

If state lawmakers wanted everybody to vote, they'd make it easy for everybody to vote. You would be able to register online, like voters in 42 states and the District of Columbia are allowed to do, according to the National Conference of State Legislatures. Texas lets you fill out the form online, then print it out, sign it, put it in a stamped envelope and mail it in. State of the art, circa 1992.

Twenty states allow voters to register at the same time they go vote. Two more allow it only during early voting, and one more — Virginia — will have a new same-day registration law in force later this year.

In 23 states, all voters are allowed to vote by mail, at least in some elections. In eight states, that applies to all elections, and two more states leave the option to county officials. Nine states allow universal voting by mail in small elections, and four allow it in specific small jurisdictions.

Voting by mail was a particular concern of Texas lawmakers during last year's legislative sessions. In 2020, Harris County officials sent vote-by-mail applications to all registered voters, offering them a chance to vote remotely during the height of the pandemic. It's now illegal for government officials to

mail those applications, except when voters request them.

What's more, the forms have been redesigned and made somewhat more complicated, a regular complaint from Texas voters in both the Democratic and Republican primaries this year.

Lawmakers knocked down other voter-friendly ideas from earlier elections, like 24/7 voting that let people vote around the clock during the state's early voting period, and drive-thru voting that made casting a ballot as easy as picking up a burger and a shake.

Turnout in this month's primaries stunk: 82.5% of the state's registered voters did not show up for either the Democratic or Republican primary. You can't blame complex and punitive voting laws for the evident apathy in those numbers. But the laws don't help. These are registered voters who aren't voting — not eligible adults who aren't even engaged enough to register.

A restaurant or any other business that wasn't reaching more than 4 out of 5 people who'd shown that level of interest would be eliminating obstacles to make things attractive and simple for customers.

But elected officials in Texas don't run the state like a business — and they don't award state employees who do that, either. Particularly when it comes to the inefficient and byzantine election system that puts them in office and keeps them there.

They've solved the politics. The result is a problem for the rest of us.

## #10 Dominant party depends on straight-ticket voting.

Ross Ramsey, *The Texas Tribune*, 8-3-18

Texas elects its judges, leaving the nearly anonymous people in charge of the third branch of state government in the hands of voters who have only the vaguest idea of who they are. It's one of the built-in problems of running a big state. Ballots are long. Attention spans are short. Judges are almost as invisible as they are important — a critical part of government located a long way from the noisy and partisan front lines of civics and politics. The top of the ballot gets the attention. The bottom of the ballot gets leftovers.

When a party's candidates at the top of the ticket are doing well, it bodes well for that party's candidates at the bottom — for the time being



anyway. For at least one more election, Texans will be able to cast straight-party votes — choosing everybody on their party's ticket without going race-by-race through sometimes long ballots. Texas lawmakers decided last year to get rid of the straight-ticket option starting in 2020. It's a Republican Legislature and governor and straight-ticket Democrats in Dallas and Harris and other big counties have been making early retirees of Republican judges in recent elections. It's easy to find supporters of straight-ticket voting in any political circle in Texas. What's tough on a party's judges in El Paso County might be good for the same party's judges in Collin County. It's popular with voters, too: nearly 64 percent of the votes cast in the state's 10 largest counties in 2016 were straight-party votes.

You can see why Republicans are against it now: Their straight-party votes outnumbered the Democrats in only three of those counties in 2016. And why the Democrats who now want to keep it used to hate it: Republicans dominated one-punch voting in seven of the 10 biggest counties in 2004. And it doesn't matter what's happening statewide — just how the statewide candidates at the top of the ticket are doing in a particular place. When he was winning election to the governor's office in 2014, Republican Greg Abbott was losing to Democrat Wendy Davis in Dallas County. Guess how the day went for Republicans in countywide elections there that day? With the notable exception of Republican Susan Hawk in a hotly contested race for district attorney, every Republican with a Democratic opponent lost. Those with only Libertarian and/or Green Party opponents just topped 70 percent.

Without a change in law — always possible, with the Legislature in regular session early next year — this will be the last general election with straight-ticket voting. Which means it's the last

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time judges and other down-ballot candidates will have to pin their hopes and fears on whether their party is winning.

And some of them are worried indeed. Look, for example, at that 2014 Dallas County ballot: Ken Molberg, the only Democrat running for the state's 5th Court of Appeals, got 54.6 percent over Republican Craig Stoddart. Stoddart won in the other five counties served by the court and won the election. That's great for candidates like him, when

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it holds. But Dallas County has become a fortress for Democrats — enough to rattle Republicans at the top of the ballot and to make those at the bottom quake.

The Democrats, who sat out many judicial races in previous years, have candidates this year in most races for the 5th Court and other multi-county state appellate courts that are dominated by big population centers: 1st Court of Appeals in Houston (9 counties), 3rd in Austin (24 counties), 4th in San Antonio (32 counties), and 14th in Houston (10 counties). The Democrats are counting on big blue counties for upsets. The Republicans are hoping for offsetting turnout in each court's red counties.

When straight-ticket voting comes to an end in Texas, judges will to win by figuring out how to drag their supporters to the bottom of long ballots. For now, they have to worry about how their fellow partisans are doing at the top of the ticket — and whether the big blue counties will spoil their chances.

## #11 Lawmakers can turn to a bag of tricks to balance state budget

Ross Ramsey, *Texas Tribune*, 2-15-17

The Texas legislators writing the next two-year state budget are scrounging for dollars — looking for ways to cover the rising costs of current programs without raising your taxes. And respecting the fine tradition of political rhetoric, they might soon be pulling the same kinds of tricks Texans use to balance their family budgets when they don't want to or cannot cut spending: Delaying monthly payments, hitting the savings account or taking money set aside for other uses.

The possibilities range from the familiar to the unexpected and are generally unattractive — except in the face of budget cuts or tax increases.

In the state's case, that would mean pushing some payments from the last day of one budget cycle to the first day of the next one, an accounting sleight of hand budget-writers have relied upon many times before. In the state's case, it's a \$3-billion-plus shell game — meaning they can write a budget that's balanced and that's \$3 billion or more bigger than what they'd be writing without the delayed payments.

When times are flush — oil is booming, the sun is shining, the angels are singing — they pay it back, resetting the spring for the next downturn. Some folks get their noses out of joint about it, but voters have never seemed to mind that much.

It could mean spending some of the state's fat Rainy Day Fund — a cash-flow mechanism set up in the mid-1980s that has grown into a semi-sacred savings account. Conservatives have been cautious about spending it, particularly for ongoing expenses, but some have warmed to the idea of using some of that money for one-time expenses that are marbled throughout the state budget.

One of the hurdles in the current budget was created by lawmakers themselves. In an effort to set aside money for transportation projects, they asked voters to amend the state Constitution to earmark some sales tax money for that purpose. Voters overwhelmingly went along with that idea, and it means that \$4.71 billion in sales tax revenue that would have been available for general state spending in 2018-19 is instead going to roads. As with so many things, legislators built in an escape hatch — a provision that allows a two-thirds majority of lawmakers to take half of the highway money and use it for general spending. That would be \$2.3 billion and would surely raise a fuss from highway contractors, if not voters themselves.

But, with a tight budget and an electorate that is decidedly tax-averse, it's another kind of budget maneuver that's under discussion in Austin.

Some tricks are slicker — which makes them more attractive to the state's budget writers and more often put to use. For instance, property values in Texas have been rising steadily, raising the amount of property tax revenue for a given tax rate.

State legislators might soon be pulling the same kinds of tricks Texans use to balance their family budgets when they don't want to or cannot cut spending: Delaying monthly payments, hitting the savings account or taking money set aside for other uses.

That's tempting for a state that spends more money on education than in any other area of the budget (health and human services is close, but remains smaller). And legislators have taken advantage of the invisible tax increase, lowering what the state pays per student by \$339 per year over the last decade and leaving local taxpayers to make up the difference and to cover inflation — increasing their load by \$990 per student.

That helps balance the state budget in a way that's evident by looking at the House and Senate proposals for the 2018-19 biennium. According to the Legislative Budget Board, the state's obligation for education spending will drop \$3.6 billion in 2018-19 because of rising property values even as overall spending per student remains the same. That's the shift in costs due to your increased home value and, by extension, your higher school property taxes.

The House budget would raise state education spending by \$1.5 billion, while the Senate wouldn't raise it at all; both are relying on local property taxes to cover all or part of their share of public education spending and using the windfalls to cover other spending in the state budget.

That's a little trickier than raiding savings or delaying payments and as recent history has proved, it's a political twofer: Lawmakers use the local proceeds to balance the state budget, and they get to holler at local school boards for raising those pesky school property taxes at the same time.

It's a confusing time in school finance — a maelstrom of local and state governments trying to master a byzantine system that is faltering in every way but the most important one: The courts say it's broken, but constitutionally sound.

Talking — the bully pulpit, as Teddy Roosevelt called it — is one of the biggest powers available to a Texas governor. Greg Abbott is trying to trim the state budget with a speech....

## #12 Grab the pitchfork; We're gonna march down to the Capitol and burn Big Bidness in effigy for Chapter 313.

Chris Tomlinson, *Houston Chronicle*, 5-16-21

Texans should not be shocked to learn that politicians have a system to give companies a discount on one of the most burdensome, poorly considered and exploitative property tax systems devised by man. How did you think lobbyists pay for those bespoke suits?

We can get angry that corporations will get \$10 billion in tax breaks under Chapter 313 of the Texas Tax Code. We can feel outraged that the Texas Legislature installed so many loopholes that some companies abuse the program, and elected officials have made a hash of it.

But remember, Chapter 313 is a single law in a massive system of taxes, subsidies and incentives. Legislators can throw 313 out, but that won't solve the fundamental

injustice: Our entire government revenue system is geared to protect the wealthy from income taxes.

For years I have highlighted Texans' misplaced pride in the constitutional prohibition on income taxes. Every time some politician says Texas is great because it does not tax income, he or she is engaging in one of the greatest of all-time bait-and-switch cons.

**Texas is not a low-tax state, not even close. Texans' tax burden is middle-of-the-road when compared to other states. What sets us apart is who pays the taxes and how they are collected.**

Most state and local government revenues in Texas come from sales and property taxes. Here's the dirty little secret: High-earners spend a smaller proportion of their income on taxable items and housing than middle-class and low-wage workers.

Texas does not tax people based on how much money they make; we tax people on what they own and how much they spend. This is how property taxes become so unjust. Consider a surgeon who makes \$1 million a year. Then imagine a schoolteacher who is earning \$75,000 a year. The teacher bought her home in 1990 for \$150,000, but the appraisal district says it is now worth \$1.5 million. The doctor buys the house next door for \$1.5 million. Even with the homestead exemption, the teacher pays a far higher proportion of her income in taxes. The doctor gets a lower effective-tax rate.

Most other states use a **three-legged stool** to raise revenue: A significant income tax based on the ability to pay; a modest property tax that reflects personal wealth; and a sales tax that covers a person's consumption. All three taxes apply to individuals and companies.

When other states attempt to attract major capital investments, such as a Tesla factory, the governor offers tax credits. Since Texas's property taxes are incredibly burdensome, Chapter 313 is the best incentive available. In full disclosure, my wife's job at a previous company included convincing school districts to approve Chapter 313 applications in return for wind energy facilities. Some argue that since only some locations are windy enough for renewable power generation, such projects can't really move elsewhere. But a wind project in Texas that doesn't get a Chapter 313 agreement cannot compete with a project in the state that does.

Wind projects also compete with natural gas from hydraulically fractured wells, which is used to generate electricity. To encourage more natural gas production, the Legislature lowered the severance tax rate on gas from these so-called high-cost wells, a very valuable tax break. Some lawmakers are attacking Chapter 313 not because they are unfair to the average taxpayer but to defend the oil

and gas industry. Sen. Brian Birdwell's original legislation, SB 1255, sought to remove only "renewable energy electric generation" from the program to give natural gas an edge.

All those natural gas processing stations and pipelines that my investigative reporting colleagues identified that must be built in Texas? Birdwell's legislation would have let them keep avoiding property taxes.

In a perfect world, no government would offer incentives to the private sector. Lawmakers would pass fair and balanced taxes that promote a more equitable society. But that ain't happening here.

Texas lawmakers are on course to extend Chapter 313 for two more years without significant changes. There is no better outcome possible in the final weeks of this legislative session.

When they come back in two years, though, they should have a plan to overhaul the entire tax system. The fairest, simplest and best thing they can do is eliminate the school district property tax for everyone and replace it with a statewide income tax based on the adjusted gross income on our federal tax returns. Not as much fun as burning Big Bidness in effigy, but a lot more productive.

## What's Most Important in Your Textbook: *Collier et al., Lone Star Politics*

The following questions should enable the serious student, as he reads each chapter assignment, to spotlight the most important elements of the Collier text.

### Chapters 1, 2 & 11

1. What is the core value behind the traditionalistic political culture of Texas?
2. At the end of Chapter One a 130 year-old textbook has a problem identifying the heroes of the Alamo. What's the significance of this problem?
3. What group in Texas appears to be the "winner" under the current constitutional rules?
4. Why do the authors of your text use the word "plural" to describe Texas executive branch?
5. What two elements of the U.S. Constitution generate opposite instructions for the relationship of federal and state powers?
6. Which "typology" best fit Texas according to your text?
7. How does Dillon's Rule affect Texas City/LaMarque, Hitchcock or Dickinson in tailoring state law to fit a local need.

8. In Texas what is the relationship between property and income taxes?
9. What would make the top 3 list of issues of a typical medium-sized city in Texas?
10. In the chapter on the Texas Constitution what was the majority view of Texans on the role of government in general.
11. What are the major components of “machine politics” in city government?
12. What is the ultimate conclusion that the authors of your text make of the Texas Constitution?
13. To what degree does the Texas Constitution restrict domestic relationships including marriage?

### Chapters 3, 4 & 5

14. What is the difference between the delegate, trustee and politico theories of representation?
15. How important are each of the following to the organization of the legislature: the Speaker, the party caucuses, committee chairs, the Lieutenant Governor?
15. What is the lesson behind the story of the “killer bees”?
16. What are the tactics that a minority may use to defeat a bill of the floor of the Legislature? Is chubbing one of them?
17. What is a “killer amendment”?
18. How is the Speaker of the Texas House chosen? Describe the process.
19. In what way has Governor Perry attempted to increase his power as governor?
20. At what point can a governor claim the greatest benefit from a “popular mandate”?
21. How can the governor most effectively use the appointment power to affect the judicial branch?
22. What are the primary responsibilities of the State Board of Education? Just how many member does the Board have?
23. What are “Sunshine Laws”? Why don’t public officials like them?
24. What is the governor’s most significant source of influence over the Texas judiciary?

### Chapters 8, 9 & 10

25. Describe the process of voter registration in Texas.
26. What are the arguments for and against electronic voting in Texas?
27. What’s the difference between a closed, open and a blanket primary election?
28. What is the “Help America Vote Act? What was it’s most important change in voting habits?
29. What’s the difference between the “responsible party model” and the “electoral competition model”?
30. What is a “chronic minority”?

31. What are the consequences of weak parties?
32. What is the “Texas Two-Step”?
33. Describe party competition during the last 25 years?
34. How does the “revolving door” of Texas politics work?
35. How do organized interests represent their respective constituents?
36. Why is it so difficult to regulate the political activities and money contributions of organized interests? What role do PACs play?
37. At what point does an organized group move from lobbying to litigation to protect itself.

### Chapters 12, 13 & 14

38. What are the characteristics of the district courts of Texas?
39. What are the problems of the judiciary of Texas?
40. What is the difference between “punitive damage” and “compensatory damage”? Are there limits on amounts?
41. What is the best way to describe Texas’ “frontier justice”?
42. What were the allegations in *Ruiz v. Estelle* (1972)?
43. What justifies “capital murder” under Texas law?
44. What is “regressive” taxation; what are the best examples?
45. What is the “castle doctrine” and under what circumstances can it legally be used?
46. From the point of view of the Texas Legislature what is the proper relationship between highways and toll roads?
47. What’s the difference between a severance and an excise tax?
48. What is meant by “pay-as-you-go” in the current fiscal policy of Texas?
49. From where do Texas school districts get the most revenue?
50. What’s the background for “Robin Hood” school finance and the original court case?
51. What changes were made in Texas as a result of the “No Child Left Behind Act”?
52. What is the state of poverty in Texas today?
53. What is the state of health insurance in Texas according to your text?