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Reforming Consumer Protections

Frank Sharp not only pushed me over the finish line in the attorney general's race. He also turned my otherwise "pumpkin" consumer protection proposals into one of the Cinderella's coaches of the legislative session of 1973.

Despite my oft-proven ability to coax jurors to "vote" for my client, I knew I would be shouting into the wind if I was forced to sell my consumer protection ideas to the legislature as it existed in 1971. Juries are supposed to be, and generally are, open to hearing both sides of an argument before they make a decision. Their job is to answer yes-or-no questions in a search for the truth. With legislators, the opposite is more often the case. They run for office based upon strongly held positions and spend their political capital advocating and defending those positions. The legislative process is no search for the truth. It is a Darwinesque survival of the fittest.

"My mind's made up—don't try to confuse me with the facts" is their traditional humorous description of the reality of legislative committee hearings and floor debate. Those made-up minds, more often than not, are greatly influenced by the sources of political power legislators rely upon to get elected. Those sources might be hometown business leaders, the local coffee shop crowd, Austin lobbyists, a local political clique, or a combination of those sources. It is seldom the average Joe or Jane that is uppermost in legislators' minds. And those were the folks whom I was trying to help in my consumer protection proposal.

In 1971, a consumer protection bill that was not as far-reaching as the one I proposed was treated like a mouse in a cat den—tossed around for amusement and then disposed of. It enjoyed a modicum of support among the Senate's urban members but found zero backing in the House and garnered no interest from the attorney general or governor. Consumer advocates were offered polite hearings and then ignored.[1]