

A Journal of Free Voices

A Window to the South

Nov. 2, 1973

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Feedlots

Fonda

Fundamentalists

Houston transit

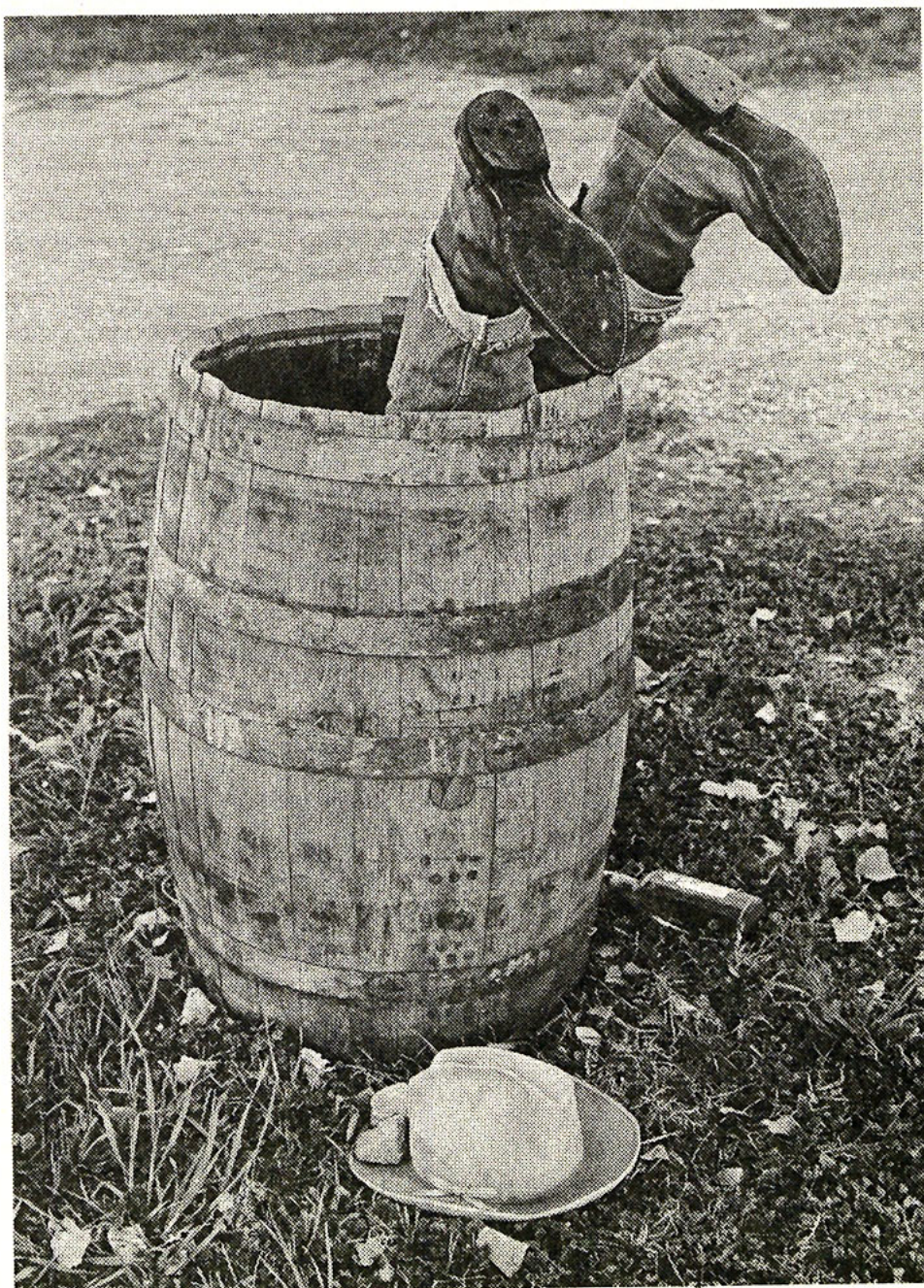
Hugh Yantis

& other yesmen

Nattering nabobs

&

Ne'er-do-wells



Robert Hinkle

The coming fortnight

By Suzanne Shelton

NOVEMBER GRAB BAG

TURN-ON - Ford Hall Forum continues excellent series of public radio addresses, with psychologist Dr. Thomas A. Harris, Nov. 11; Judith Crist, Nov. 18; Boston police commissioner Robert DeGrazia, Nov. 25; think tanker Herman Kahn, Dec. 2; local public radio stations.

MODERN ISMS - Constructivism, Suprematism, non-objectivism and such, representing "The Non-Objective World, 1914-1955," with works by Mondrian, Kandinsky, Albers, Calder, Moholy-Nagy, others; through Dec. 16, Huntington Gallery, Art Museum, University of Texas, Austin.

NOVEMBER 2

SOME CHICK - "Coq D 'Or, Rimsky-Korsakov's exciting opera, with Donald Gramm, Jeanette Scovotti, Irene Oliver, William Johns; also Nov. 4, 6, Dallas Civic Opera, Dallas.

WOLFF-MAN ED - Albee's "Everything in the Garden," with San Antonio Little Theatre cast; through Nov. 4, also Nov. 9-11, Arena Theatre, San Pedro Playhouse, San Antonio.

BEG YOUR PARDON - Lynn Anderson, the rose-garden gal, in concert; 8:30 p.m., Jones Hall, Houston.

COUNTRY COUSINS - Charlie Rich, current biggie on the country scene, with sidekick Tom T. Hall; 8 p.m., Municipal Auditorium, San Antonio; also Nov. 4, Music Hall, Houston.

SO LONG, SISTER - First Repertory Company presents screwy-scary "Killing of Sister George;" through Nov. 17, First Repertory Theatre, HemisFair Plaza, San Antonio.

NOVEMBER 3

FINE ARTS FEST - 32nd annual UT Fine Arts Festival opens with Benjamin Britten's fantasy opera borrowed from the Bard, "A Midsummer Night's Dream," staged by UT Opera Theatre; through Nov. 4, also Nov. 6, 10, UTOPIA (University of Texas Opera Project in Abeyance), University Junior High School, Austin.

PETER SERKIN - Famed pianist appears with Guarneri String Quartet, in concert; Jones Hall, Houston.

NOVEMBER 4

MULTI-MEDIA - Brass Winds of Odessa, Dance Ensemble of Amarillo, and Singing Boys of Houston Concert Choir team in UT Fine Arts

Festival concert; 4 p.m., Hogg Auditorium, University of Texas, Austin.

NOVEMBER 5

AMERICAN TROUBADOUR - Hal Shane, guitarist-singer of folk songs and ballads; 8:15 p.m., McFarlin Auditorium, Dallas.

FOLLOW THE LEADER - Jean Berger's "The Pied Piper" performed by University Chamber Singers; 8 p.m., Hogg Auditorium, University of Texas, Austin.

SYMPHONY - Carl Orff's ritualistic "Carmina Burana," with Lawrence Foster conducting Houston Symphony Orchestra; also Nov. 6, Jones Hall, Houston.

NOVEMBER 7

NYCB STARS - Helgi Tomasson, premier danseur with New York City Ballet, and Gelsey Kirkland, Balanchine's prima ballerina, perform *pas de deux* on program with San Antonio Ballet Company's complete "Sleeping Beauty"; 8 p.m., Laurie Auditorium, Trinity University, San Antonio.

GUITAR MAN - Noted guitarist Christopher Parkening in UT Solo Artist Series; 8 p.m., Hogg Auditorium, University of Texas, Austin; also appearing Nov. 9 with Austin Symphony Orchestra, Municipal Auditorium, Austin.

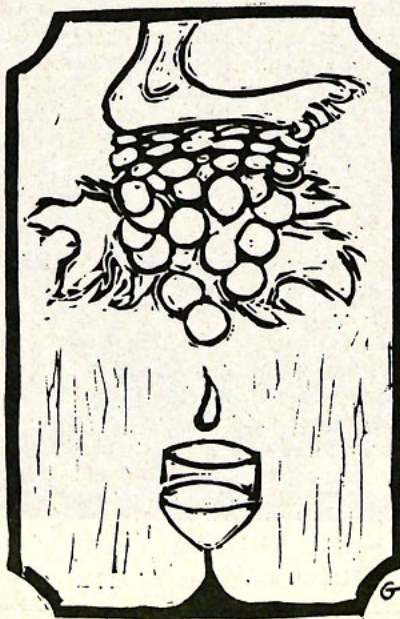
O'NEILL ONSTAGE - Eugene O'Neill's "Beyond the Horizon," performed by Trinity cast; Theater One, Trinity University, San Antonio.

NOVEMBER 8

CHAMBER MUSIC - French Chamber Orchestra, 12-member group of classical musicians, perform varied selections with violinist Jean-Pierre Wallez; 8 p.m., Laurie Auditorium, Trinity University, San Antonio.

GREASY KID STUFF - Rock musical that cashed in on 50s fad, "Grease," complete with ducktails, bobby sox, and national touring company cast; 8:30 p.m., Theatre for the Performing Arts, HemisFair Plaza, San Antonio, Nov. 9-11, Music Hall, Houston.

BAND MUZAK - Good old banging band



concert, with Texas Tech Stage Band; Texas Tech University, Lubbock.

OPERA - Henry Purcell's "Dido and Aeneas," performed by Trinity lovers of grand old opry; Attic Two Theatre, Trinity University, San Antonio.

NOVEMBER 9

WHO, ME? - "You, Me and Who," new musical play for youngsters created by Houston's High School of Performing Arts students; 8 p.m., Hogg Auditorium, University of Texas, Austin.

NOVEMBER 10

MASTERSINGERS - Marvlee Cariaga, contralto, and Mastersingers, conducted by Roger Melone, perform Haydn "Symphony No. 93," Brahms "Alto Rhapsody" and Prokofieff's "Alexander Nevsky;" 8:30 p.m., Theatre for the Performing Arts; also Nov. 12, Laurie Auditorium, Trinity University, San Antonio.

NOVEMBER 11

ALL-BRITTEN CONCERT - Benjamin Britten on tap, with performances by faculty artists of his "Serenade for Tenor, Horn, Strings, Op. 31" plus other works; 8 p.m., Hogg Auditorium, University of Texas, Austin.

SWEET CHARLEY PRIDE - Country Charley with special guests, Ronnie Milsap and the Four Guys, in concert; 3 p.m. and 8 p.m., Municipal Auditorium, San Antonio.

ROD THE K - Rod Kennedy rounds up his geriatric groupies for another nostalgia night, with Glenn Miller Orchestra providing dance vibes; Municipal Auditorium, Austin.

NOVEMBER 12

CHAMBER MUSIC - Salzburg Mozarteum String Quartet is the real stuff, in concert; 8:15 p.m., University Center Ballroom, Texas Tech University, Lubbock.

OPERA STAR - First Austin recital of opera star Mattiwilda Dobbs, now on UT music faculty, with cycle of children's songs by Leonard Bernstein; 8 p.m., Hogg Auditorium, University of Texas, Austin.

MOVABLE CONCERT - James Rives Jones conducts SMU Chamber Orchestra in Berio's one-act opera, "Passaggio," in Bob Hope Theatre, at conclusion of which audience will move to nearby Caruth Auditorium to hear Bach's "Brandenburg Concerto No. 5" and Haydn's 31st symphony; Southern Methodist University, Dallas.

PRAY LATER - Hart and Kaufmann's "You Can't Take It With You," performed by SWTS drama students; through Nov. 17, University Theatre, Southwest Texas State University, San Marcos.

NOVEMBER 13

FIGARO, FIGARO - Mozart's light-hearted "Marriage of Figaro," with Houston Grand Opera and guests Robert Shiesley and Carol Wilcox; also Nov. 16-18, Jones Hall, Houston.

THESIS PLAY - Esmeralda Garza of Mission directs Edward Albee's "Ballad of the Sad Cafe" in UT Masters of Fine Arts workshop series; through Nov. 16, Drama Building Theater Room, University of Texas, Austin.

Miami/Pampa

The chief trouble with Mr. Philpott's feedlot is that it is not his. If it were, he wouldn't have built it in his front yard.

The feedlot in Mr. Philpott's front yard belongs to Mr. Philpott's neighbor and former friend Gene O. (Buddy) Cockrell. Cockrell does not object to having a feedlot in his side yard. The brothers Philpott, three of them, not to mention their wives, sister and other neighbors, object strenuously. So strenuously that in the minds of the many public officials who have to listen to their complaints the feedlot is always thought of as the Philpott feedlot. Despite the complaints, there are now approximately 20,000 cows excreting mightily in the middle of the Philpott neighborhood. In brief, the Texas Air Control Board has struck again.

For those city dwellers among you it should be explained that a feedlot is a relatively new phenomenon in the cattle business. We've had them here in Texas for only about 20 years and feedlots with more than 1,000 head were almost unheard of before the mid-1960's. But the southern great plains region of Texas (also known as the Panhandle) happens to be a dandy place for feedlots. According to the Texas Cattlefeeders Association, the industry now pumps \$6 billion a year into the economy of the Panhandle. According to feedlot men, Americans will no longer buy range cattle: they haven't the marbling and finish consumers demand. So cattle are sent to feedlots for an average of 150 days of constant feeding on an enriched diet. Attached to each feedlot is a feedmill that steams, grinds and mixes milo, corn, alfalfa, hay, cottonseed meal and a lot of other delicious stuff for cows. A cow can ingest three percent of its body weight every day. It can also egest up to 16 pounds of enriched manure every day: with 20,000 cows, that's the equivalent of the raw sewage produced daily by a city of 320,000 people. And that's what's sitting in the Philpotts' front yard. Not to mince words, feedlots stink. They probably stink worse than anything else in the state, except maybe paper mills. Even hardy folk who enjoy the sharp, natural odor of a fresh cowpie find feedlots overpowering.

FEEDLOT COUNTRY starts about where you begin to get Clarence Zugenbuler's stock report from Fort Worth

on the radio. On a clear day you can see forever in that country — the high, treeless plains stretch to infinity under a sky that can produce fantastic cloud mountains and sunsets so purty they'll break your heart. The country is also marked by playa lakes, natural depressions that seem almost heaven-made for feedlot runoff, since they're of no use for anything else. Playa lakes have almost impenetrable bottoms of heavy clay, sometimes called Randall clay. A good playa lake never floods, which is just as well because if feedlot runoff ever gets into a live stream, it's all over for everything live in it. According to Don Skraggins, west Texas coordinator for the Texas Water Quality Board, feedlot runoff is anywhere from 10 to 50 times as strong as normal, domestic runoff. Consequently, letting it get into a live stream or lake is *verboten*.

Over 80 percent of the confined feeding in Texas is done on the high plains, partly because of the proximity to grain and sorghum and mostly because of the cold, dry weather. "Precipitation is the problem," said G. I. Wallin, permits engineer with the Texas Air Control Board. "Humidity worsens the odor problem and when you have an odor problem, the efficiencies are way down." This is true: although all feedlots stink, some stink a lot worse than others. You can go into a pen in a clean feedlot and pick up dry manure that smells just like feed. But you can also see manure mountains in some lots big enough for 15 or 20 cows to stand on, and when those manure mountains get wet . . . "I've seen cows standing belly deep in muck, wet manure," said Wallin, looking pained at the memory.

The object is to periodically scrape the manure in feedlot pens into a heap at the center of the pen. The lot should be so shaped that water will drain out of it, thus preventing "ponding" — standing, stagnant, stinking water. When the heap of manure in the center of the lot gets large enough (not too large — manure mountains are too large) it can be hauled off for fertilizer. Hauling is a smelly process no matter when it's done, but the Air Control Board does require that it be done only in very dry weather and under certain wind conditions. A manure heap, in dry weather, naturally

forms a hard crust and doesn't stink. But it stinks when you move it. According to Cockrell, commercial fertilizer has gone sky-high, from \$80 to \$130 a ton and farmers can't get it anyway: there's even a blackmarket in it. Further according to Cockrell, manure costs \$2 to \$2.25 a ton and one can use up to 20 tons on an acre. Clearly a good buy. Cockrell foresees no difficulty in the disposition of his manure. The smell from manure is not, relatively, much of a problem when the weather is dry, but then there is dust. When it is dry, penned cattle stir up dust until it hangs over a feedlot like Joe Bltfspk's cloud. The Air Board requires feedlot operators to have either a sprinkler system or sprinkler trucks that allegedly control the dust problem. Then there are the flies. Feedlot operators are required both to dip the cattle that come in, which holds down the flies, and to spray insecticides. The brain-boggler left is, how bad would the flies be if feedlot operators didn't dip and spray? There are a lot of flies around feedlots. A lot of flies.

NOW NONE of the Philpotts, not Kint nor Jim nor George nor Helen nor Marguerite or the Hendersons or the Harveys, object to feedlots *per se*: they just don't want one in the middle of the neighborhood. Neighborhood, in the Panhandle, is not your basic suburban square block. The Kint Philpott, the Jim Philpott and the Tom Henderson homes are all approximately 400 yards from the feedlot — less than a quarter of a mile. Within a half mile are the Lloyd Harvey and the Stella Airington homes. Charles Barden, executive secretary of the Air Control Board, much to the outrage of the Philpotts and friends, has described the neighborhood as "sparsely settled." In truth, you would have to look hard all over eastern Gray County to find a more densely populated area. If you have had occasion to visit greater metropolitan Mobeetie recently (not to mention New Mobeetie) you will realize that finding a stretch of land with nothing and no one around it for 10 miles in any direction is

not much of a problem in that part of the world.

Buddy Cockrell did indeed search for another location for his feedlot, he says. The two factors that set him back were cost and convenience — the feedlot is located just off Hwy. 152, which is a big plus for the constant parade of trucks hauling feed and cattle in and out of the place. Cockrell is a most disappointing villain: he is not only reasonable, in his fashion, but also charming. He's a big, big man who played football for O.U. and later pro ball as an offensive tackle in the Canadian league, with the Cleveland Browns and the New York Jets. He's been trading cattle since he was 16 and has long dreamed of setting up his own feedlot. He's lived in that area of the Panhandle all his life — his folks are ranchers there, but, as he points out, he's never inherited anything. He bought his land (ironically, from the Philpotts) 10 years ago. As he sees it, he's sunk a million dollars into this feedlot, he's working like a dog to make it go and all of a sudden he has all this grief because his neighbors can't stand the smell of a little cow poop. After the Philpotts, the Harveys, the Hendersons and Ms. Airington wrote a letter of protest last year to both the bank that gave Cockrell the loan to start the feedlot and the Small Business Administration, which insured the loan, Cockrell called a meeting of his neighbors and told them in no uncertain terms they'd damn well better show up. He then proceeded to scare the living lights out of them, roaring at them, pacing up and down, assuring them that he had talked to a top-flight Houston lawyer who had told Cockrell he had a lead pipe cinch case against his neighbors for ruining his

credit. Cockrell was going to sue all of them for the \$611,000 loan he might not get. Ms. Airington, recently widowed and now working in a Pampa children's clothing store to pay off the mortgage on her place, was terrified, according to her neighbors. Both she and the Tom Hendersons wrote and signed letters, dictated by Cockrell, to the bank and the SBA saying they had had no intention of reflecting adversely on Cockrell's credit. Cockrell had told them that if he didn't have the letters by 7 a.m. the next morning, he'd sue them.

IN ORDER TO build his feedlot, Cockrell had to get a permit from the Texas Water Quality Board, and a construction permit and an operating permit from the Texas Air Control Board. The Water Board, concerned solely with whether the feedlot runoff would harm a live stream, was satisfied with Cockrell's playa lake system. The TACB was the last, best hope the neighbors had for stopping the feedlot. The TACB has files on the Philpott feedlot case that take more than three hours to read. Many are the complications, kinks and subplots. For one thing, Cockrell was originally unaware that he needed a construction permit and was merrily constructing away without one for several months. According to Barden, this is not unusual. The TACB, notified by the neighbors of the imminent feedlot, in turn notified Cockrell that he had to apply for a permit, which he did, constructing all the while. At one point, the TACB went so far as to send the case over to the attorney general's office: violation of the TACB's regulations can get you anything from a \$50 to a \$1,000 a day fine. But Cockrell's

construction permit went through and no legal action was taken on the time lapse. There were a lot of missed connections between the TACB and the Cockrell neighbors. On one occasion, Virginia Harvey was notified that a regional inspector would be in the area on a certain day and wanted to talk to them all. He held a brief conference with the Harveys, went to visit the Cockrells and departed the area. The Philpotts, the Hendersons and Ms. Airington and Ms. Corbin stayed home all day, patiently waiting for the TACB man to call. On other occasions, TACB inspectors would stop by without advance warning and find no one home.

THE NEIGHBORS continued writing letters of complaint to the federal Environmental Protection Agency, Sens. Bentsen and Tower, the TACB, their state senator, their state representative, the local paper and everyone else they could think of.

They even wrote their congressman, Bob Price, although they felt it was a thoroughly futile effort. Bob Price, you see, is himself a rancher and a close friend of Buddy Cockrell's. Cockrell is emphatically Republican. When he first went down to Austin to apply for TWQB and TACB permits, the appointments were set up by another close friend, then-State Rep. Tom Christian. Christian remained interested in the problems his friend was having with state agencies. In the TACB's files is a letter from Barden to then-State Rep. Bill Finck, chairman of the appropriations committee under Speaker Rayford Price. Barden explained the board's actions in the Cockrell case to

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Ronnie Dugger, Publisher

A window to the South

A journal of free voices

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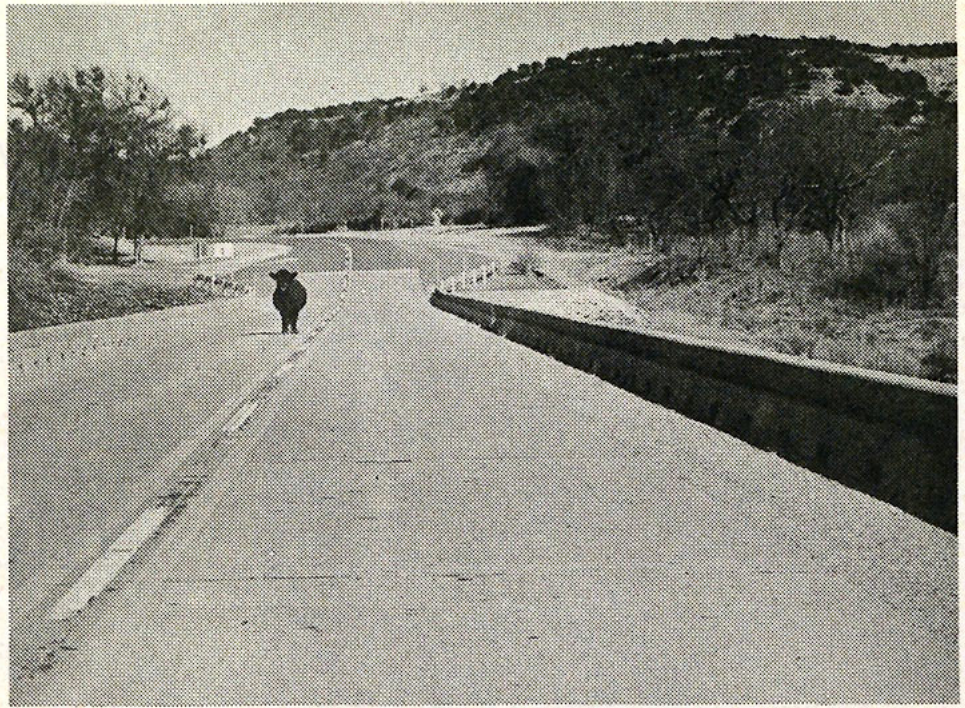
Another close friend of Cockrell's is Jack Camel, who was Bob Price's campaign manager last time out. Another big Price supporter is Ben Scroggins. Scroggins is Cockrell's lawyer and he handled all the negotiations with the TACB. It was through Price that two of the members of the Lubbock SBA board that approved Cockrell's loan got their appointments to that board. Price wrote a letter for Cockrell to that board urging their favorable consideration of the Cockrell loan. Price now has between 300 and 400 head of his own cattle in Cockrell's feedlot. None of this is unethical and it is certainly not unusual. It just gives Cockrell more influence, clout in dealing with state and federal agencies. Perhaps he wouldn't have needed it in any case. Perhaps he didn't even use it. But there is no question that the agencies involved knew he had it.

Skraggins, when asked if politics played a role in the TWQB's work, said, with the patient air of one who is called upon to explain the self-evident to the moronic, "This is a state agency. We operate within the framework of state government. Of course politics is involved."

It's what Sam Kinch, Jr., calls "the ol' regulatory commission trick": setting the fox to guard the chicken coop. The TWQB and the TACB, supposedly entrusted with securing and guarding the purity of Texas water and air, spend a lot of their time fighting the feds, who keep trying to make them clean up the water and the air. The TACB is even now preparing to sue the EPA because the EPA has set out some stringent anti-pollution controls. Better we should choke to death on our own smog and drown in our own sewage than accept dictatorship from Washington. Hugh Yantis, the director of the TWQB (see article this issue), is noted for his many amazing environmental statements, including his classic defense of what the Armco Steel Co. was dumping in the Houston Ship Channel. "Cyanide," said Yantis, "is a scare word." The TACB also has a distinguished tradition. Early on in its bureaucratic life, John Connally named John Files of Houston to the three-man board. Just a month before, *The Houston Post* had named Files "Polluter of the Month."

This grand old tradition continued under other governors. E. W. Robinson, who was appointed to the TACB by Preston Smith, told a Senate confirmation committee that he was opposed to pollution that would be very harmful. When asked what would be very harmful, Robinson volunteered that lead poisonin' an' such would be unacceptable. What about pollution that causes asthma and allergies, inquired a senator. Well, pointed out the reasonable Mr. Robinson, they don't kill ya.

But as Wallin points out, cases like the Cockrell-Philpott feedlot involve some very gray legal areas. How far does a man's right to do what he wants to with his own



Robert Hinkle

property extend when what he wants to do bothers his neighbors? A moot question. The Philpott neighborhood is not entirely pristine. There are, in fact, two small feedlots there already, two miles upwind. In fact, the Philpotts sold some of their land to those feedlots on a lease-purchase arrangement. But the Philpotts maintain that there is all the difference in the world between two small lots two miles away and one medium lot right across the road. Cockrell maintains folks' attitudes toward feedlots all depend on whether they're making money off of them — a not unreasonable theorem. In Deaf Smith County the whole town of Hereford is literally surrounded with feedlots, but the TACB never gets complaints from Deaf Smith, Wallin said. One recalls the old joke in Pasadena, outside Houston, which is distinguished by a godawful number of refining plants. "Ah, the smell of money," Pasadenans used to say, upon scenting the perfumed air.

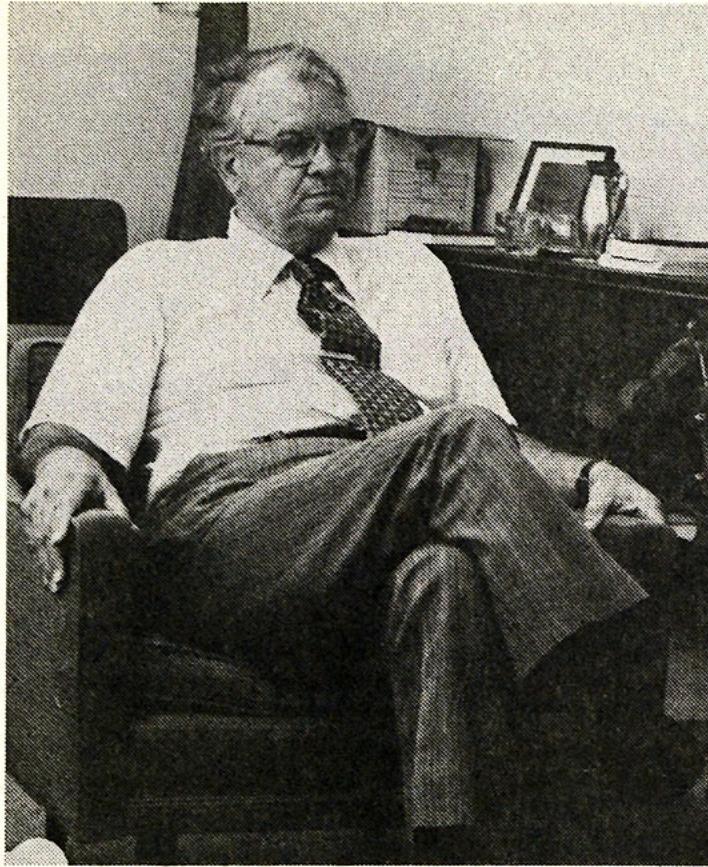
IT IS, for many reasons, easy to stand off from this matter, to view it with the brisk, albeit self-interested common sense of Buddy Cockrell, with the keeping-all-the-factors-in-mind (and weather eye out for who's got political clout) attitude of the TACB. The Cockrell's neighbors are not numerous. The Philpotts claim 44 persons on their side, but they are counting children and grandchildren who will someday inherit the land. There are only six residences in the immediate stink zone, not counting the Cockrell's. But somewhere, before all the TACB regulations were worked out and "sparsely populated" got defined and prevailing wind currents were charted and

humidity-efficiency factors worked out, there was an idea that state agencies assigned to police the environment were to be concerned with the quality of life.

Jim Philpott is 69 years old: he is widely held to be one of the best, if not the best wheat farmer for several counties around. Kint Philpott is 61: he has owned and farmed his land for 30 years. He and his wife built the home on their land for their retirement, most of it with their own hands. They built a catfish farm, mostly with their own hands, "as a hobby to occupy some of our idle time with hopes it will pay expenses and maybe show some profit." Virginia Harvey's family has been on that land for three generations. Her folks came there in a covered wagon in ought-eight. Her voice quavers when she says, "It's against my Christian upbringing, but I just cannot find it in me to like Buddy Cockrell." The Tom Hendersons have two children, Holly, 6, and a baby boy. They spent \$50 in one month on aerial spraying for their home to get the flies down so the kids could go outside to play.

These are house-proud people. They do not have the kind of elegant residences one sees in *Better Homes and Gardens*, but their glistening kitchens are filled with gizmos, their lawns all have crew cuts and their bric-a-brac is proudly displayed. When you walk out one of their doors on a crisp, clear day, with the wind whipping the prairie and big clouds flying across the sky, instead of dry, clean, country air, you get a lungful of the Cockrell feedlot. There are a lot of folks who have to put up with worse in this world. But the quality of life in that corner of the Panhandle is not much to brag about these days.

M.I.



Barbara Morrissey

Hugh Yantis

Maybe he just likes filthy water

By Robin Cravey

Austin, Houston

"A lot of people think you can't be friendly with industry, but I think you can," says Hugh Yantis, executive director of the Texas Water Quality Board. With this philosophy, Yantis has bought the friendship of industry at the expense of Texas water and earned the almost universal scorn of conservationists.

I first met Hugh Yantis in 1971. Dow Chemical's waste permit was due for revision at the next board meeting, so Dow and the water board staff were having a little get-together, the way they do down at the WQB. The two main participants were Dick Whittington for the water board and Johnny Layman for Dow. Yantis came in to say Hi and saw me taking notes. He volunteered that Dow had always been "good boys" and that I should say so in my article.

Yantis has lobbied against environmental bills in the Legislature. He has testified in court in behalf of polluters. He has ignored flagrant violations of water quality standards and delayed action on cleaner water in a hundred ways to the point that his dismissal has become a fond dream for many. That dismissal has almost become reality more than once.

So why does he stay where he is, doing

The writer is editor and publisher of Ecology in Texas, which Cravey hopes to begin publishing again next January.

what he does? Plenty of people will tell you he's on the take. Sure, they say, he has to be getting paid off. Well, I trekked over half this state looking for proof — or even circumstantial evidence — that Yantis gets paid off. Lots of people will say it. But no one can back it up. And Yantis lives modestly, the only way an honest state official can live on Texas salaries.

Yantis grew up in Austin and took his degree in chemical engineering at UT-Austin some 35 years ago. He worked his way through school at the State Highway Department. Even then, he says, he had a desire to work in the public health field. "I would see these notices on the bulletin board for public health engineers, and the idea intrigued me."

One of Yantis' college classmates was Walter Quebedeaux, who is now Harris County's zealous pollution control officer. "Oh, it was more than just being classmates," Yantis says. He tells stories about their being in Boy Scouts together and whose friend dated whose sister. Since those days Yantis and Quebedeaux have clashed again and again over pollution control methods, but each still considers the other a personal friend.

AFTER GRADUATION Yantis went to work for Humble Oil as an engineering cost accountant, figuring ways to save Humble money. He worked for Humble for nine years, taking three years

out as a Navy administrative engineer during World War II. During that time he lived with his wife and children in the Baytown and Houston areas. From 1947 to 1955, he worked as administrator for first one and then another small manufacturing company. In 1955, Yantis went to work as a lubrication engineer for Gulf Oil in Austin.

In 1958 Yantis got a job in the state Health Department's water pollution control division. The division employed only 18 people then. Yantis says it was in July of that year that the division entered the first stages of meaningful expansion. The next year another engineer talked to UT prof Ernest Gloyna about Health Department employees doing graduate work at the university. After that Yantis studied at UT in his spare time, going to classes in the evening and during lunch breaks. By 1965 he had earned a master's degree in environmental health engineering.

It was in 1961 that the Legislature transformed the division into the Water Pollution Control Board, though it was still part of the Health Department. At that time Walter Quebedeaux had already served for eight years as Harris County's pollution control officer. Quebedeaux smiles wryly at the mention of that creation of the WPCB, because it stripped counties of the authority to set water quality standards. He has never been satisfied with the standards set by the state.

When the Health Department's water pollution control division became the staff of the Water Pollution Control Board, Yantis' boss, Dave Smallhorst, was appointed executive secretary. Yantis' name began to appear in a few news articles as a "state water pollution control engineer" in the early sixties. During that time Yantis acted as the staff — at his own request — for three successive legislative interim committees on pollution. He says he "ghost wrote" their reports.

A landmark battle in Texas pollution control was fought in those days. In a lawsuit brought by Superior Oil, District Judge Herman Jones ruled in 1964 that the Railroad Commission's authority over the oil and gas industry extended to exclusive control over oil field pollution. Thus the Water Pollution Control Board had no authority over a major source of pollution in the state. The board appealed the ruling, but dropped its appeal in 1965 when the Legislature passed HB 785, expressly delegating the disputed authority to the Railroad Commission. The bill was sponsored by a Brenham legislator named Gus F. Mutscher. The Railroad Commission has exclusive authority over oil field pollution to this day.

Yantis recalls the case with humorous tales about Elmer Patman, Superior Oil's lawyer. "Of course we lost the case," he says. "We should have lost. It was clear that the Legislature intended for the Railroad Commission to handle that." He is satisfied with the commission's performance in the field, saying they already had the knowledge to act intelligently. And he says oil field brine is almost cleaned up, except for a few minor spots. (Cleaned up. I remembered an overcast winter day in the Big Thicket. I was standing with Geraldine Watson at the edge of a clearing in the barebranched woods, looking at an old rusted drilling platform. A brown lake of brine lay like a moat between us and the abandoned rig, a fine misty rain settling on the scum.)

In 1965 Smallhorst was reappointed executive secretary by the WPCB, and Yantis was made assistant executive secretary. Smallhorst retired the next year, recommending Yantis as his successor. The board concurred.

THE LEGISLATURE passed the Water Quality Act in 1967, creating the Texas Water Quality Board — an agency independent of the Health Department. . . . or almost. You see, the WQB is composed of seven members. Three are appointed by the governor, with advice and consent of the Senate, to staggered six year terms. The other four members are the state commissioner of health, the chairman of the Railroad Commission, the executive director of the Parks and Wildlife Department and the executive director of the Water Development Board. Members of

the WQB get no salary, but they are paid \$25 per diem for meetings they attend and are "entitled to reimbursement for travel and other necessary expenses." The WQB sets the standards for water in the state and enforces the standards by a permit system. Nobody can dump anything into the public waters of Texas without a permit from the WQB. And if somebody dumps more than his permit says he can dump then the WQB can politely ask the AG to slap a lawsuit on the culprit.

The Board meets once a month to act on permits for waste discharge, deal with violators, set policy and conduct other business. The most prominent figure at these meetings is Hugh Yantis. He is chief of staff, preliminary negotiator and technical expert. His salary is \$26,500 per year.

This is how the board meetings usually go. Let's suppose that TT, Inc., wants to dump five tons of tinkertoys into the Brazos River daily. Their man gets up to the microphone and talks real smoothly about what a nuisance it is to have all these broken tinkertoys piled in front of their factory and how purty they look floating down the river. Then Yantis tells the board that after much study the staff thinks the Brazos can float four and a half tons of tinkertoys with no trouble — which is what he worked out with the TT, Inc., man the day before. Then some conservationists stand up and say they never played with tinkertoys as kids 'cause they thought they were ugly. The conservationists have their own technical expert who proves that UT professors can put tinkertoys together in more interesting configurations than a six-year-old kid. Then some residents get up all nervous and mad and say, tinkertoys, hell, last week they dumped a whole truckload of Lincoln logs at midnight. And have you ever looked in your john and found a lincoln log floating in it? Then after everybody sits down they might ask Yantis a question or two. Then they quietly vote to give TT, Inc., a permit to dump four and a half tons of tinkertoys daily and bury the rest, but not at midnight. Next item.

Doc Quebedeaux, who gave up going to board meetings some time back, says, "Hugh only takes to the board what he would like the board to listen to." And the board usually listens. Yantis regrets Quebedeaux's absence. He says he has given him every chance to participate, but he thinks Quebedeaux prefers to work as an outsider.

GALVESTON BAY, and more particularly the Houston Ship Channel, is certainly the oldest and hottest issue in the history of water pollution control in Texas. It has caused more trouble between Yantis and Quebedeaux than any other difference. A 1957 study of the ship channel terms it "... an artificial stream created by

deepening and straightening Buffalo Bayou and maintained by periodic dredging." Of course, the channel is dredged clear out past Galveston to the deep waters of the Gulf of Mexico. Ships use it to float inland to the Port of Houston. And industries line its banks, using it for a watery highway and a garbage dump.

In 1963 the Water Pollution Control Board launched a two-year sampling program of Galveston Bay and the Ship Channel. Yantis says the Harris County Health Department was supposed to take some of the samples but didn't, leaving the state to take them all. He cites this as a time when Quebedeaux could have participated but didn't.

In December of 1965, the board adopted standards dividing the Ship Channel into three zones ranging from cesspool at the turning basin to mostly water at the mouth emptying into Galveston Bay. At this time Smallhorst was still executive secretary of the Water Pollution Control Board, but his assistant, Yantis, appeared in news articles as staff spokesman. In March of 1966 Yantis told the board that it would take another six months of conferring with Ship Channel industries before permits could be written, but he pronounced the industries cooperative "without exception."

In August of 1966 the WPCB granted 11 new permits for Ship Channel industries. Quebedeaux appeared at the meeting to protest the permits on the grounds that they did not all conform to a single set of standards. The *Houston Chronicle* quoted Quebedeaux as saying, "It would seem more reasonable to have the same standards for all to meet than to have varying standards." He complained that some of the permits didn't even include a limit on discharge of toxic materials. Yantis explained there was an "inherent difficulty" in defining what toxic means. "We have not felt," Yantis told the *Chronik*, "that in Zone 2 of the Ship Channel recreation and fish life are protected uses." He said that release of toxic materials in that area of the channel was a matter of judgment for industrial users.

At the May, 1969, meeting of the Water Quality Board, Quebedeaux told the board that the staff was being uncooperative about holding meetings with industry. He said meetings were held in Austin, making it difficult for local health and pollution officials to attend. He charged that the staff was "working around the local health departments." With that, Quebedeaux turned on his heel and walked out of the meeting, leaving Yantis and his deputy director, Joe Teller, visibly shaken. The next day Yantis told the board that though

test results were ambiguous because toxic materials in the water throw the tests off, he believed the Ship Channel was improving.

But a year later the President's Water Pollution Control Advisory came to very different conclusions about the Channel during a public meeting in Houston. Harris County Judge Bill Elliott surprised all assembled by announcing that he wanted the WQB to revoke all discharge permits in Harris County and reissue only in cases in which the discharges "in no way endanger marine life." Elliott challenged Yantis' earlier statement about Ship Channel improvements. Yantis then told the board he thought industry's record was "rather good."

In June of 1971 the federal Environmental Protection Agency held hearings on the Ship Channel. Yantis made himself the EPA's outspoken opponent, calling them outsiders and meddlers. At one point he challenged EPA conclusions by asserting that the figures EPA used in its calculations — figures supplied by the Water Quality Board — were wrong. Yantis said they hadn't told the EPA the figures were wrong because the EPA hadn't asked. Over Yantis' protests, the EPA settled on a limit of 35,000 pounds of biochemical oxygen demand (BOD: substances using up the oxygen in the water) to be dumped into the Channel daily. A timetable was adopted to reach that goal by 1975. (In 1971, some 98,000 pounds of BOD was going into the Channel each day, as compared to 400,000 pounds daily in 1967.)

HAS THE Ship Channel improved? Well, yes, but it's hard to tell by how much. Living organisms are appearing in parts of the Channel where they haven't been seen for 50 years. There is more dissolved oxygen in the water, but toxic chemicals are still regularly dumped into the Channel. In 1951 some 196,884 acres of the Galveston Bay complex were closed to shell fish harvest; 110,830 acres were open to harvest. In 1971, 149,920 acres were closed and 166,390 acres were open.

It would take a hefty tome to record all the ways Yantis has made things tough for the conservationist and easy for the polluter. Take the rules on testimony he got the board to pass in December, 1971. Any citizen wishing to speak to the board must submit three copies of his/her statement 10 days in advance. But if the citizen gave the evidence in a previous hearing, or if the citizen *could* have given the evidence at a previous hearing, the citizen may not give the evidence at the board meeting. Contrast this with Yantis' request to the board to pass a resolution declaring the state's willingness to see a multimillion-dollar New Town development built over the recharge zone

of the Edwards Aquifer. The New Town was not on the agenda. In fact, Yantis said he had only learned of the urgent need for the resolution a day or two before. The board obligingly passed the resolution. Then Burgess Grisenbeck of the Texas League of Conservation Voters stood up and described the opposition to the Ranch Town project that Yantis had failed to mention. There was no motion to rescind. After the board adjourned, Yantis told reporters he didn't know who the developers were and denied that he had given these unknown developers any special consideration. In point of fact, Yantis had been lobbying for Hayden Head's Ranch Town for some time. He had written letters and testified in favor of the project before the San Antonio River Authority. But all of that is well covered in Ronnie Dugger's articles on New Towns (*Obs.*, May 25, June 29, July 13, 1973).

Yantis has done lots of testifying for business interests. When the EPA filed suit against Houston Lighting and Power over its Cedar Bayou plant, Yantis was HLP's expert witness. Sen. Babe Schwartz of Galveston says, "Mr. Yantis has appeared as a witness for every polluter that has ever been in court. He's the best witness a polluter can have." In 1972 and 1973 the appropriations bill was amended to forbid the executive director or the deputy director of the WQB from serving as industry witnesses.

Yantis has been criticized untold times for his reluctance to file suits against delinquent polluters. In 1968 he promised the Senate Finance Committee that he would file more suits against polluters. When State Sen. Joe Bernal called Yantis down for failure to file suits in 1971, Yantis replied that "the picture is changing."

Yantis almost lost his job over his leniency with French, Ltd., an Houston area industrial waste dump. French had been a problem for more than three years when WQB Chairman Gordon Fulcher told Yantis to give the firm an ultimatum — clean up or shut down. Yantis decided to give the company another year instead. He points out that without a vote of the board Fulcher's order had no official weight. Fulcher decided to fire Yantis.

Recall, however, that four of the seven WQB members are heads of other agencies. As the matter of Yantis was hanging fire, House Speaker Gus Mutscher and House Appropriations Committee Chairman Bill Heatly were calling those *ex officio* members to remind them their "home agencies" had budget requests pending in committee and to tell them it would be a shame if Yantis were unemployed. Yantis kept his job, but found some slight new enthusiasm for filing suits.

The case against French is being settled this month. Yantis points out that this year the WQB won a hefty \$125,000 fine against Armco Steel and a number of other fines, all in the \$1,000 to \$5,000 range. As

of June 15, 1973, there were 39 suits pending. The fact that 10 were against industries and 15 were against cities lends credence to the belief that Yantis is fonder of industries than he is of cities. The other actions were against five feedlots, four waste dumps, two motels, the Missouri Pacific Railroad, the Southern Pacific Railroad and a washateria.

IN CONTRAST, Walter Quebedeaux had 101 cases pending. Eighty-eight cases had been completed since Jan. 1, and 84.1 percent of the cases had resulted in fines totaling \$33,160 in penalties.

Yantis and his staff have consistently lobbied against stronger pollution laws in Texas. In 1971 he opposed Rep. Rex Braun's bill giving citizens the right to sue polluters. This year, at Yantis' behest, Emory Long, director of WQB administrative operations, opposed Carl Parker's measure to set up an Office of Environmental Quality, and Yantis himself testified in the Senate against a similar bill by Bill Braecklein.

This is a critical time for Hugh Yantis. Fulcher, the director's old nemesis, died several months ago and Gov. Dolph Briscoe hasn't nominated his successor yet. It will be a vitally important choice. A dynamic new board member could lead a fight for a dynamic new executive director.

Now, before I quit I want to apologize to Mr. Yantis. He was very cooperative in taking time to talk with me and I could have gotten to know him better and so discovered a little of why he has conducted himself as he has. But as far as his performance goes it doesn't really matter much what his motivations have been. His actions have been to the detriment of the state's waters.

I have contrasted Yantis with his old friend Quebedeaux a good deal. Yantis points out that Quebedeaux is running a smaller operation with much less money, but I think he hangs himself with his own rope when he says that. Because I think Quebedeaux has done a damn sight better than Yantis. And Quebedeaux says this of Yantis: "As a public official I feel that his responsibility is to the people, not to the industrial segment. If he's gonna take their money he oughta stand up for them."

Brother Roloff is not kosher

Austin

In a curiouser and curiouser scenario, the battle between two opponents who deserve each other — the Department of Welfare and Brother Lester Roloff — came ping-pong to a semi-irresolution in the fat lap of the courts last week. As Texas newspaper readers are by now well-aware, Brother R. is an evangelical leader more than slightly reminiscent of Elmer Gantry in his better moments. In addition to all-purpose radio revitalizing, Roloff runs unlicensed homes for juvenile delinquents, which is what has gotten him cross-ways with the DPW. Brother Roloff's methods for reforming j.d.'s do not conform to DPW regulations.

The Roloff story, which has been on the front pages for a couple of months now, is actually a spin-off from the Artesia Hall scandal (*Obs.*, Aug. 10), which led a lot of folks to look into the process by which the DPW licenses homes that care for juveniles. The Roloff homes — Rebekah Christian Academy for Girls in Corpus Christi, the Anchor Home for Boys at Zapata and the Lighthouse for Boys on the Intracoastal Canal — never even managed to make it through DPW's now-notorious licensing procedures. Rep. Joe Salem of Corpus added to the fun, as might have been expected, by backing Brother R. to the hilt, as it were. Salem said that if it would help keep those homes open he'd resign his seat in the legislature.

CREDIT FOR building up the pressure that finally made the DPW move toward closing the unlicensed homes probably should be equally shared by Mimi Crossley of *The Houston Post* and *The Corpus Christi Caller*. The two papers broke story after story of the peculiar doings dictated by a creed that demands literal interpretation of the Bible, accepting Jesus Christ as a personal savior and a Devil that can take possession of bodies and souls. The papers found former students of the Roloff schools who signed statements concerning efforts to beat the Devil out of them and Christ into them. Crossley, in an exclusive, came up with reports on Roloff's "gray market" in babies — a process of "giving out" the babies of unwed mothers in his homes to his religious followers in private adoptions. But the babies weren't given away — the adoptive parents in return gave "love gifts" to Roloff's missions.

As the *Caller* in particular has discovered, thou dost not attack Brother Roloff with impunity. A Roloff newsletter ("Christ Is the Answer") of July 17 reads: "Our local newspaper that I begged to come out and see the home before they published the lies and slander has gone to press on the front page and the back page accusing us of brutality, then saying that

three of our male employees were slapping and beating a girl while they held her dangling by her ankles. This little girl (they called her little girl saying she was 13 when she is really 16) loves us and has victory in her heart and life and I just got a sweet and wonderful letter from her. Others have picked up the story and are saying that we take our little girls to the doctor in handcuffs. Ten or 12 of our girls were picked up at the home by officers and carried to the county attorney's office for some statements. These happened to be the meanest girls at our home, who hated Christ, the Word of God and all that we sought to do for them." Roloff went on to appeal to his followers, "those who have helped us to keep the door of hope and the gates of mercy open for those who have been left to die on the spoil banks of sin and the dunghills of inequity" to write the *Caller-Times* and any other paper that "reran this filth." The result was a deluge of letters, more than the *Caller* has ever gotten on any subject, generally accusing the *Caller* of being an instrument of the Devil and praying for its corporate soul.

THE STATE finally rolled into gear: the Lighthouse was closed and on Aug. 3 Dist. Judge Walter Dunham of Corpus issued an order that the other two homes must be licensed by Oct. 1 or be shut down. A 14-day extension on the order was granted, but the deadline passed without result. Dunham has now set a hearing for Oct. 26 to show cause why Roloff shouldn't be held in contempt for disobeying the order. DPW inspectors have been barred from the homes since the

order took effect. There are apparently still an unknown number of children in the homes.

Welfare Commissioner Raymond Vowell believes that Roloff failed to show good faith in the last-minute negotiations to get licensing before the extension deadline. Roloff came to Austin and went through several rounds with DPW officials and representatives of the governor's office and the attorney general's office. Vowell said Roloff had objected to 28 DPW licensing requirements, all of which the homes could easily have met if Roloff so wished. Vowell points out that other religious homes, from Baptist to Catholic, have met the standards. The Roloff homes, according to DPW standards, are deficient in dietary matters, recreation, medical treatment and educational curriculum. Two particular sore spots are the requirement that the students have some access to psychiatric care and that sex education be taught in the schools.

Roloff has taken the offensive with a couple of lawsuits of his own. On Oct. 16 a suit was filed in Austin challenging two state laws regulating child care facilities. Roloff also plans to file a suit in Corpus to bar the state from enforcing its child care regulations on the grounds that such regulations infringe on religious freedom.

In fairness to Roloff, it is difficult to believe that the documented abuses in the homes stem from conscious hypocrisy. Dave McNeely of *The Dallas Morning News*, as self-respecting a cynic as most

November 2, 1973

9

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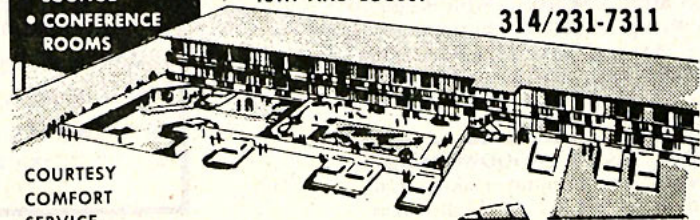
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folks in the news business, came away from several interviews with Rebekah Home graduates honestly impressed with both the depth of their conversions and the beneficial effects thereof. Roloff argues, reasonably, that while not all parents would want their kids sent to a fundamentalist Christian home, it is nevertheless an option that should be open to them. But if the excesses and abuses reported in the Roloff homes do indeed stem simply from overzealousness, it is difficult to understand why Roloff refuses to comply with the essentially minimal and certainly nondoctrinaire requirements of the DPW. As Vowell pointed out, Roloff himself could teach the sex ed. course using the Old Testament, the New Testament, the Ten Commandments or anything else he chose for a text. There is nothing in the DPW regulations that prevents a kid from being "saved."

BUT ROLOFF has chosen to make this a freedom-of-religion case. He brought his case to Austin on Oct. 16 with a rally at Municipal Auditorium. About 6,000 folks, bussed in from all over the state, turned out, many of them carrying banners reading, "Brother Roloff Today - Your Church Tomorrow." The crowd was close to unanimously white and almost entirely middle-aged or elderly. Roloff carried on at great length about "these beautiful girls, these lovely young ladies" - some 40 students from the Rebekah Home who were there to sing and witness. One young woman, in tears, told the audience that she wouldn't just be dead if it were not for Brother Roloff, she'd be in Hell.

The villainy of the press was the leitmotiv of the evening. Roloff attacked the press with a display of rhetorical skill that Agnew would have admired: it is difficult to credit a man capable of such sophisticated crowd manipulation with an entirely unworldly dedication to the Word

of God. The press was scapegoated as neatly as any stung politician could ever hope to see it done.

The crowd responded with growls and even roars - at least one notebook-toter found herself fervently hoping that Christian principle could overcome the impulse toward physical violence. Roloff announced at one point that no reporter who had not been saved could possibly hope to write objectively about the clash between his homes and the DPW: an old subjective reporter was given serious pause. While reporters had great difficulty making constructive contact with the members of the audience, a long-haired, bearded chum of the *Observer's*, who had come along to see what it was all about, found himself the object of genuinely solicitous concern. "Have you been Saved, boy?" complete strangers kept asking.

As much as one hesitates to mess with anyone else's religious beliefs, there are still aspects of Roloff's operation that could clearly use a little state supervision. For one thing, Roloff, like many other modern evangelists, is not simply a freelance man of God, he's a corporation. Roloff Evangelistic Enterprises, Inc., runs not only the Texas homes but homes for delinquent kids in Marion, Kansas and Hattiesburg, Miss. He was denied a license to operate a maternity home in Culloden, Ga., after officials there discovered that some 20 pregnant girls were being kept at the City of Refuge with female drug addicts and alcoholics who were being "saved" without medical supervision. In a complaint stemming from the Rebekah Home, it was alleged that a young woman, married but pregnant by another man, was put to work in the fields two days after giving birth. Other girls in the Rebekah Home reportedly have worked as house maids for Roloff. And documentation of "love gifts" from adoptive parents of babies from Roloff homes in several states is being established. Somehow it doesn't seem quite ... Christian.

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His Cold War GI Bill has qualified seven million veterans for scholarships and other educational benefits. His federal funding for bilingual education has probably done more to liberate the lives of young Mexican-Americans than any other law of the modern era. He fought for medicare and for national health insurance.

Though he is no longer in public office, he continues to work and share his life with younger and less experienced students of public affairs, and his colleagues on the Texas Constitutional Revision Commission are learning what his old colleagues in the Senate learned long ago — that Ralph Yarborough works harder and fights more skillfully for the people's interest than anyone else around.

All this, and yet the financial burden of the \$49,000 campaign debt incurred in 1972 still plagues him. But it is really *our* debt. If he had won, a joyful treasury would have gobbled up the debts . . . for Bill McAfee's printing, for phones, for T.V. and radio, and the other necessities. Ironically, Ralph Yarborough's loss makes it tougher for us to give, but all the more imperative that we contribute whatever amount we can.

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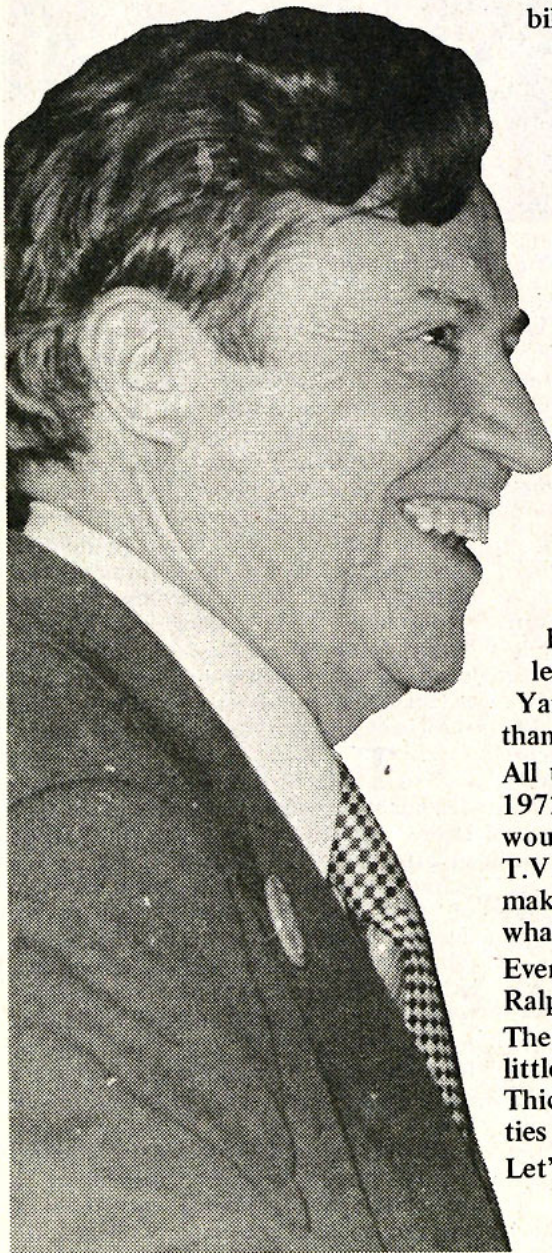
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We're funding Thieu's police state

Austin

Jane Fonda, Tom Hayden and their friends from the Indochina Peace Campaign came to Texas recently to remind everyone that not all the POWs are home yet.

During three days in Houston and Austin they met with the press, with students and with Democrats of various stripe. They weren't so much interested in reaching leftwingers who are already committed to international issues as they were in reaching traditional liberal Democrats. There was a session at Scholz Garden, complete with heavy police surveillance, and a dinner with 40 Houstonians at the U. of H. The Austin sessions were good and the Houston experience was much better than any of the group had reason to hope it would be. Ben Levy, the unsinkable socialist, persisted in calling Fonda "Barbarella," but most everyone else — from Billie Carr, the Democratic committeewoman, to Sandy Sanford, an actual lobbyist — was thoroughly taken with the actress *cum* organizer. Jane Fonda turned out to be a down-home sort of person. The Houston folks guests decided to hold an organizational meeting the following week to discuss ways to pressure the American government and President Thieu into releasing his political prisoners.

SIX MEMBERS of the IPC, plus Hayden's and Fonda's three-month-old boy, visited the *Observer* office on a rainy Monday afternoon. They came soggyly straggling in from various parts of town, Fonda and Jean-Pierre Debris, a former prisoner in Saigon's Chi Hoa jail, from an interview with Cactus Pryor at LBJ's old TV station. (Times have indeed changed. Ms. Fonda was given the key to the city by an aide of Councilman Bob Binder. Binder and Mayor Roy Butler were out of town, which is probably just as well.) Holly Near, a folk singer, pianist Jeff Langley and Bob Chenowith, one of the 10 American POWs who got into trouble upon return home for insisting that his anti-war statements were *not* the result of torture but rather the result of conscience, had been to a small panel discussion at St. Edward's University. Hayden and little Troy Garrity had been napping at the home of Sue and Cam Duncan. It was a catch-as-catch-can interview.

The main message the group wants to get across is that approximately 200,000 prisoners are in South Vietnamese jails, jails built and staffed with American money. "We're part of a 14-state, 25-city tour sponsored by the IPC," Fonda said.



IPC folks (left to right): Near, Fonda, Hayden and son, Debris, Langley.

"This year we're trying to expose the myth that the war is over. Nixon's tactics have simply changed from massive bombings and ground troops, replacing them with Vietnamese and bombing, unprecedented bombing, to the creation in South Vietnam of a police state that is entirely created and funded by the United States."

"The United States has supported a police state apparatus in Vietnam since 1955," Hayden said. "The difference is that in 1955 nobody in America knew about it. The few who did approved it, called it Diem's economic miracle, the showplace of Democracy. Michigan State University Public Administration officials were funded by the CIA to develop police apparatus within South Vietnam," Hayden continued.

Hayden said, "The difference today is that the United States is now in a weaker position, having tried bombing and ground troops. The world, at least potentially, knows more about the police state. The thing that is more dangerous today is that, if you can believe it, the police network is more extensive in the cities because the regime is more desperate. Very few people know that at the end of the Chinese revolution, in the late 1940's, Chiang Kai-shek, who was on his way to retreat into what is known as Taiwan, slaughtered thousands of resistance fighters and nationalists who were in the jails of Chinese cities. And this is what Thieu might do in the immediate period ahead."

Hayden was not in a very good mood. Perhaps it was the virus. He was impatient with Texans, ready for them to get cracking on foreign affairs. "Since we've been here," he said, "Texas people have

told us that their politics are very oriented to domestic issues. But it's obviously not true that Texas politics stop at the Texas boundary, because what you have failed to stop the growth of in Texas has had a dominant effect on the United States and Asia in the whole period of the Vietnam war. I'm talking about the Johnson political interests, the Connally political interests, the oil interests. You can say that perhaps . . . I don't think comparisons are important . . . but since people keep bringing up that they're domestically oriented, Texas politics has produced more of the figures and interests responsible for the Indochina War than any other state."

THE FORMER Chicago Eight defendant exited to tend the baby and Debris offered to describe the prison situation in the South. He was a mathematics teacher in Saigon at the time of his arrest in July of 1970 for distributing leaflets, written in Vietnamese. "I climbed a monument in downtown Saigon," he said, "I distributed these leaflets and I unfurled an NLF flag asking for immediate peace and withdrawal of foreign troops. I was jailed for two and a half years inside the main prison in Saigon."

After being in solitary for five months, Debris was brought to trial before a sub-military field tribunal comprised of one civilian and two military judges. He had no defense counsel. "We tried to defend ourselves — we could speak fluent Vietnamese — but as soon as we tried to defend ourselves the MPs came and we were handcuffed and we were beaten in front of the judges. They tried to make us

kneel in front of the Saigon flag and then we were expelled from the courtroom and I was given a four-year sentence," he said. "When I took a Vietnamese attorney to appeal my conviction to the Supreme Court he was never allowed to meet with me inside Chi Hoa prison. The only time I was allowed to meet with him was when he was arrested for defending me. And he's still in jail.

"This was done for foreign prisoners," Debris said. "You must imagine what is done for the Vietnamese prisoners. The day I was myself brought to my trial there were 200 Vietnamese brought to trial and they were judged at the same time. The judges judged 200 prisoners in five minutes time. Even the prisoner himself was never brought inside the courtroom. They have no defense counsel at all. The judge said the name of the prisoner and then said, 'Five years for you, 10 years for you, five years for you.' Nothing else. And the majority of prisoners have never any hearing, never any trial at all."

Being in the main Saigon prison, Jean-Pierre had an opportunity to see prisoners in transit from all the provinces. "I could get a very good idea of what was the treatment inside all the prisons. We had news of all the prisons," he said. Of course, the most infamous of the South Vietnamese prisons are the tiger cages on Con Son Island. The cages are built by Raymond, Morrison-Knudsen, Brown and Root (that's the Brown and Root of Houston) and Jones Construction Company. The RMK-BRJ combine has been the primary contractor for most of the major construction projects in South Vietnam from 1965 to the present. Lyndon Johnson was very close to George and Herman Brown, and during his presidency RMK-BRJ received \$1.2 billion of the \$1.6 billion America spent on construction in Vietnam. In 1971, the combine built three new blocks of tiger cages consisting of 96 cells. They are six feet by eight feet, two square feet smaller than the old cages. The IPC people believe that the \$400,000 contract for the new cages was financed by Food and Peace funds.

DEBRIS SAID that the prisoners from Con Son Island, political prisoners that is, were occasionally brought back to Saigon for short periods of time. The unfortunates who had been in tiger cages are said to walk like crabs. "After being shackled for one year or two - usually they are shackled inside the tiger cage - when they get out they cannot walk any more. They have to crawl on the ground," Debris explained. "They did have these little wooden benches and they just crawl on the ground with these little wooden benches. And sometimes other prisoners had to carry them on their shoulders. They cannot stand inside the tiger cage. And they take turns together to sleep, because

there are too many prisoners inside the same tiger cage."

"You know," he said, "there are two rows of tiger cages and in the middle of the two rows there is a small concrete pass on which the guards can go and they can look down into the tiger cages and see what the prisoners are doing inside. The old ones, they are iron. Now the new tiger cages have been made from only concrete and even the ceilings are made with concrete. They have a small hole from which the guards could pour quick lime inside these new cages during the repressions when the political prisoners shouted slogans or started protesting for the lack of food. At first these tiger cages were built for only one prisoner, but now they crowd them with five or six prisoners together.

"When I was first in the United States in March, one of the spokesmen for this company, when we denounced the fact that there are new tiger cages being built, he answered in a news conference. He acknowledged that his company was involved in the construction of prison compounds in Con Son and he says quote 'I would say good compounds.' And these compounds, according to the photocopy of the signed contract being signed with the Department of the Navy, are isolation compounds."

It's not exactly a bed of Oriental rose petals for any of the political prisoners, according to Debris. "Not only are the prisoners tortured after being arrested to extract information from them, or confessions from them, but there is systematic torture inside the prison. These prisons are reeducation centers, reeducate the prisoner to force him to salute the Saigon flag and recognize the Saigon government as the only legitimate government in South Vietnam. He will be asked when entering the prison, 'Are you willing to salute the Saigon flag?' Of course, almost all of the political prisoners say they refuse to salute the Saigon flag and so they are put for six months or so in the special room which is the movie room, which, in fact, was the torture room. When a delegation come inside the prison, they change this room into a movie room and they put away all the torture instruments and set up a projector and put a screen on the wall."

Debris said the really uncooperative prisoners are eventually sent to the tiger cages for further reeducation. "In the tiger cages they get rice mixed with sand and pebbles, nothing else, no meat, no vegetables," he said. "Then you have constant beatings by the trustees who are common criminals. They pour quick lime inside the tiger cages so that the prisoners are completely blinded by the quick lime. Many of them have faces with white spots because of tear gas or nausea gas being thrown on them inside the tiger cages."

THAT'S WHAT our federal tax money is paying for in South Vietnam. According to the IPC, some of the money for such atrocities comes from the yearly farm bill. Food for Peace is transformed into "Food For Torture," according to *Focal Point*, the IPC newspaper. The IPC charges that the food allocated to the Thieu government - \$134.4 million for 1974 - is sold for Vietnamese piasters and the money is earmarked for military and prison expenditures. Sen. William Proxmire inserted an amendment in the Senate version of the farm bill this year providing that no Food for Peace funds shall be "used for the purpose of procuring any equipment, materials, facilities or services for any military or defense purposes, including internal security." The amendment was jettisoned in conference committee.

"Peace can't come in Vietnam until the prisoners are released," Fonda said. "Part of the peace agreement, the January agreement, calls for formation of the National Council of Reconciliation and Concord, which would unite the Thieu forces, the Provisional Revolutionary Government of South Vietnam - that was recognized in the peace agreement as a legitimate, legal government of South Vietnam with its own army and its own territory - and the third force, the neutralists, the people who are not communists but who are opposed to Thieu. These three political entities are supposed to supervise the implementation of this agreement, to organize and supervise elections. This can't happen because virtually the entire third force is in prison," she said. "Unless we can use the economic leverage we have here to threaten Thieu with a cutoff of aid, unless he complies with the January agreement and releases the prisoners, what we are going to witness is an escalation militarily even beyond what it is now.

"Senator Bentsen is a member of the Senate Committee on Foreign Aid Appropriations," Fonda said. "He is in a position to be able to word the foreign aid bill in such a way that money will not go to Thieu unless he complies with the January peace agreement." She urged Texans to write Bentsen and their congressmen concerning the prisoner situation.

The IPC is also providing interested persons with bracelets, each bearing the name of a South Vietnamese prisoner. Names can be obtained from Direct Action in Austin or by writing the Indochina Peace Movement, 181 Pier Ave., Santa Monica, Calif. 90405. Debris said he's certain that letters written to the Saigon prison on his behalf helped bring about his release. K.N.

STATEMENT OF EUGENE MCCARTHY ON THE ARAB-ISRAELI FIGHTING

Responsibility for the renewal of the Arab war against Israel rests with Egypt and Syria, emboldened by a massive supply of sophisticated weapons provided by the Soviet Union. But they were also decisively encouraged to break the ceasefire by those Americans urging retreat from our policy of support for Israel's security and survival needs. The historical record -- in 1956 and 1957, in 1967, and during the attrition war of 1969 and 1970 -- amply demonstrates that any sign of American equivocation in the Middle East is an inducement to Arab adventurism. Such is the case today.

These inducements have come from an odd coalition in our country. Equating their own special interests with the national interest, some oil companies have sought to blame Israel for an energy shortage having nothing to do with the existence of Israel and having very little to do with our support for it. At the same time, some in the liberal community have foolishly adopted the facile anti-Israeli rhetoric of Third World politics.

From whatever source, calls for American neutrality in the Middle East offend every sense of justice and international morality. For the clearly and oft-stated aims of Arab governments and terrorists alike confirm that this conflict is no ordinary territorial dispute between contending parties respecting each other's sovereignty, no Mid-East version of the Alsace-Lorraine question. Until the Arabs actually sit and negotiate a direct settlement with Israel, people will wisely suspect that they still dream of old maps without Israel.

In this regard, it is my view that the United Nations has shown itself to be a particularly unsatisfactory forum for resolving or even considering the Arab-Israeli conflict in either its long-standing or most recent manifestations.

I am persuaded that Israel refrained from pre-emptive response to the tremendous buildup it observed on the ceasefire lines largely because our government assured it that the Arabs did not intend war. This imposes a further moral obligation on the United States to sustain Israel's strength in its efforts to reverse the present perils and defend itself against aggression.

October 8, 1973

/s/ Eugene J. McCarthy

Nobody likes the EPA

• In the face of auto owners' outrage, insults and other forms of verbal displeasure, the federal Environmental Protection Agency backed down from imposing immediate gasoline rationing in Houston and other major cities. So now drivers are in a dither about the EPA's compromise proposals.

The EPA says it will not attempt to limit gasoline sales until Jan 31, 1977, and then only if all other anti-pollution measures are ineffective. It also has stretched compliance deadlines on other regulations by one or two years.

• The compromise plan for the 13-county Houston-Galveston region calls for parking lot construction restrictions, effective immediately; a mass transit priority plan, including requiring private and public employers of more than 1,000 workers to impose parking lot "surcharges" to encourage the use of mass transit or car pools by June 30, 1974 (for example, these "surcharges" could consist of preferential free parking spaces for car poolers, paid bus tokens or subscription bus service); restricted highway and street lanes for car pools and buses on Jan. 1, 1975; a motor vehicle pollution device inspection program by May 1, 1975; vapor recovery devices installed in service station storage tanks by May 31, 1976; and gasoline rationing as a "last resort" in 1977.

Dallas-Fort Worth must set up a mass transit priority plan, including surcharges, have reserved bus and car pool lanes and vapor recovery devices. San Antonio also is required to have a mass transit plan; reserved bus and carpool lanes; an inspection program for auto exhausts and pollution control devices; service station vapor controls; and gas rationing, if necessary, in 1977. The Waco-Austin area only has to have vapor recovery devices installed in service stations. El Paso must have a mass transit plan and exclusive bus and car pool lanes, but no strict deadlines were set for the city.

• To the *Observer's* knowledge, nary a state official has come out in favor of the EPA plan. Atty. Gen. John Hill says he will file suit on behalf of the Texas Air Control Board to try to stop the EPA from enforcing the new controls. The state air board contends that auto exhaust is not a major factor in air pollution in Texas.

Gov. Dolph Briscoe maintains it is up to Congress to take authority away from the EPA and find a more "reasonable approach to the protection of the environment — one that will not strangle the growth of the Texas economy." Both Texas senators have blasted the federal regulations.

Political Intelligence

• There will be established congressional districts for next year's races after all. A three-judge federal panel in Dallas has adopted Plan B as offered by the original plaintiffs in the suit against lines drawn by the Legislature. The same panel had settled on the plaintiffs' Plan C, one based almost entirely on minimizing population deviations, before last year's elections. But a Supreme Court stay kept the Legislature's lines in effect until this summer, when the Supreme Court threw out both Plan C and the plan originally legislated, advising the lower judges to take another look at Plan B.

That map follows the Legislature's intent more closely than did Plan C, while reducing population deviations. It also affects the future of at least two incumbents from the Dallas area, Republican Alan Steelman and Democrat Dale Milford. What Steelman's district loses is a set of Republican precincts in the Park Cities and White Rock, including the one where he lives. (He is not required to move, but probably will.) The district gains some lower-income, Democratic and "changing" neighborhoods in Oak Lawn and the Love Field area. "Steelman," summarized a lawyer in the case, "is in trouble." Not so, a Steelman aide told *The Houston Post's* Art Wiese: his man would have beaten

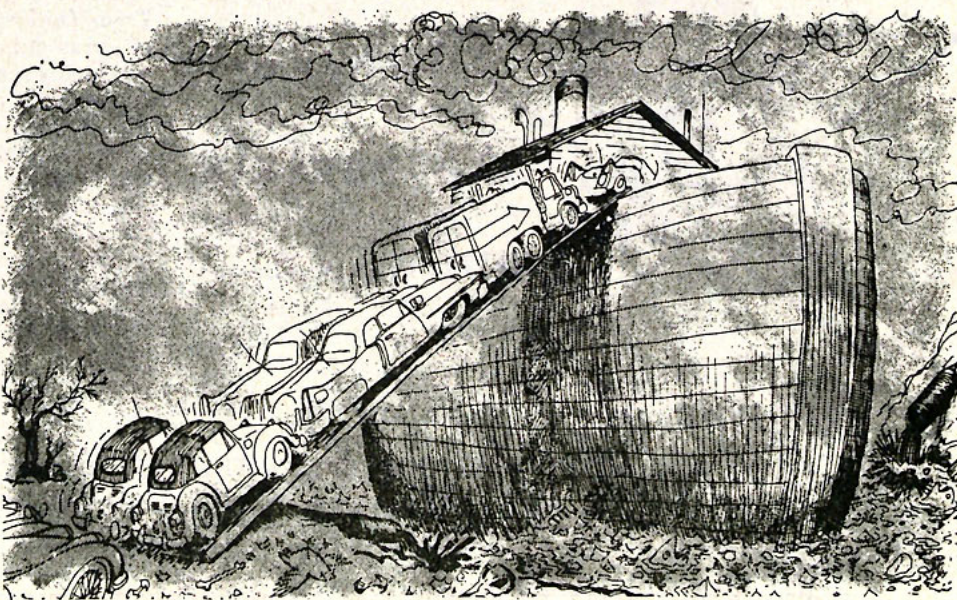
Earle Cabell last year even in the new district. (The new-new district, that is: the old-new, Lege-drawn district, as influenced by Cabell to head off a primary challenge by liberal Mike McKool, was what got Cabell blindsided by Steelman to begin with. If the new-new district had been in effect, the race might well have been between McKool and Steelman.)

• As for Milford: he loses all of Denton County and picks up precincts in North Oak Cliff, with its working-class and black votes. Milford has said all along he doesn't mind Plan B, but Martin Frost, who wants to run against him, says the district is now moderate-to-liberal in general and one-third black in particular.

Bureaucrats together

• Governor Briscoe has set up an Interagency Task Force on Youth Care and Rehabilitation to coordinate and "thereby improve" state care and services to youth. The governor says the task force will operate under his personal supervision. His executive assistant will chair the group, which is comprised of the commissioners of the Department of Welfare, MHMR Department and Department of Health; the executive directors of the Texas Rehabilitation Commission and the Texas Youth council; and the commissioner of the Texas Education Agency.

Among Briscoe's long range objectives for the group are the formation of a statewide plan for social services that will comply with federal regulations and



By Auth in the Philadelphia Inquirer

policies; a statewide plan for enabling "as many young people as possible to remain in their own homes or in their home communities"; an Office of Inspections with authority to look into any complaints regarding the mistreatment of children; a comprehensive program of child abuse prevention; an intensive review of the qualifications and competence of the personnel in the licensing and inspection divisions of state agencies and a review of all licensing procedures.

• Congressman George Mahon says his House Appropriations Committee would take a "dim view" of locating Project Sanguine in Central Texas "because Wisconsin has been found to be the most desirable site."

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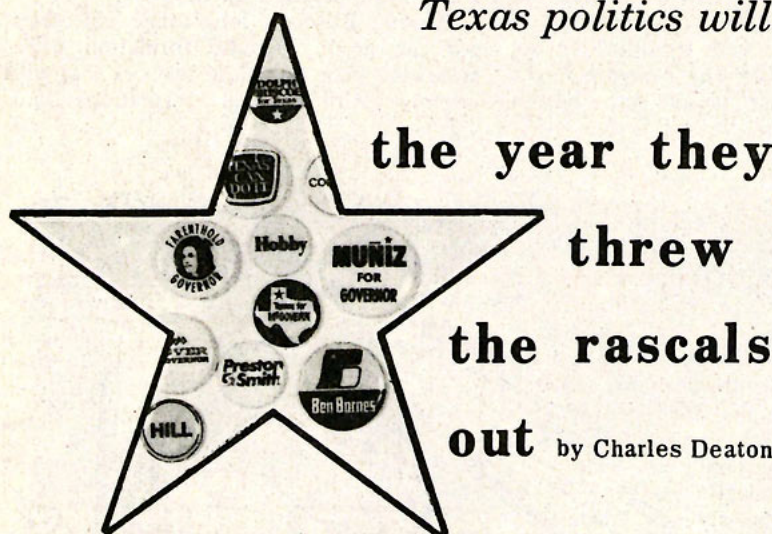
• The Court of Criminal Appeals has ruled that the resentencing provision of Texas' new controlled substances law is unconstitutional. The provision gave convicted marijuana offenders the right to petition their trial courts for resentencing, the new penalties presumably to be in line with those prescribed by the new law. That, said the judges, amounts to infringement on clemency, pardon and parole powers granted exclusively to the executive branch. As a result, Governor Briscoe is in a position to redeem a pledge (made through now-departed aide Roy Coffee) to review the sentences of the state's 800 convicted marijuana offenders and grant clemency where appropriate. The Criminal Defense Lawyers' Association has called on the gov to do just that. Secretary of State Mark White says Briscoe will, just as soon as the decision becomes final. Clyde Whiteside, chairman of the Board of Pardons and Paroles, told the *Dallas Morning News*' Stewart Davis the board "will consider any reasonable request from the governor's office." Whiteside also said he had no plans to change the board's SOP of requiring two of the three trial officials (judge, DA and sheriff) to concur in initiating a review of sentence.

New graffiti in the Scholz Garden men's john: "Yew-gene Locke should be gov-er-nor of Texas..."

• In South America, universities are sanctuaries, like churches. Outside authorities are supposed to keep out. Here in Texas, the *policia* are welcome to bust students for such criminal activities as letting their dogs run loose, selling pottery on the street or smoking marijuana, but authorities had best not mess with college administrators. Lt. Gov. Bill Hobby recently complained that the University of Texas is "more powerful than the governor."

The Austin Citizen reports that on a good (or bad) day, UT facilities dump more than a million gallons of discharge water into Waller Creek in Austin. The water comes from air conditioning cooling towers, power station boilers, storm sewers, swimming pools and — until very recently — biology and chemistry laboratories. It includes heavy wastes such as zinc and chromium, sulfates, chlorides. "They're in violation of the law, but they've been doing it for years," says J. Randel Hill of the Water Quality Board. "They're not creating a serious problem." However, the City of Austin has been trying to get UT to cut down on its pollution, but the city hasn't been graced with any communication on the subject since June, when an administrator promised "to try to come up with some positive approaches leading to a solution of our problems in the near future."

Texas politics will never be the same!



The only thing constant about politics is the fact of change, the fact that nothing is constant about politics. With this axiom in mind, Charles Deaton, author of the *Texas Government Newsletter*, has recorded the reaction to Texas' infamous Sharpstown Scandal. With a fast pace and highly readable style, Deaton has covered both the angry reaction of the voters in the 1972 elections and the ensuing battle for reform in the 63rd Legislature. Gus Mutscher's Abilene trial and Sissy Farenthold's meteoric rise to prominence are among the events covered for the first time in book form. An added feature is the author's Reform Voting Analysis of all 181 members of the 63rd Legislature. This book is a must for all Texans who would really like to do something about Texas politics but just don't know where to begin.

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Time to amend it again

Austin

Of the nine proposed amendments to the state constitution on the Nov. 6 ballot, only one has stirred the slightest ripple of voter interest — annual legislative sessions plus a \$15,000 a year salary for lawmakers. At present legislators meet biannually and receive only \$4,800 a year for their labors.

Most state officials are campaigning very hard to get this proposition passed, but the voters' attitude is ambivalent. According to a recent Belden poll, a majority of Texas voters questioned, 78 percent, favor annual sessions, but 67 percent don't want to raise their representatives' salaries. That's nothing new. Proposals to boost legislative pay were defeated in 1967, 1968, 1969, 1971 and 1972. This year the salary increase probably wouldn't have a snowball's chance in Presidio if it weren't tied to annual sessions. And, with the present crisis in Washington, voters may well decide they don't want to see yearly sessions in Austin after all.

The *Observer* recommends the following votes on the amendments:

Amendment 1, providing for annual regular sessions of the Legislature and an annual salary of \$15,000 and per diem for members of the Legislature, effective January, 1975: Yes, yes and yes again. If we were going to be petty and selfish about this, we'd suggest a no vote, because there are other things we'd rather be doing than covering the Texas Legislature every year. But one only has to look at the last few months' headlines about governmental neglect in the areas of child care, welfare, health, prisoners, the environment and a hundred other issues to realize that we need a full-time government in Texas. As for the salary increase, just try to imagine supporting a family, conducting a campaign, financing two residences — one in the home district and one in Austin — and being a conscientious legislator on the paltry, indeed, parsimonious sum of \$4,500 a year. A lawmaker has to have another job or solicit campaign contributions *a la* Agnew, and that leads to conflict of interest, at the very least. \$15,000 a year won't necessarily make all state representatives honest, but at least we will be in a better position to be self-righteously indignant if they *don't* behave themselves for \$15,000 a year.

Amendment 2, to include within the scope of homestead protection the real property of a single adult person who meets the other requirements of homestead property, and to provide that a family homestead may not be abandoned except with the consent of both spouses: Yes. We can't see any justification for discriminating against singles in homesteading.

Amendment 3, to extend the \$3,000 *ad valorem* tax exemption to the homesteads of unmarried adults: Yes.

Amendment 4, to establish certain requirements relative to the enactment of laws creating certain conservation and reclamation districts: Yes. This amendment would require the Legislature to seek comments from cities and counties on proposals to create water districts. The Texas Water Rights Commission likewise would be required to get input before creating conservation and reclamation districts. Some water district experts fear that this amendment may not be as administratively effective in curbing water district abuses as Sen. Babe Schwartz, sponsor of the proposal, says it will. At any rate, it can't hurt to try.

Amendment 5, to authorize counties and cities bordering on the Gulf of Mexico to issue bonds for the construction of sea walls and breakwaters upon a vote of the resident property owners: Yes. Another Schwartz effort, this amendment was requested by Galveston County officials who are having trouble financing high-tide protection. It would change the necessary voter approval from a two-thirds majority to a simple majority.

Amendment 6, stating that the district court concurrently with the county court shall have the general jurisdiction of a probate court, and providing the jurisdiction thereof, and further providing that in any probate proceeding the district court shall also have jurisdiction otherwise conferred upon it by law, and further providing that the Legislature may increase, diminish or eliminate the jurisdiction of the district court or county court in probate matters, and further providing that the Legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts and other courts having jurisdiction thereof, and further providing that the Legislature may provide that all appeals in such matters shall be to the courts of (civil) appeals: Yes. Got that? The amendment was sponsored by Sen. Jim Wallace of Houston, who wants to speed up the process by which contested wills are settled. It would eliminate dual trials and provide for only one appeal in probate cases.

Amendment 7, to provide for an additional \$100 million in bonds or obligations of the State of Texas for the Veterans' Land Fund: Yes. This is Land Commissioner Bob Armstrong's baby, and he assures voters that it won't cost us anything, because the veterans who get the loans to buy land will pay off the bonds and the vets' default rate is very low.

Amendment 8, to authorize cities, towns and villages to levy such *ad valorem* taxes as are sufficient to pay the principal of and the interest on their general obligations hereafter issued subject to the restrictions provided by law: No. This would remove city debt servicing taxes from the constitutional ceiling on city tax rates. The Legislature would be authorized to set limits on the amount of general obligations cities may issue. The *Observer* opposes making it any easier to float mammoth bond issues, because we believe there are often better, less usurious, methods of financing civic projects. When the state proposed a \$3.5 billion bond issue to finance the Texas Water Plan in 1969, Ronnie Dugger of the *Observer* estimated that interest on the bonds would cost taxpayers another \$3.5 to \$4 billion. And money was relatively cheap in 1969.

Amendment 9, to authorize the Legislature to exempt from property taxes certain property used by nonprofit water supply corporation or nonprofit water supply cooperative: No recommendation. This seems to be a straightforward amendment. It would help approximately 660 rural non-profit water corporations — not to be confused with water districts — which supply household water to homes of members of the cooperatives. The Legislative Budget Board estimates the state would lose about \$100,000 in taxes annually if the amendment passed. We just don't have any feelings about the amendment one way or the other. K.N.



November 2, 1973

17

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Sic transit HARTA

By Wade Roberts

Houston

The recent referendum on creating a Houston Area Rapid Transit Authority (HARTA) was one of those muddy issues where you simply can't tell the good guys from the bad guys, no matter how hard you try.

Fred Hofheinz, the leading progressive contender in the upcoming Houston mayor's race, and Dick Gottlieb, the leading conservative, were both out campaigning for the transit scheme. Leonel Castillo, the liberal city controller, was out stirring up opposition to the proposal, while his good buddy, State Rep. Hawkins Menefee, was fervently defending his legislative creation. "There were a lot of legitimate differences of opinion," Menefee said.

While Houston pols and civic leaders were seriously split over the HARTA referendum, the voters didn't have much trouble making up their minds. Harris County squashed the referendum by almost a three to one margin. Although a mere 16 percent of the eligible voters participated in the balloting, the turnout was significantly higher than in any other recent referendum. Opposition to HARTA crossed geographic, economic, racial and social lines. The only segment supporting the proposal was affluent whites. Minorities overwhelmingly voted thumbs down. The transit board was rejected by as much as a five to one ratio in some predominantly black and *chicano* precincts.

THE REFERENDUM was authorized by S.B. 642 which overwhelmingly passed the Texas Legislature in May. It gave Houston the authority to institute proceedings toward the establishment of a county-wide transit authority with a variety of powers, not the least of which is the ability to levy a "vehicles emissions tax" to collect revenue.

This summer, under the provisions of the bill, a nine-member board was appointed - five members by the Houston City Council, two by the Harris County Commissioners Court and two by the mayors of all the incorporated municipalities located in whole or in part within the boundaries of Harris County. The referendum was set, inappropriately enough, on Oct. 6, the Jewish high holy day, Yom Kippur.

Two opposing vocal groups appeared in the weeks before the referendum. The pro

faction - the Community Improvement Committee (CIC) - was formed by retiring Mayor Louie Welch. Comptroller Castillo countered with Sponsors for Meaningful Area Rapid Transit.

CIC boasted a number of distinguished supporters, including lawyer Leon Jaworski; Representatives Menefee and Kay Bailey, House co-sponsors of the HARTA bill; Sen. Jim Wallace, the Senate sponsor; and Bill Hartman, editor of the *Baytown Sun*. Castillo was virtually alone in his opposition during the early weeks. After all, who could possibly oppose the notion of mass transit? That was the issue, as far as the public was concerned - mass transit vs. more congestion. But Castillo had some interesting objections:

- Houston doesn't need another governmental unit, he said.

- The board would have power of eminent domain over public and private holdings (How about a trolley in your backyard, a subway beneath, a monorail over and a bus line through your house?).

- The board members were not to be subject to public recall.

- The board could raise the emission tax without a public referendum (the tax was set from a yearly minimum of \$4 for

why HARTA couldn't contract with the city police or the county sheriff for law enforcement services. "We may find it better to contract," answered Willoughby Williams, transit board chairman, "but we don't want women on mass transit getting raped because no one has jurisdiction.")

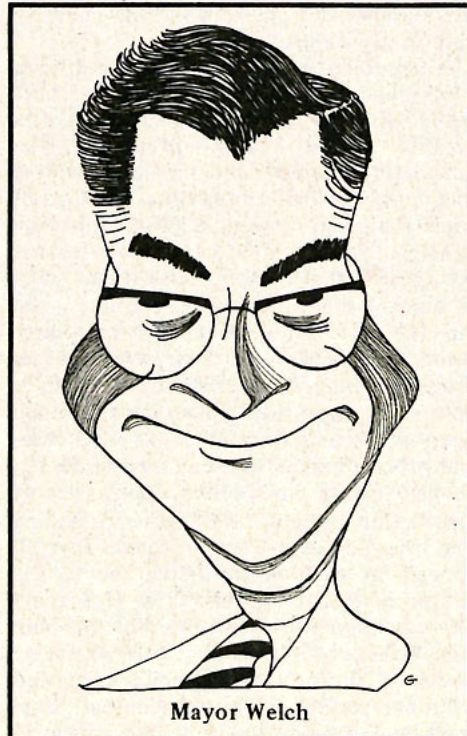
CIC embarked upon a PR blitzkrieg through television, radio, billboards, mailings, ads and newspaper supplements. HARTA proponents happily accepted invitations to speak before various gatherings, only to find themselves deluged with hostile questions. The proposed board would have no more power of domain than any public utility company, they argued. The board members would be appointed by elected officials who would be sensitive to public desires. They promised to hold hearings and referendums on bond issuances. They would have no more police powers than many office buildings with private security forces. They pointed out the fact that, in order to raise tax rates, they were required to receive the approval of the Legislature. And the Legislature traditionally has called a local election on tax hikes.

BLACKS, *chicanos*, anglos, men, women, poor, affluent, liberal, conservative, young and old - all joined Castillo to build a united front against HARTA. SMART was chaired by John J. Moran, president of Hyce, Inc., and a vigorous Republican Party supporter and fundraiser. Opposition labors were expended not on slick advertising or broadcast time, but on leaflets, phone campaigns and volunteer canvass work.

It worked superbly. Many individuals felt flattered that efforts were being made to reach them personally instead of through mass communications. Several state legislators who had voted for the proposal in May joined the resistance. Reps. Anthony Hall, Mickey Leland, Ben Reyes, Senfronia Thompson and Craig Washington said that they were unaware of the possible ramifications in May and had then decided to let the public resolve the proposal. They urged the public to vote against the proposal since, in retrospect, they said it was an unwise piece of legislation.

SMART's objections to the proposition were many. In addition to the protests aforementioned, they pointed out that HARTA had released no contemplative plans. Voters were being asked to decide on a board that had not even a proposed course of action.

HARTA, in fact, had something of a planning document. The Voorhees study, commissioned earlier by the city at a cost



Mayor Welch

motor cycles to a maximum of \$15 for big diesel trucks by SB 642).

- The board could issue bonds and notes without prior approval by voters.

- The board would have massive police powers. (SB 642 allows the authority to set up its own police force with the power to enforce any and all state laws in addition to transit authority rules and regulations. County Commissioner Tom Bass asked



Fred Hofheinz

of \$774,000, made educated guesses about possible transit remedies. The study, however, was unpopular because some of its suggestions bordered on the absurd. Others were simply fanciful. The board chose to ignore the document.

SMART also held that the constitutionality of the emissions tax was questionable. The assessment was not on the volume of polluting emissions produced, but on the size of the vehicle's engine — a displacement tax rather than an emissions tax. Texas Atty. Gen. John Hill upheld the constitutionality of the tax a scant three days before the referendum, but opponents continued to insist that the tariff was inequitable. It was conceivable that a Mercedes Benz owned by a multi-millionaire might be taxed less than a Chevy owned by a welfare recipient. Poor persons would be hardest hit by the proposed tariff, they charged. HARTA retaliated with a statement that "no tax exists that is truly equitable" — just that some taxes were more equitable than others.

Menefee defended the emissions tax, pointing out that he wanted to avoid sales and property taxes. The gasoline tax, of course, is earmarked in Texas for roads and schools. He said the emissions tax would only be used to raise \$10 or \$12 million out of the \$450 million or so it would take to build the system. "The emissions tax is not a true progressive tax, I'll grant that," he said. "But if we could get \$100 million in revenue bonds and then get federal money to pay for the rest of the project, then about 80 percent would be financed by the federal income tax."

In the week immediately preceding the referendum, the lists of endorsements were

compiled. *The Houston Post* and the *Houston Chronicle*, the League of Women Voters and the Houston Chamber of Commerce all sided with HARTA. Mayoral candidates Bud Hadfield, Bob Hervey and Tree Johnson; the Harris County AFL-CIO; the Harris County Women's Political Caucus; the local NAACP; PASO and individual members of the Harris County Commissioners Court joined the loyal opposition.

THE THREE to one defeat of the transit referendum was par for the course, according to Houston officials. Menefee, who is an urban planner by profession, says that rapid transit proposals inevitably are defeated the first time out. And Lee Tucker, an administrative assistant to Mayor Welch, insists, "We're not terribly surprised that we will have to go back. We had hoped that the voters would have realized the seriousness of the problem. It really comes down to the fact that people don't fully understand the implications of transit," he said.

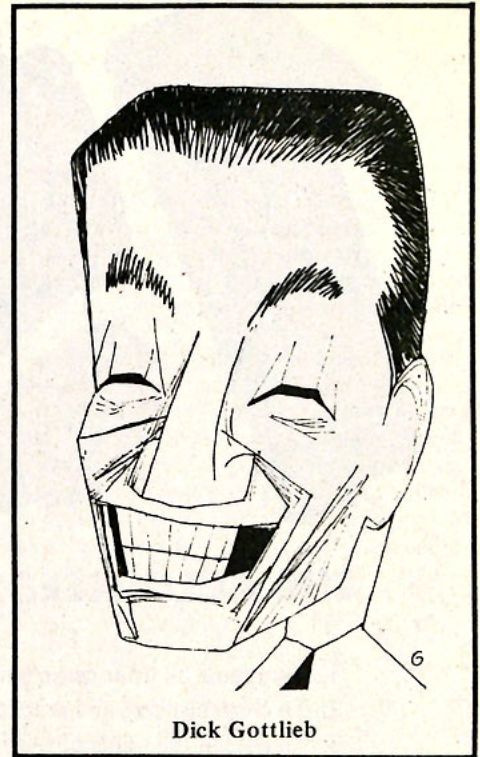
"I think the election served a great purpose in getting the issues before the public. It's never easy to pass an issue involving another level of government. For example, it took us four ballots to pass the hospital district. You don't just have one election and then give up; I'm reasonably certain that this will just be right back on the ballot in one form or another," Tucker said.

"What you're looking at in the future is the City of Houston buying the bus company [Rapid Transit, Inc., has lost \$500,000 since the first of the year]. That's the first thing the board would have done with their finances," the aide continued. "Now the city will have to find the funds to buy and operate the bus line. And that's about the only plan available to us now. That's it."

Castillo is much less pessimistic. "This transit election was the first step in deciding whether or not we would grow like the other cities in this country; whether or not we would make the same mistakes as the others. In defeating the referendum, we gave Houston an opportunity to try a new style of transit.

"There is no need to form another governmental unit to tack on to the bureaucracy," the controller said. "It's quite possible that what should be done is consolidate the city and county governments and perhaps assimilate some of the smaller units into one unified governing body. We could build a transit department without creating another jurisdiction. And, if we made good use of our existing tax sources, we would have plenty of revenue without producing another tax. We don't need more power structures, we need fewer," Castillo said.

"Houston could do quite a bit in the way of mass transit for a minimum amount of expenditure. Subscription bus services, peripheral parking lots, mini-cabs,



Dick Gottlieb

computerized car-pools, jitney services — all would alleviate transit problems for a low overall cost. These have all worked in other communities," Castillo said.

Since the defeat of HARTA, several other suggestions have been advanced. Most of these (with the exception of Castillo's proposals), like the recommendations made by the Voorhees study, are exercises in farcical futility. As Castillo puts it, "I think we have prevented a bad course of action, but we have really not yet moved in a good course of action. I consider the election simply a victory in terms of round one." □

University of Texas brass hats have a perfect story as to why the lights at Memorial Stadium do not cause too great a drain on energy in these days of crisis. They've had UT researchers prove that enough Longhorn fans leave their TV off while attending games to make up for the electricity used by the big lights.

—San Antonio Express

November 2, 1973

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THIS FULL PAGE AD SPACE PERSONALLY DONATED BY T.C.L.U. PRESIDENT JAMES C. CALAWAY

Is integrity possible?

By Dave McNeely

Dallas

Ramsey Clark, LBJ's last attorney general, happened to be scheduled to speak at El Centro College in Dallas on Oct. 11, the morning after former Vice-President Spiro T. Agnew decided to let the "former" be affixed to his name to keep out of jail.

Clark is a Lincolnesque man, who speaks of principles in terms that lead you to believe he practices personally what he prescribes publicly. Spiro Agnew was one of his detractors, among those who attempted to paint Clark as soft on crime because he believes individual liberties are above the sometimes efforts of governments to tread upon them for ostensibly noble purposes. Here's what Clark had to say on that historic day:

"Is it possible to have integrity in democratic institutions and electoral processes?" Clark asked. "If not, what's going to happen to us?"

"If not, I think that Churchill was wrong when he said that democracy is the worst form of government except for all the others. It's the worst form — without integrity — because where there is no integrity in democratic institutions and electoral processes, then money and hypocrisy will rule. And we've seen a touch of that.

"We have indeed, in my judgment, felt the hot breath of tyranny recently here in America. It's hard for me to say that. I reached the ripe old age of 40 before it was conceivable to me — thinkable, if you will — that America could lose its freedom. But there's nothing inherent in this place, or in our hearts, that assures forever freedom. We're going to have to work a lot harder than we've been working, or we're going to lose it — right out — in my judgment. . . .

IT'S HARD to talk about morality. What's it mean? . . . Can we find in the midst of all this confusion some rules that we can agree are important if we are to live reasonably comfortably together? Well, if we're going to find those, it's going to be because the individual stands for something. It's going to be because the individual has had the courage to ask himself Daniel Berrigan's question: "What am I doing with my life?"

"It's not going to be because suddenly from out of nowhere someone comes and leads us from the wilderness — a moral man, on a white horse, or on a black horse, or on a pinto, or something. It's going to come from us. . . . Are principles something that apply to others and not to us? We need to adjust ourselves to our materialism — and to our pragmatism.

"Look at greed for a minute. I think it's probably the greatest affliction of this

country. What does it mean when the President of the United States made \$200,000 a year from the taxpayers, [but] so arranges his tax return that he pays \$800 in taxes one year and \$700 another?"

Harry Truman, Clark said, gave his presidential papers to the people. "President Nixon, with his vice-presidential papers nearly nine years old, papers that I had assumed belonged to the people, gave them to the people for a couple of hundred thousand dollars in tax deductions. If we can't see the meaning of that, if we don't know what it does to the country when people are cynical and don't believe that the purposes of the laws are just and generous. . . .

"And then compare that with Spiro Agnew. Is it all power and greed? What's it mean when after all these years, 30,000 men and women plead guilty to crimes every year, federal crimes — for the first time in our history, the attorney general of the United States comes into court to plead for leniency for a person pleading *nolo contendere*?"

"Go down the street here and see how many poor people plead guilty to theft — maybe because somebody's hungry — are permitted to enter a plea of *nolo contendere*. The attorney general of the United States has never been in court asking for a lenient sentence.

"And does the record show that the vice-president of the United States would not resign unless the attorney general did that — bargaining, in other words? Bargaining with the second highest office in the country? 'I'll give you the office if you'll be sure I don't go to jail' — and Judge Hoffman himself saying he would have imposed a prison sentence if the attorney general hadn't asked otherwise.

"Do you believe in equal justice?"

"Of course we should be saddened by what has happened — saddened for the nation, saddened for Spiro Agnew and saddened for his family. But can we only give compassion to people who have known power and fame? And do we have to reserve hatred for John Brown's despised poor? Equal justice — what are our moral values?"

CLARK SAID that perhaps the case of Will Wilson, the former Texas attorney general, symbolizes the lack of concern for human dignity in the Nixon administration. Wilson, whose law office paid to tap federal bank examiners investigating Sharpstown State Bank, later advocated wiretapping when he was in charge of criminal prosecutions for John Mitchell's Justice Department.

"I once debated him in this town here about the morality of wiretapping," Clark

said. "He said it's not a moral issue, it's a matter of public safety.

"Well, is it? What do we find out when history finally opens up? Who gets wiretapped?"

"Martin Luther King, Jr., the prophet of non-violent change, the man who had perhaps the most important lesson there is for mass urban, technological society; the Democratic National Committee; and finally our [Nixon's] brother. Our brother — we don't even trust our brother. . . .

"If we say that something like wiretapping is so evil that only the government itself can use it, can't we see where [we] corrupt government. . . .?"

Clark pointed out that Wilson finally left the Justice Department under fire after it was revealed that he had loans from convicted Houston financier Frank Sharp at the same time that Sharp was under investigation by the Justice Department for the Sharpstown stock scandal. Sharp got a suspended sentence, compliments of the Justice Department.

"Do we believe in integrity in our democratic institutions?" Clark asked. "Then let's get big money out of there. How can you possibly tolerate \$2 million contributed by one individual and call yourself a democracy? That's a joke. How can you be a democracy? One person, one vote, when one person can give \$2 million? Who's choosing the president of the United States? Money. . . .

"Of all the things that have come out of Watergate, in my judgment, the most harmful, and the most untrue, is the repeated effort of Richard Nixon to tell you everybody does it. Everybody doesn't do it. There are people who believe in these principles and will fight for them and stand for them. And if everybody does it, there's no hope, is there?"

"Maybe that's what he wants us to think. . . .

"Are we going to put ourselves on the line? Are we going to ask Dan Berrigan's question? . . .

"We've got to put ourselves on the line [and] seek a new humanness." □



Top of the schlock

By Lynn Sutherland

Austin

In November something called Writers' Round-Up will happen in Austin. It is a do put on by Women in Communications, a professional organization with a self-describing title. While organizations of professional women are to be congratulated, their public relations gimmicks may be or may not. Writers' Round-Up ostensibly is a ceremony at which Texas writers are awarded laurels for their recent literary achievements. From the large pile that has come up this year, three judges are supposed to pick the best. I have had an opportunity to look over all of the books. Presented here are the ones you'll never hear about during the barrage of publicity articles on the winners. These are my choices for the seven worst books published in Texas this year.

1 *Officer Mama*, by Martha Schnabel (The Naylor Co.).

This is the story of Sgt. Martha Schnabel of the San Antonio Police Department as she climbs her way from rookie oop to sergeant. Officer Mama writes, according to the jacket blurb, "with great gusto." She also does other curious things with great gusto. After a call from an alarmed female who had just been threatened with rape over the phone, Officer Mama is on the job at a stake-out of the house — the wrong house. She does not reveal with great gusto what she does while whiling away the hours waiting for the rapist at the wrong house (play dominoes? write memoirs?).

The reader will grow to love Officer Mama as she moves up the ladder to become an undercover narcotics agent. As the publishers note, "she tells of learning the dope-world's speech — a wholly new vocabulary — of dressing as carefully as for a role in *Tobacco Road*. She even punctured both arms with a hypodermic needle as convincing evidence of her addiction." That's damn convincing evidence. "The reader will share her suspense when she passed a written examination for policewoman only to fail the physical examination unless she could gain seven pounds before the week was out. She made the grade!"

This and other exciting news about Officer Mama should be stimulating reading for 90 pound weaklings or rapists — ideal for 90 pound rapists. The book is as ripe as the book jacket, but as one observer put it, "It doesn't exactly

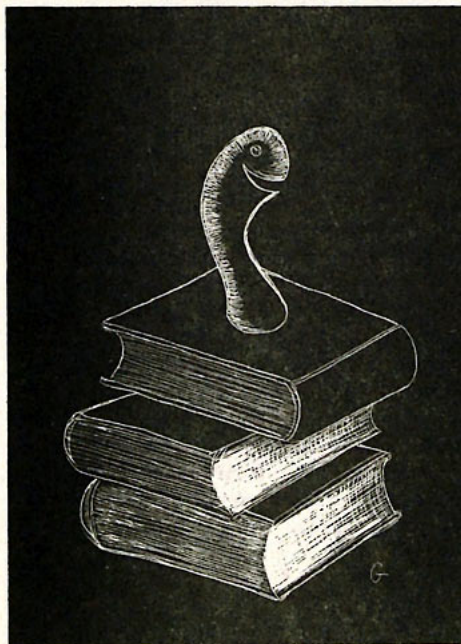
recommend the San Antonio Police Department."

2 *The Houston Symphony Orchestra*, by Hubert Roussel (UT Press).

While this book may appeal to an esoteric group — namely, Houston Symphony Orchestra freaks — its motivation is dubious and its orientation ethnocentric. Mr. Roussel, who is an associate editor of *Gargoyle Magazine*, writes, "The leading role in this drama belongs to Miss Ima Hogg, founder of the movement. Time and again she has brought the resources to the community to bear on the problems of building and maintaining an orchestra of the highest rank." This may be true, but when one reads the rave review of the book on the back jacket written by Miss Ima Hogg, one wonders. To wit: "I found this book absorbingly interesting from beginning to end." — Miss Ima Hogg. And in the preface, "Primarily, my thanks go to Miss Ima Hogg..." — Hubert Roussel. I'll bet they do.

3 *A Bluebird Will Do*, by Loula Grace Erdman (Dodd, Mead & Co.).

If you were to pick up this book in the library and glance at it, you might get the idea that it had some meat to it. The first line on the jacket tells you, "Nancy



Sullivan was only sixteen, but already she'd had adventures to last a lifetime." (A child race-car driver? prodigy call girl?) If she had had all these lifetime adventures, we would have been spared. But no. On a trip from Illinois to San Francisco, Papa never makes it and Nancy and her mother buckle down to make a living serving meals. Mama dies, and Nancy goes on to hunt up Cousin Matilda in New Orleans. She meets

fascinating characters like Frank and Jim and mysterious Zeke and natives who mistake her for a witch doctor, and then — of course — Rex Porter, someone Nancy could count on.

I have it from a reliable source that Loula Grace, the author, writes adult novels as well as stories for "young readers," and that she hasn't learned to distinguish between the two. I have renamed this book, *A Bluebird Will Do-Do*, because that's what the author did-did.

4 *Plum Jelly and Stained Glass and Other Prayers*, by Jo Carr and Imogene Sorley (Abington Press).

I have to admit that *Plum Jelly*, et al., is one of my favorites of the worst. It ranks far above Loula Grace's scribblings and Officer Mama's gusto, because Plum Jelly is Vanilla Sludge. We are told that Jo and Imogene are two homemakers who live in Lubbock. I wouldn't want to be snobbish and say that dooms it from the outset, but that dooms it from the outset. Jo and Imogene have put together 100 pages of nifty little prayers for Lubbock housewives, and no one else, as far as I can see. They pray about things like artichokes and cicada wings and leaf veins and life styles. The title prayer relates, "Ah Lord. There is lemon-colored paint in my hair — and on my knees and up my arms" — (you may think this is getting a little sensually excessive for a prayer, but they draw the line) — "and the smell of fresh paint permeates the whole house. The bathroom is like new! The old tile looks fresh and clean and bright. Even the corners are sparkling." If the Lord and you relate to fresh tile and sparkling corners, this book is for you.

5 *Insights for Uptights*, by Bert Kruger Smith (American Universal ArtForms Corp.).

It seems Ms. Smith got caught up in publishing this year: she has three books up for Writers' Round-Up. One of them, *Aging in America*, is a well-researched and timely social treatise, but *Insights for Uptights* is pop-psychology at its most commercial level. In other words, the author wanted to sell loads of slender paperbacks at \$2.95 apiece to teen-agers and parents who are messing each other around. Without saying or examining much at all, that is. The book, like most AM radio stations, is geared toward 10-year-old minds. I prefer to call this hastily put-together collection of banalities *No-nos for Nu-nus*.

6 *Laughing to Keep from Crying*, by June Benefield (Gulf Publishing Co.).

By this point you have realized that what you are reading is not bonafide criticism of literary works. That's not

because this isn't bonafide criticism, but because these aren't literary works.

In order to read *Laughing to Keep from Crying*, you have to do just that: June Benefield is a suburban housewife (not again) in Houston who writes under a by-line for the *Houston Chronicle*. *Laughing* is a collection of her clever columns that take up space regularly in that newspaper. In one particularly interesting essay on the trials of a housewife dealing with her VistaCruiser, she says, "Just so the car goes pitty-pat when I turn the key, that's all that matters to me . . . except that all doors be locked." And to a service station attendant, "Buster, you just get yourself busy with your little old syringe. Squirt whatever it is that you squirt into my battery and forget about the oil."

See, the cute thing about June is that she appreciates and supports ignorance and incompetence. But how else can it be in the suburbs? Life is so hard there. "There are certain chains of events which a suburbanite knows will follow one after the other, regardless of how hard she tries to combat the forces that be," June says. "If she makes a careful grocery list, she will leave it on the drainboard. If she even touches the bleach bottle she will, despite every precaution, manage to take a spot of color out of something navy. The list is endless. Is it any wonder that some of us hate to get up on Monday morning?" No, actually, it isn't. I spent three Mondays in bed and wrecked the VistaCruiser after *Laughing to Keep from Crying*.

7 *The Trip Beyond*, by Brian Ruud, with Walter Wagner (Prentice-Hall, Inc.).

This book is an invitation to confused and unhappy persons to take God into their lives and step from a bum trip into the trip beyond. Brian Ruud was a dope fiend, convicted robber and general punk. Now he is a dynamic young minister. He found God in solitary confinement. Brian used to sneer at the efforts of his minister father; by now he really "knows where it's at with LSD, 'speed', and marijuana." His "chemically enslaved body was instantly transformed by the redeeming power of Jesus Christ." Mine would too if it got me out of the pen. This book is the triumphant testimony of the day-to-day miracles of healing, conversion and faith. Oral Roberts has been out-miracled. □

* * *

I'd like to introduce you to other Texas books high on my list this year, like *The Lucky Moores*, *Marvin Jones Memorial*, and *Head for the High Country*, (a Boy Scout saga that oddly resembles Brian's trip beyond), but they are not top of the schlock, just more of the mediocre. You may think my view pitiless or even cruel, but the least we can do for beauty is discourage banality.

Cool, clear water

By Thomas R. de Gregori

Land of the Underground Rain: Irrigation on the Texas High Plains, 1910-1970

Donald E. Green

University of Texas Press

\$9.50

Austin

Land of the Underground Rain is in the finest tradition of writing on land, resources and development. It's the story of dry land farming and irrigation agriculture of the Texas high plains, a tale of self-delusion and environmental exploitation.

In structure and development, the book is similar to W. P. Webb's *Great Plains*. Green opens with a chapter on "The Barrier to Settlement" and follows with sections devoted to the westward movement of irrigation agriculture and the adaptation of pump technology to the high plains.

The story begins when the Lanno Estacado was populated by a handful of local boosters and land speculators who sold a few acres and more than a few promises to the unwary. Aided by abnormally heavy rains in the 1890's, the land hucksters used free trips, free meals and lodging — much like developers do today — to lure novice farmers into areas that should never have seen the plow. Once there, a man's ingenuity and technology found ways for many to stay, usually at a high cost to the environment.

Green points out that the settlers got considerable financial aid from the federal government, but, unlike Webb, Osgood and some other Western writers, he does not fault distant Washington bureaucrats for "legislative rainmaking" and for mislocating those agricultural projects. On the contrary, Green believes the delusions about the area were held by the settlers and propagated by the land promoters. It was popularly believed that rain followed the plough and, later, that there was an inexhaustible underground river that flowed from the Rockies to the Gulf.

By the 1940's it became apparent to some West Texas farmers that the water table was falling and that some control over pump irrigation would have to be exercised. But, for the most part, the farmers' rugged individualist fervor had not been diminished by federal subsidies. They would brook no interference from the government.

Some farmers refused to believe that their water was running out. To them, conservation was Nazism, socialism or, at the very least, unconstitutional. Local writers predicted that outside controls would "reduce" farmers "to spiritless

De Gregori teaches economics at the University of Houston.

peasants just one degree above the insensitive clod." They said conservation districts "should be met with 30-30's" and their bureaucrat sponsors should be driven "into the Gulf of Mexico where they can get their fill of water." Still, few such cries of outrage were heard when these same bureaucrats sought to bring water to the high plains from other areas. As Sam Rayburn used to say, it all depends on "whose socialism" you're talking about.

The staunch West Texans described by Green are not going to succumb to the pessimism of effete snobs and nabobs of negativism. They are confident the water will appear as it has in the past. Green quotes a poignant statement of faith by the Lubbock mayor in 1967: "The history of this country is that as the need arose for anything, somebody was there with the right tool to take care of it. This is the way this country was built."

A realist must accept the fact that the outlook is bleak in the high plains. The water table probably will continue to decline, forcing a continued population decline. Have West Texans learned from the experience described by Green? Not likely. High Plains farmers and civic boosters and businessmen are still proposing multi-billion-dollar schemes to pump water from the Mississippi watershed to West Texas.

Donald E. Green has written an excellent local history of the high plains. The book has good maps of the area, illustrations of the agricultural technology and an interesting collection of pictures. It provides a microcosm of man's capacity for self-delusion and his failure to understand the limits of environmental exploitation. Carl Becker said of eighteenth-century thinkers that they "had only given another form and a new name to the object of worship: having denatured God, they defied nature." In our own time we have defied technology and in so doing have transformed technology from a way of solving human problems to an excuse for not doing so. □

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Endangered species

By Dellar Rushing

The American Worker: An Endangered Species

Franklin Wallick

United Auto Workers (800 E. Jefferson Ave., Detroit, Mich. 48214) \$1.20

Houston

The most dangerous place to be in this country is the American work place. Of 80 million people working today, one in 20 will be injured on the job every year. So estimated Jerome Gordon, whose study on job accident reporting for the U.S. Department of Labor startled official Washington when it came out. In addition to what happens any one year, one must consider the slow-surfacing hazards such as beryllium (which may take 20 years to show up), iodizing radiation, carcinogens and the makers of genetic damage.

Franklin Wallick has undertaken to alarm us and then get us going. Being a union man (UAW) he wants unions to do more; but since only one in four workers is a union member, he recognizes that the informed individual worker must often be

relied on, with the help of other reinforcements he calls up.

BEING A bit of a Ralph Nader type, he makes a specific plea for the young and the bright to prepare themselves to be professionals in the cause of health and safety on the job. He gives hints on preparing for a career in industrial medicine, industrial hygiene and safety engineering. "There are vast shortages in manpower at local, state, and national levels for doctors, nurses, industrial hygienists, safety engineers and planners. . . . The schools of medicine in the U.S. have not recognized occupational medicine as legitimate study for specialized training." We have fewer than 1,000 trained industrial hygienists. (There are more fish and game wardens.) So, if you are ready to prepare for your future job-hunting, and will dedicate yourself, you will find clues to guide you in Wallick's book. He tells where training is available and how to avoid the ersatz course of superficial lectures on first aid, venereal disease and the common cold. Public interest groups will need you. Unions will need you (Tony Mazzocchi, legislative director for the Oil, Chemical

and Atomic Workers' Union, has recruited a group of young scientists who are bright, tough, competent and pro-worker). Such research in industrial hygiene as has been done has been mainly employer-oriented. Even doctors are unfamiliar with the increasingly complex conditions of work. And where technology does exist (we know how to silence pile drivers, enclose asbestos), compliance with safety standards often fails. Employers are used to winning safety awards for having posted attractive slogans; the philosophy has prevailed that if workers would only come to work sober, keep their hard hats on and watch their step, the safety and health problems that plague industry would be largely solved.

IF WALLICK has a fault, it is that he puts too much reliance on the Occupational Safety and Health Act of 1970. By now the law has a track record and it should be clear that it will be only as good as it is forced to be. Labor worked hard for its passage because the states had failed miserably to provide and enforce decent standards, but the law has a fatal flaw: it allows states that qualify to take over enforcement: 17 of them already have.

At least 100,000 chemical compounds have been released into the environment in the last few years. Of these, 8,000 are commonly used in industry. There is only scattered knowledge of the health hazards or toxic effects of these chemicals. Threshold limit values, commonly called TLVs, have been set on only 450 chemicals in the work environment. At least 600 new chemicals are introduced each year. Little testing is done of their effects on human health and thus workers are their own guinea pigs. But even this tragic testing fails, for many job-related illnesses and deaths are never reported as such.

WE ARE all in this soup. Air and water pass the goodies around from work places to homes, hospitals, hotels — there is no escape. And although the general population does not meet the fiercest heat, dust and noise, many are affected: they have taken no physical fitness test for a job, and they include the young, the old and the ill. Infrequently, when too much industrial poison hits home, a member of the long-suffering community will sue a polluting company until it bleeds. A Houston welfare mother settled for \$175,000 because Lead Products Co., Inc., destroyed her 8 children (lead poisoning with resultant mental retardation, kidney damage and a poor prognosis). Although employees don't and usually can't sue their employers, they can and increasingly do walk off the job. When this is done in groups of sufficient size, it can make a large hole in profits.

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The Pittsburgh-Corning Corp., a fabricator of asbestos insulation for hot pipes, formerly operated at Tyler, Tex., is a classic example of the results of worker ignorance, corporate greed and community hazard. Asbestos is a recognized cause of lung cancer and other irreversible ailments. A survey made in 1970 by the National Institute of Safety and Health showed the plant to have asbestos dust grossly in excess of allowable standards. (The smaller a fiber of asbestos the easier it can find its way into a secluded nook of your lung and there is no way to get it out; the resulting cancer may come in 10 to 20 years.) Ventilation in the Tyler plant was poor. Housekeeping was such that walls, ceilings and floors were covered with asbestos dust. Protective clothing was not used. Neither engineering nor technology was employed to restrain the flow of dust and fibers into the ambient air. Instead, respirators, with poor maintenance and standardization, were relied on — a dangerous and inadequate method of protection at best. Moreover, waste from the plant was dumped in an open field, not buried, and bags that had contained asbestos were sold to Tyler nurseries, which used them to wrap plants for shipment.

When NIOSH made the survey in which it reported "an extremely serious and critical occupational health situation," it found that many of the workers were unaware of the hazards of their jobs. As a

result of union efforts (Local 4-202, Oil, Chemical and Atomic Workers), Pittsburgh-Corning is now providing annual medical check-ups and will do so for the next 20 years for as many of the 1500 former employees as can be traced. (The plant was small, but the turnover huge.) Those that develop lung cancer will qualify for workmen's compensation. That is the best the union could do for the workers, but it's not all they did for the rest of us. The plant has been shut down. Many others now shy away from asbestos and have turned to fiberglass and other less lethal material.

Contrast the experience of Local 4-202 with asbestos workers in Harris County still sweating in asbestos dust. They have relied on OSHA, but OSHA, as late as the fall of 1973, is still lacking enough compliance officers to make any practical difference in even such hazardous work as this. Clearly, union militance, not reliance on a

regulatory agency, has been the achiever.

The United Farm Workers (barely mentioned by Wallick) is one union that has demonstrated the value of common-cause action with the public. Chavez recognized early on that pesticides were killing the workers and were their worst enemy. He documented with reports from independent testing agencies that grapes (and now lettuce) in the supermarket sometimes bear several times the generous allowance of poison tolerated by the Food and Drug Administration. Successful boycotting has thus been developed as a means of common defense.

Wallick's little paperback is no *Silent Spring*, no gem of purest ray. But it is so good it should be read and then saved for reference by all activists. And it is really a gift: you send them the \$1.20 and they use 59 cents worth of postage to mail it to you.

November 2, 1973

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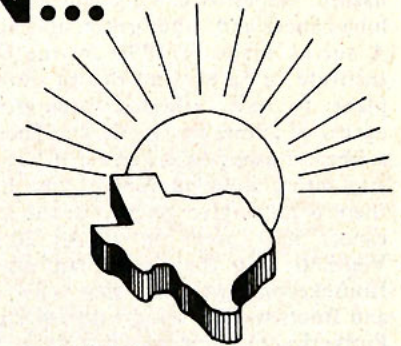
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3:30-5:30 p.m.
7:00-9:00 p.m.

SUNDAY MORNING:

10:00 a.m.
1:00 p.m.

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Misprision of justice

Austin, October 18

I see no reason why the Congress should now confirm Gerald Ford as the vice-president. Carl Albert would make a better President than Ford. The possibility that Ford, as vice-president, might become President as the nominee of Richard Nixon and would, as the incumbent, then have command of national television to seek to perpetuate himself in the office is appalling, because the generation of voters who came of age after the 1960 election have not had a single good, free* choice for President yet in their lives, and this would mean another election in which they would not. For surely few will now deny that the nominee of Richard Nixon has no presumptive right to the office of President. It would be wiser and better that the Congress, after full hearings, defer confirming Ford until the members decide whether they should and will impeach Nixon. If they impeach Nixon, part of that should be not confirming Ford until Nixon's trial is over. If Nixon is not to be impeached, or if, impeached, he is not removed from office, that will be the time to vote on confirming Ford. If Nixon is removed from office, it will be better to have Albert as president than Ford.

HERE NIXON stands, the President, gravely suspected of lying to the people and of felonies, the men he put closest to him resigned and some of them indicted, and the man he twice selected as vice-president now a convicted crook, yet when Nixon seeks to designate the man who might become our next President, we appear to take it supinely. What is wrong with us? The volume of the scandals has dazed us out of our own common sense. These matters are momentous for us all. Everyone should discuss them freely, reflect about them, and express his or her honest view.

I have an opinion on the deal Nixon approved for Agnew that many may not share, but I wish to express it, anyway. I believe that favoritism for the powerful and the corruption of justice are embodied in this deal. The vice-president of the United States was gravely accused of bribery, extortion and tax evasion. The United States prosecutor for the Northern district of Illinois states that it was the strongest case of extortion he had ever seen and that if the witnesses had testified as they said they would, the verdict would have been guilty and Agnew would have been sentenced to a prison term for a large number of years. We are given to understand that the evidence alleges Agnew received cash bribes in his office when he

Observations



Speaker Carl Albert

was vice-president. He admits that he knew that he was failing to report taxable income in 1967. The official rationalization for his receiving, upon his resignation, no indictment for bribery or extortion and three years' unsupervised probation and a \$10,000 fine for tax evasion was that his disgrace is his punishment. There was a second rationalization, that the country could not take the trauma of his trial. With regard to the first, his personal disgrace is nothing compared to the country's. It is upside down thinking indulged in by persons in high office, including judges, that the higher an official, the greater his capacity for pain when he is ruined. This essentially upper class thinking fails to give any weight to two additional vital factors, the enlargement of a crime by its having been committed by a person given the public trust by the American voters in two nationwide elections, and the bitterness and cynicism about the system of criminal justice that is caused by letting the mighty go while crushing the powerless into prisons. This bitterness and cynicism does not get into many newspaper stories. Occasionally, a little of it does. The Austin paper quoted a man as saying that if he had done what Agnew allegedly did, they would have put him, the man quoted, so far back into Leavenworth they'd have had to pipe in the sunshine. But the Agnew deal struck by Nixon and Richardson has

surely deepened, not lessened, the disillusionment of the people about the government we now have, penetrated by money, corporate interests and corruption. As for the second rationalization, that the country could not take the trauma of Agnew's trial, this is a cover-up for what more worried Nixon, the fact that the Republican Party and Nixon's own standing among the voters could not take it. The trauma the country cannot take any more of is being told what the powerful wish to tell us and lied to when they wish to lie to us. We can take the truth if the powerful can. Agnew should have been tried.

When the truth is a bitter portion, it is not the less the truth, and had better be drunk down, for it is still a good medicine. The admission by top executives of — how many is it now, eight? — major corporations that they deliberately, knowingly, flagrantly caused their corporations to give great gobbets of greenbacks to Nixon's campaign in 1972 in pursuit of lucrative federal favoritism or in fear of expensive retaliation from Nixon constitutes illegal conduct of the gravest nature for our political system. These are offenses by impersonal corporate powers against every person in the United States and the political democracy that binds us together, and the agent-leaders of the corporate powers that are responsible are malefactors of the primary magnitude. Richardson on Oct. 17 accepted for the Nixon government pleas from three of these malefactors that involved nothing but tiny fines — tiny in the accounts of these rich men and their multimilliondollar corporations. Once again we are to be told that it is sufficient punishment that these eminent men were required to appear in court and plead guilty to what they have done. To the contrary, it is not. They should each have been given the full sentence prescribed by law, which includes one year in jail. In addition, the Congress should feel shame that the penalties it has prescribed for this organic crime against government by the people are so criminally insufficient to the magnitude of that crime and should increase the penalties against that crime to make them commensurate with the penalties for such crimes as bribery, extortion and tax evasion.

WHAT GOOD are we getting as a country out of these disgraces to the public weal? From Watergate most of us have learned a suitable civic rage against the invasion of privacy for political reasons and, let us hope, by logical extension, for commercial or personal reasons. So far the

* I regard the 1972 election as polluted by big money and dirty tricks to the point of invalidity.

Both barrels, as usual

Archer Fullingim, editor of the *Kountze News*, often speaks out what many people are thinking. In his column in his Oct. 18th edition, he says:

"Now we know that compared with Nixon, McGovern was a calm, sincere, honest Democrat who was lied on by the Republicans, and the worst part of it was that some Democrats believed it. Now they are paying for it.

"It gripes me no end to have to pay over a dollar for five pounds of flour, which I use a lot of, and 48 cents for a loaf of New Orleans French bread. Strangely I don't blame Nixon so much as I blame the pig-headed Democrats who voted for him. They should have known what to expect from Nixon. They had been watching him for 20 years. They knew all his dirty tricks, and yet they swallowed the lies about McGovern and voted for \$1 flour and \$2 a pound sirloin. They voted for Nixon for law and order and Nixon took lawlessness and disorder off the streets and set it up in the White House.

"Nixon's chief apostle of law and order was Spiro Agnew, his vice-president, and look what happened to him. When old Spiro stood in that courtroom in Baltimore and told the federal judge that he had accepted kickbacks that he didn't report in his income tax, that wiped out all of Agnew's mouthings of five years for law and order. It put him in a class with Nixon who has not yet resigned, who has not yet admitted that he knew about Watergate and covered it up.

"I was never an admirer of Agnew, and I think he got exactly what was coming to him. . . . He was a mean, spiteful man. He lived a lie; he posed as an heroic figure but all the time he knew that he was guilty of government crimes. . . . So it didn't sadden

me about Agnew. I always thought that he was not fit to be vice-president of the United States, and so I say good riddance. The country would be better served if Nixon himself would resign and let Speaker of the House Albert take over, but Nixon is tricky. . . .

"For four long years, Spiro Agnew condemned permissive judges in vitriolic language, and in the end a permissive judge saved him from jail. The judge is not so much to blame as Elliott Richardson, the head of the Justice Department. . . . I did not believe Richardson when he said that Nixon did not dictate mercy for Agnew. . . . Richardson's decision was typically Nixon. Now I am inclined to believe that Nixon knew all along that Agnew was a criminal and that he blew the whistle to get the public's mind off Watergate and his tapes.

"In the future, any official who has been bribed can go to the Justice Department and complain that he has been punished enough and should be put on probation. Was Agnew punished enough? Of course he wasn't. He should have been sent to jail, just as any ordinary citizen would. Now there is a separate law for elected officials like Agnew in which they don't go to jail, and another harsher law for the average citizen. . . .

"Richardson has made the Justice Department look bad. His decision to let Spiro go free was the antithesis of law and order. It was a slap in the face for law and order. What Spiro did was far worse than what Rap Brown, Seale or the Berrigan brothers did. A jury should have decided Spiro's case, not the attorney general, Nixon and the permissive judge. . . . In the end, despite all [the shifty-eyed attorney general's] claims to integrity, he did exactly what Nixon told him to do."

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Congress have failed to make anything useful from this civic rage in us. That is their failure, and the good we are entitled to get out of Watergate is that the Congress correct their failure. A movement should form, within and outside the Congress, to institute felony penalties for invasion of privacy commensurate with the penalties for such crimes as bribery, extortion, and tax evasion.

The second good we should get out of these waves of scandals is the structural reform of our system of campaign financing. Senators Kennedy and Scott have introduced the measure that will serve as a basis for this structural reform, the public financing of national elections. Clearly this should entail free television time for all bona fide candidates, and the reform should also go from the top to the bottom of our politics, national, state and local, and root out in one violent democratic effort the corrupting power of big money in our political discourse. A second movement should form, then, within and outside the Congress, to make the penalties for the corruption of the people's elections with money commensurate with the penalties for such crimes as bribery, extortion and tax evasion.

What might citizens of Texas do toward these ends? We have a powerful delegation of men in Congress from Texas, mostly but

not without exception mossbacks. From Texas, most notoriously a breeding ground for political corruption, we could well launch demands on our own congressmen that they individually and together make invasions of privacy high felonies and help us form a national movement to root big money out of all of our elections. The vital thought to hold, I think, is that we must refuse to be satisfied or shut up or grateful or accepting when these politicians throw us a sop, like words against Watergate or a new law prohibiting individuals from giving more than \$25,000, or more than \$3,000, to campaigns or candidates in a given year. Women, blacks, *chicanos* and even white males should get ready to run against the cop-outs. Deep, structural reform is all that can bring us back from the historic trouble that our country is in.

October 21

Nixon's abolition of the Special Prosecutor's unit, rupturing the authority of the courts and breaking faith with the Senate with the expressed approval of Gerald Ford, along with the FBI's seizure for Nixon of the Special Prosecutor's files and evidence, make what seemed heresy Friday very nearly obvious Sunday. I now believe that Nixon should be impeached, Ford not confirmed, and Albert become President.

R.D.

The Bill of Rights is not enough

Austin

Until questions of separation of powers, executive privilege and impeachment began to take up most of the constitutional arguing space around, one most often thought of "the Constitution" as the document which contains the Bill of Rights, including its nineteenth-century adjunct, the Fourteenth Amendment. And the Bill of Rights itself was most often thought of as an exemplary set of protections for the citizen, one not in need of revision or adjustment, but only of reading by reasonable people. Definitions of reason, as they usually do, differed widely.

The Texas Constitution also contains a Bill of Rights, one that reads more like a bill of particulars than does the federal version. As Clifton McClesky said (in *The Government and Politics of Texas*) of Article I of the state document, it is "several times longer than the Bill of Rights in the national constitution, although few would argue seriously that the much more detailed state provisions thereby ensure better protection for individual liberty."

NOW THE STATE is engaged in the process of revising its constitution. The mandate to do so, approved by referendum in November of 1972, contains the proviso that the present Bill of Rights "shall be retained in full." Voters thus concurred in the admirable sentiment that no rights presently guaranteed them should be subject to cancellation by the 37 members of the Constitutional Revision Commission or by the 181 members of the Legislature.

But many civil libertarians will argue before the Legislature in constitutional convention assembled that the fiat of November, 1972, does not prohibit the addition of guarantees. The Civil Liberties Union is even now gearing up for such an argument.

Some may shudder at the thought of the "supplements" to the Bill of Rights that could be drafted to subtract rights. Ideally, one would resurrect the Founding Fathers and entrust them with evaluating any suggested changes. Even lacking the wisdom of Jefferson, though, one may begin to think of safeguards that should be part of a new fundamental charter. If we must retain the details and specificities of the old Bill of Rights, let us add to them details 1973 makes necessary. The decision to accept or reject will ultimately be the people's, but the proposals should be the people's as well. I have been thinking, fragmentally and incompletely, and I would offer several beginnings.

The right of privacy is one that is recognized in common law (most notably,

Notions

recently, in the U.S. Supreme Court's abortion decision) but is present in the two Bills of Rights only by inference. The convention should consider including some explicit statement of it, such as, "The right of privacy for all persons being an essential part of freedom, the state shall not infringe upon it unless compelling cause be shown." Clearly, constitutional language cannot prevent every specific invasion by government, but it can at least provide a standard against which such pernicious jackassery as the sodomy statute may be measured.

INSEPARABLE FROM such a guarantee is some protection of the privacy of communication. The present Bill of Rights (Section 9) contains restrictions on searches and seizures. Those restrictions should be explicitly extended to the electronic seizure of conversations by adding such language as "Neither the state nor private persons shall intercept any conversation by means of any electronic or mechanical device without the informed consent of the parties to the conversation. Evidence obtained in violation of this section shall not be received or used for any purpose in any proceeding."

The 63rd session of the Legislature passed two bills designed to open the processes of government to the public, the open meetings and open records laws. There is some concern among civil libertarians that the constitution contain fundamental backing for these two statutory efforts, some assurance that they will not be weakened or thrown out by future sessions. It would perhaps be introducing unnecessary statutory material to include in the Bill of Rights some statement to the effect that "The Legislature shall not deprive any person of the right to examine the documents of, or to observe the deliberations of, any public bodies or agencies of the state and its subdivisions, unless the demands of individual privacy or purity of contract and litigation clearly outweigh those of the fullest public knowledge. Nor shall the state, its agencies or its subdivisions unreasonably hinder any person's right to informed participation in the processes of government." But the convention should not be let off without considering the possibility.

Section 10 of the present Bill of Rights contains the requirement that "no person

shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger." Such a guarantee is part of the original conception of the grand jury as a shield for the accused as well as an instrument of the law. We have seen the grand jury used, in recent years, as a political and punitive tool. It seems the only shield remaining is the secrecy of accusations which are not confirmed in indictment, and the free hand given prosecutors to make their cases practically unopposed cuts away from even that safeguard. The grand jury system may need wholesale revision; at least, the convention should consider the addition of a provision such as "and no person shall be indicted by grand jury unless he or she has had the opportunity, with advice of counsel, to confront the witnesses against him or her and to cross-examine them before the grand jury."

These are, as I have said, unfinished and perhaps unwise ideas for revising the Bill of Rights. They most likely will fail to shake the convention to its foundations. But it is necessary for serious people to think seriously about the possibilities of adding to the enumeration of constitutional guarantees. The 37 commissioners felt they were forbidden to alter Article I. The people should consider whether they and their elected representatives are similarly bound. J.F.

November 2, 1973

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"The annexation of Texas looks like one of those events which retard or retrograde the civilization of ages."

Ralph Waldo Emerson
Journal, March 1845

We can't honestly say that Ralph Waldo has been proven dead wrong, but he said on another occasion that a foolish consistency is the hobgoblin of little minds. If there's one thing we at *The Texas Observer* can't abide it's little-mindedness. We love the state of Texas, but we consider that a harmless perversion on our part.

Texans like to point out that we're Number One in oil production and Number One in cattle production. The *Observer* is concerned about the fact that we're Number One in school dropouts and venereal disease. We've done our fair share of exposing the retrograde in Texas — the forgotten homes for the retarded, the power brokers in the state legislature, the myriad miscarriages of justice, the Texas senator who says that \$42,500-a-year isn't a living wage (for a senator, that is) and the polluters on the anti-pollution boards.

But the *Observer* also delights in and cherishes those aspects of Texas that set it apart from the increasingly bland sameness of Howard Johnson's-superhighway-plastic America. We are firm believers in irreverence and dedicated connoisseurs of Texas Neanderthals — Mad Dog Mengden, who sagely announced on the floor of the Senate this year, "This is the way I see the problem, if there is a problem, which I deny"; State Rep. Joe Salem, who personally went to Paris to negotiate with the Veet Kong; and Jerry Sadler, the Austin strangler. Who else would tell you about the roller skating penguins in Arlington, the Aurora spaceman and Dolph Daring's closing of the Chicken Ranch with the panache such phenomena deserve?

The *Observer* also writes about the many Texas movements and people we think are progressive, both the ones you'd expect to read about, such as Ralph Yarborough, Sissy Farenthold and *La Raza Unida*, and those you might not otherwise hear of — Charles Derrick, the ombudsman at Gatesville, Dr. Pete Gunter and the other Big Thicket activists; Dr. George Sanchez, *chicano* educator; Major Jerry Sewell, a career soldier who became a conscientious objector; Amado Muro, the enigmatic El Paso writer; Ned Fritz and his much-maligned suburban prairie; Frances Jalet Cruz, a leader in the fight for prisoners' rights.

Life in this nation state can be frustrating, infuriating, repressive and insane, but it is almost never dull. Our brand of reporting doesn't carry a brand — the *Observer* is a maverick. But it seems to sit well with folks who like their chili hot, their heroes human and their truth with the bark on it. If Ralph Waldo were still around, we think we could sell him a subscription.



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Don't Move: A Memoir

By Steve Barthelme

Austin

Looking back (we discourage looking forward), one is comfortable in the feeling that they've been a good 14 years, and that they have been this way for one quite simple reason — finding one's niche. Yes, the life of the ne'er-do-well. Failure is a rich and fertile field relatively unexplored except by our novelists who insist on failing in such grand and grandiloquent terms that their failures are useless to the rest of us. I mean, who cares, really, about his *identity*? Sophomores.

Early on the ne'er-do-well should be distinguished from the derelict. In romantic moments, I used to fancy myself a derelict, with stubble and eyes streaked in red, tubercular and twitching, filthy dirty and splashed across a four-page full color spread in *Vogue* with Jean Shrimpton in tow. How the ladies do like violation! But clearly this is not the case, so clearly in fact that I have relinquished the term altogether. A derelict has a lot of integrity and pathos and things of that kind, things I'm sure which are sticky and obvious, things which you can't rid yourself of (if you take a mind to) by flying to Albuquerque. A derelict usually has a bottle of cheap whiskey and an old coat, neither of which I have ever felt much attraction toward except at parties where there are inevitably many bottles of whiskey which the host resents your taking with you. And if you have an old coat, you have to stand around outdoors a lot, and I hate the cold like nothing else.

DERELICTS inevitably, too, have some sort of tragic past, something I can't manage, unless you count the nuns on the back (112), but then derelicts tend not to worry about things like nuns, they tend to have real problems. They also have a kind of vulgar authenticity like that of the zealot, but the value of authenticity, clearly, has been blown all out of proportion in recent years. Just as failure is a richer phenomenon than success in the great majority of cases, so the fraud outshines the real. If reality were all that sweet, who would bother with fantasy?

Further on the subject of derelicts, derelicts tend not to have any money, which is a pain in the ass, and which one finds oneself unable to support as a continual condition. Life without money, as my old friend Anita Bryant is fond of saying, is like a day without sunshine. Who needs it? The only thing worse than not having any money is *looking* like you don't have any money, because then you're just about cut off from getting any. No one ever accepts a hot check from a wino, but a

clean shirt and a Texas driver's license (good for four years) will work wonders. America trusts you.

Now the life of the ne'er-do-well is more complicated today than it was 50 years ago. Don't you know. The basic new element in the life of the hardcore ne'er-do-well is the proliferation of other ne'er-do-wells crowding up the act. They are actually more bush league derelicts than pure ne'er-do-wells, but it's not a distinction the public makes easily. The



bush leaguers themselves often fail to distinguish between the two, actually quite different, fields. A particularly resistant strain of imitation has arisen, conveniently described by the term "committed"; which means, basically, that they will kill you for an idea. A kind of personality which has always made me uncomfortable. They do not care about finesse or performance, they care about the ecology. Or sexism. So one is invariably confronted with these subjects when all he's trying to do is hustle a meal. Spaghetti is all right so long as while you're eating it you don't have to discuss vaginal politics, a subject, I confess, which has always seemed fairly simple to me. Open and shut. But people nowadays just can't tell the true-hearted ne'er-do-well from his committed, well-pimpled brother. Proud of his complexion. A lot of extra TV sets and broke down radios and cans of chili go astray, I'll tell you.

The first task for the apprentice ne'er-do-well is to get himself one, two or six girlfriends who work. This is a delicate problem, because girlfriends tend to lord it over the poor ne'er-do-well and don't much like him splitting up his allegiance. The ne'er-do-well would do well to remember the old saying, why buy the cow when you can get the milk for free. Don't drink the milk if the cow is unemployed. Almost by definition, a ne'er-do-well is required to be supported by the sweat of a beautiful woman, than which sweat there is perhaps none sweeter. Maybe you saw the Carroll Baker version of *Harlow*; remember the stepfather. Also, while it is true that presently there are a lot more working women, there are fewer and fewer with enough self-hatred and self-doubt. They're all certain they are Mary Magdalene, in the

"After" pose. This is probably very healthy for them, but it presents a real problem for you. The show needs to be revised. Paul Newman no longer amuses them — the style is more Dustin Hoffman. You're ugly, but you have "character." You're rotten in bed and you cry over animals a lot. You can get into a rage over the trans-Alaska pipeline. And you know exactly what a berserk Swedish bankrobber means about Western Civilization. In fact, you spend most of your time reading *Newsweek* and the *L. A. Free Press* in states from euphoria to tears. In other words, manic-depressive in a Che Guevara suit.

THE GREAT fear of any ne'er-do-well worth his salt is *that he will succeed*. A man may spend years learning the art of failure only to blow his brains out when met with success. And the danger is a very real one in our culture where the happy dilettante may at any moment fall in front of the capricious cameras and have a half dozen microphones pushed at him by a half dozen jerks. The jerks wish him to have opinions because that is their job. The ne'er-do-well knows that he does not need the opinions but he is seduced. Suddenly, he is a success. Whole new attitudes are required. A closet of new quips. He gets a job. Buys a Volvo. Shoots himself.

The true work of the authentic ne'er-do-well is to wander. Wandering is best accomplished if some vague order is given to the activity, more or less in the manner of the classic "quest." The trick is to be on a quest without any object. No white whales, if you please. With no object, you can hardly succeed. Or perhaps it is only that the quest must be for an object without any pretense, a simple, common goal. Money is good in this context. Rain. The wandering which is the central exercise of the ne'er-do-well is not the "wild odyssey, sex drugs truth" variety but more the across-town style. When you find yourself standing somewhere trying to figure a socially acceptable rationale for standing there, you have hit it. Wandering does occasionally bring you face to face with conflict. Go around it. All that is required is answers to a few questions, and you have years to work on them. Your fellowman always asks the same questions — it's amazing. What do you do? Do you want to go? Can I help you?

In a humane spirit, the ne'er-do-well usually answers his fellowman on approximately the desired level of complexity. I'm a broker, no, no thank you. The ne'er-do-well is always civil; it is his code. But occasionally he must also accommodate his needs: I stare, I'm sick, and penicillin. Or something else. □

Houston CATV issues

I read recently in the *Observer* a glowing account of some virtues of cable TV at Taylor, Texas. I hope that the following pertinent information concerning CATV in Houston is presented to the readers of *The Texas Observer*.

On Nov. 6, Houstonians will vote on a franchise ordinance to allow a group of local business interests strongly tied in with the development of water districts to build and operate a community antenna TV system on a monopoly basis in Houston. The issue is not for or against CATV, but rather the ordinance as written. CATV will come to Houston whether or not Greater Houston CATV receives the franchise. The issue in contention by some civil libertarians is safeguards for the basic Bill of Rights freedoms. The franchise has no felony sanctions against invasion of privacy. No considerations are listed as to establishing standards of excellence, something needed in today's world of mediocrity of broadcast TV. The issues listed, plus the lack of employee rights (i.e., collective bargaining and equality of hiring and promotion), are enough for a progressive citizen to vote no on the CATV ballot.

A final basic issue which should deter

Dialogue

most voters is the low rate of payment Greater Houston CATV monopoly will pay the City of Houston for the privilege to operate in Houston. The CATV franchise specifies that Houston will receive only 3 percent of the gross receipts from residential service. A CATV franchise granted in New York City gives that city the following royalties: 5 percent of the gross residential receipts, 10 percent of all commercial services (i.e., leased channels or burglar protection services), and when pay TV becomes legal, 25 percent of the gross receipts from pay TV.

Any rational voter will ask why is this so. The answer on Nov. 6 is NO!

Mike Noblet, Family Law Center, 1115 Congress Ave., Houston, Tex. 77002.

Nuclear risks

New technologies require an assessment of benefits vs. risks. Recent evidence seems to indicate that, in the case of nuclear fission power generation, the benefits are not worth the risks.

Gerald A. Drake, M.D. of Petoskey, Michigan, testifying at hearings on low level radiation, cited statistics and displayed charts showing an infant mortality rate in Charlevoix County, where the Big Rock Point nuclear power plant is located, 49 percent higher than in the state as a whole, an immature infant rate (under 5 lbs.) 18 percent higher, a leukemia death rate 400 percent higher, a cancer death rate 15 percent higher (this will probably rise, due to cancer's long incubation period) and a congenital defect rate 230 percent higher. Dr. Drake admits that his figures are based on small numbers, and percentage changes can thus be spectacular, but he adds, "Since all five categories show disturbing changes which could relate to increased radioactivity, caution and more detailed study would appear to be indicated."

The study covers a period of 10 years (the plant began operations in 1962), and this year the plant became one of the first to use added plutonium, the most carcinogenic agent known to man.

Figures on gaseous and liquid waste discharges vary tremendously from plant to plant and from time to time. Dr. Drake says that the Big Rock Point emission rate, though high, is still less than 1 percent of what the Atomic Energy Commission considers acceptable!

By present standards the Michigan plan is small — 75 megawatts. A number of plants which will consist of two units of 1150 megawatts each are planned for Texas. It would be the height of folly to

proceed with the construction of these nuclear giants until all health and safety questions have been resolved. Please let your elected representatives on the local, state and national levels hear from you.

Mrs. John H. Hicks, 2305 Wilke Drive, Austin, Tex. 78704.

Forget Cochran

I read *Proud Flesh* by William Humphrey and it's hard to believe that your reviewer, Bob Cochran, and I read the same book.

The point of the book, as I read it, was the destructiveness inherent in the attitudes and behavior of the Renshaws. True, Humphrey describes (very well) the bigotry and sexism rampant in the family and in the community. He does find humor (black) and a warped compassion in some of the people and the situations. And the book ends with a sort of madness.

Humphrey examines his characters, their attitudes, and lives and concludes with the Renshaw syndrome raised to the ultimate power — madness. This syndrome remains very much with us, and Humphrey's novel is a worthy discussion of it. Forget Cochran and give Humphrey a chance!

Mary Ficklen, 6657 Avalon Ave., Dallas, Tex.

Others strange, too

I was somewhat surprised at the editorial about John Niland's experience (*Obs.*, Oct. 19). It sounded so judgmental and you are usually so open minded. (If I am sounding judgmental, please forgive me.)

Perhaps the last sentence holds the key: "... we find Duane Thomas so much easier to understand." I Corinthians 2:14 "But the man who isn't a Christian can't understand and can't accept these thoughts from God, which the Holy Spirit teaches us. They sound foolish to him, because only those who have the Holy Spirit within them can understand what the Holy Spirit means. Others just can't take it in."

It does seem strange, but many conversions have seemed strange. Saul of Tarsus, later known as Paul, probably had the most unbelievable. Let us hope and pray these conversions will lead to more justice and equality.

M. Cross, 5810 Twineing, Dallas, Tex. 75227.

PHILADELPHIA (AP) — The television address of Spiro T. Agnew Monday night brought a number of telephone calls to station KYW-TV here complaining because the normally scheduled program wasn't on.

So the National Broadcasting Company affiliate had this advisory moving under the former vice president:

"'Let's Make a Deal' will not be seen tonight."
—*Corpus Christi Caller-Times*