

A Journal of Free Voices

A Window to the South

July 5, 1974

50¢

After the revolution in *Cristal*

The Spinach Capital of the World
La Raza Unida, Texas' very own, home-grown, radical, militant, mostly-*chicano* political party, has been running the city government and the schools of Crystal City for four years now. The results are mixed. On surveying some of the more depressing effects, one is reminded of Talleyrand's observation that revolution is simply the turning over of a dung heap. *Plus ca change, ol' amigos, plus e'est le same damn thing.*

Trying to get the story of what *La Raza* has done in *Cristal* is like listening to a South Texas version of *Roshomon* as told first by the Frito Bandito, then by the Dodge sheriff and finally by Frantz Fanon. (*Anglos* call the town Crystal City, while *chicanos* call it *Cristal*, thus reinforcing the impression that they're really talking about two entirely different places.)

To say that Crystal City today is intensely politicized is to grossly understate the fact of the matter. Where you eat, whom you talk to, what kind of beer you drink and where you buy your groceries are all political decisions. Politics is a 24-hour-a-day concern and even very young children are passionately involved in politics.

TAKE THE matter of beer. According to *La Raza* folks, *La Raza* started a boycott of Lone Star because the *anglo* who has the local distributorship is the same guy who has the Ford dealership and he refused to lend the high school any Fords to use in the driver education classes. According to the *anglos*, the Lone Star boycott started after Jose Angel Gutierrez, founder and *jefe* of *La Raza*, got the

Falstaff distributorship for *Cristal*. Further digging produces concrete evidence that the Lone Star boycott did indeed antedate the Falstaff distributorship. Further,

Gutierrez does not have the Falstaff distributorship. Some guy in Eagle Pass has the Falstaff distributorship for the whole

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The coming fortnight

By Suzanne Shelton

JULY GRAB BAG

THE PICTURE SHOW — One of best summer film festivals around, Alley Theatre's Cinemafest '74, with first weeks' line-up: "Spectacle in the Cinema" week, with Fellini's "La Dolce Vita," July 2-3; Vadim sexploiting Fonda in "Barbarella," July 4-5; and one of the finest films of the past decade, "Blowup," July 6-7; "Academy Award Winning Cinema," including "Nights of Cabiria," which Paulene Kael calls Fellini's finest, July 9-10; first comedy to garner Oscar for best picture, Frank Capra's "It Happened One Night," July 11-12; alltime great "The Bicycle Thief," July 13-14; "Legendary Ladies of the Cinema," including Hedy Lamar in "Ecstasy," July 16-17; Bette Davis at age 26 in "Of Human Bondage," July 18-19; and Marlene Dietrich in "Destry Rides Again," a role which was satirized recently in "Blazing Saddles," July 20-21; Alley Theatre, Houston.

ART ON FILM — Continuing Museum Without Walls series, "Le Corbusier" and "The Greek Temple," July 11; "The Cubist Epoch" and "Germany-Dada" July 18; Laguna Gloria Art Museum, Austin.

PORTER'S PHOTOS — Eliot Porter, ornithologist, biologist, ecologist and photographer, represented in exhibition of 200 photos made on Maine coast, Iceland, New and Old Mexico, and elsewhere; Witte Memorial Museum, San Antonio.

MOVIES FOR MITES — In conjunction with Alley Theatre summer film festival, Mini-Series including "Heidi" with Shirley Temple, July 6-7; "Little Lord Fauntleroy" with Mickey Rooney, July 13-14; Leslie Caron in "The Glass Slipper" tale about Cinderella, July 20-21; 11 a.m. Saturdays, 3 p.m. Sundays, Alley Theatre, Houston.

AND MORE MOVIES — For Austin's small-fry, free flicks including "JT," "Merry-Go-Round," "Clown" and "The Daisy," July 11; "Flight of the Doves," July 18; and

"White Mane," "A Visit From Space," "Pigs" (the country kind), and "Easy Street," July 25; 10 a.m., Laguna Gloria Art Museum, Austin.

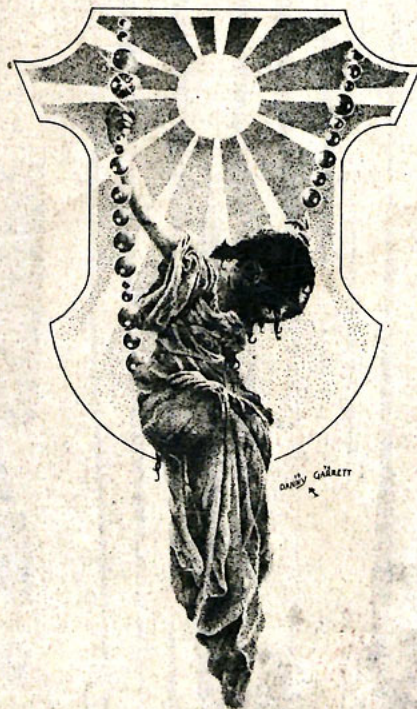
CRAFT DEMONSTRATIONS — Series of how-tos, with demonstrations in "Candle-dipping," July 8; "Macrame," July 9; "Potter's Wheel," July 11; "Basket Weaving," July 12 and 17; noon, Union Bldg. 333; and "Plaster Life Masks," July 10, 12:30 p.m., Union Patio, University of Texas, Austin.

DANCE FILMS — Series of dance films including July 15: "The Nutcracker," with Edward Villella, Patricia McBride and Melissa Hayden of New York City Ballet; "Merce Cunningham," short film made in France; "Rhythm of Africa," Jean Cocteau film from Chad; July 22: "Plisetskaya Dances," with Maya kicking her head among the Bolshoi; July 29: "Romeo and Juliet" with Rudi and Margot and the Royal Ballet gang in 1966; Batts Auditorium, University of Texas, Austin.

CHARCOALS — Richard High exhibits charcoal drawings and enamel paintings, July 8-12; also works by Janet Burke, Kim Stanley, Cecile Bogan, Kathy Watkins, Marilyn Wesson, Ruth Holt and Mary Beth Rippel, July 15-19; Union Gallery, Texas Union, University of Texas, Austin.

JULY 7

HALLELUJAH — Morning Glory, country folk group, in free outdoor concert; 7 p.m., Zilker Hillside Theatre, Zilker Park, Austin.



JULY 9

ANGELA HOOFS IT — Angela Lansbury in touring company of "Gypsy," billed as "musical

fable"; through July 13, Music Hall, Houston.

HERSCHEL WHO? — Herschel Bernardi, that's who, in "Man of La Mancha," that die-hard Don Q number; through July 21, Dallas Summer Musicals, Music Hall, Fair Park, Dallas.

THE CIRCUS — If you love to eat sawdust and smell cotton candy, not to mention lions, tigers and elephants (a regular SPCA who's-who), try Ringling Brothers & Barnum and Bailey Circus, the 103rd edition; through July 16, Sam Houston Coliseum, Houston; also July 19-21, HemisFair Arena, San Antonio.

JULY 10

NASHVILLE SOUND — Continuing "Festival of Music" series presents Longhorn Band in "Music From Nashville"; 8 p.m. Nursing Bldg. Patio, University of Texas, Austin.

JULY 11

SONATAS — Leonard Posner, violinist, and John Perry, pianist, of UT music faculty, play sonatas by Mozart, Brahms, Debussy and Beethoven; 8 p.m., Music Bldg. Recital Hall, University of Texas, Austin.

POP TUNES — Austin Civic Chorale sings popular tunes in free outdoor concert; 8:45 p.m. (sundown), Zilker Hillside Theatre, Zilker Park, Austin.

LONN TAYLOR ONSTAGE — Now this is not a reference to his figure, but Lonny Taylor of Winedale fame will play his barrel organ in noon concert; Union Patio, University of Texas, Austin.

WITH HIS GIT-TAR — Jimmie Rodgers performs his million-sellers, "Kisses Sweeter Than Wine" and such, with Houston Symphony Orchestra; 8:30 p.m., Jones Hall, Houston.

JULY 12

TONY & CYD — Cyd Charisse and Tony Martin sing and dance with guest star Norm Crosby to add some funnies; through July 14, Houston Music Theatre, Houston.

JULY 14

HARD ROCK — Just like it sounds; Steele, in free concert; 7 p.m., Zilker Hillside Theatre, Zilker Park, Austin.

JULY 16

SHRINK ONSTAGE — "Journey to the Day" is seriocomic play about psychiatrist and six patients in therapy; through July 28, Mary Moody Northen Theatre, St. Edward's University, Austin.

JULY 17

SOFT STUFF — UT Longhorn Band plays Mancini, Bachrach (what? no McKuen?); 8 p.m., Nursing Bldg. Patio, University of Texas, Austin.

JULY 18

JAZZING IN DARK — Under the stars hear UT Jazz Ensemble in free concert; 8:45 p.m., Zilker Hillside Theatre, Zilker Park, Austin.

CHARLEY PRIDE — Sweet Charley Pride sings to our ears, with Ronnie Milsap, the Four Guys; through July 21, Houston Music Theatre, Houston.

PATIO CONCERT — Ann Gates performs in free noon concert; Union Bldg. Patio, University of Texas, Austin.

Cristal

(Continued from Page 1)

area and Gutierrez has an arrangement with him whereby Gutierrez invested 25 thou and if Falstaff sells \$50,000 worth in *Cristal* Gutierrez gets a cut of the profit.

This information comes from Jesse Gámez, formerly the attorney for the Crystal City council and the Crystal City school board, who has a Budweiser problem. Gámez says Gutierrez promised him the Bud distributorship and then double-crossed him by making the Falstaff deal, which Gámez, who is personally, although not politically on the outs with Gutierrez, takes as further evidence of this thesis that Gutierrez is not a man of his word and stabs friends in the back. Angel Noe Gonzalez, who is the superintendent of schools in *Cristal*, owns a nice restaurant at a nice location where most *anglos* will not go and he does not serve Coors there.

Back in 1971, Gutierrez, Gámez and Gonzalez formed a corporation. Also included as partners in the investment group were Viviana Santiago, a honcho in *La Raza*, Gámez' sister and a couple of other *La Raza* leaders. They named the corporation Dinero, Inc., which was very upfront of them. The corporate seal looks like this: \$; and the purpose of the corporation is to make money.

Gonzalez, when first asked if he had any outside investments besides his Cross-Y restaurant, forgot about Dinero, Inc., and said no. But the next day his recollection was refreshed and he remembered that Dinero, Inc., did indeed own at least the two parcels of land found in the records at the Zavala County Courthouse.

Gámez, whose memory is excellent, said Dinero, Inc., had bought over 30 lots. They have been variously sold and traded. Gámez said Dinero, Inc., did not turn out to be a money-maker and is now pretty well inactive. It does, however, still own "the White House" at 519 E. Crockett in *Cristal*. The White House, in a happy touch of irony, is actually the old Holsomback house — the late Mr. Holsomback was the brains behind the last successful *anglo* political machine in *Cristal*. The White House now houses the headquarters of the *Raza Unida* Party, The Texas Migrant Council's Human Development Project, the Carnegie Foundation's school administrators' internship program, *Voluntarios de Aztlan* (a sort of *Raza Unida* VISTA program), and the Committee for Rural Democracy, an organizing arm that encompasses several enterprises, most notably a community center in Laredo.

According to Carlos Reyes, who is a *Voluntario de Aztlan*, all of the above organizations pay a monthly rent of somewhere between \$100 and \$200 to Dinero, Inc., (which bought the house either with a \$12,800 loan from the First Savings and Loan of *Cristal* or with a

\$12,000 loan from the West Side Bank in San Antonio: the records are somewhat confusing.) But, according to Gámez, who speaks with the exasperation of a man who's got a turkey on his hands, the party has never paid a dime's rent nor have most of the other organizations and furthermore such party-affiliated enterprises as *La Verdad*, *La Raza's* newspaper, have drifted in and out of the place without chipping in a single cent.

THE SOMEWHAT tangled extra-curricular financial affairs of some *Raza Unida* leaders are the source of seemingly endless and usually ill-natured speculation among Crystal City *anglos*. But while such ventures, or attempted ventures, may provide *La Raza's* opponents with gossip, they shed no light on what kind of job *La Raza Unida* is doing of running Crystal City.

First, for the good news. There is one crucial area in which *La Raza* has made undeniable progress — the school system of Crystal City. Most of the town's *anglos* and even some of its *chicanos* practically yowl when it is suggested that the schools, all things considered, are better than they were five years ago. It is true that the school system has been politicized. It is true that system is now almost entirely *chicano* (though who's to blame is a debatable question.) It is true that there is now far less emphasis on teaching *chicano* children English than there was under the old regime: there are valid arguments both pro and con about whether that is educationally wise. And it is almost certainly true that the progress that has been made in the schools has been made at the cost of injustice to some individuals. It has been a very tough fight all around.

Jack Kingsbury is an *anglo* rancher who also owns a small manufacturing company in *Cristal*. He considers himself a liberal Democrat (but couldn't stand still for McGovern and would vote for Nixon again today if faced with that linthead from South Dakota as an alternative). He appears to be fairly moderate, compared to other *Cristal* *anglos*, but is described by some *chicanos* as "one of the biggest racists in town," which is a helluva pass for a former *Observer* subscriber. Jack Kingsbury thinks *La Raza Unida* has ruined the schools in Crystal City. Yet if one looks closely at Kingsbury's charges, the rebuttals materialize by themselves.

• School taxes have more than doubled since *La Raza* took over in '70. (The system was miserably underfinanced, penny-pinned almost to death and had to raise taxes in order to provide anything like decent education.)

• Administrative costs have gone from about \$100,000, out of a budget of about \$1 million in '69, to almost a million out of a budget of \$3.68 million in '73-'74. (Almost all the new administrative costs

are financed by federal and foundation grants that have been brought into the schools as a result of hustling by Gonzalez and others: the administrative costs are built into the federal and foundation programs because of mandatory supervisory and review provisions.)

• They're not teaching the kids English. Gonzalez responds: "Learning takes priority over language. Look, we do the same thing with our *anglo* children. The important thing is to get the kids to learn. We're not going to test our children in English until they've learned it. And we're in no big hurry to say, O.K., by the end of the first or the second or the third grade, the kid has gotta be reading in English. It's more important that he knows how to read. What's so sacred about 'by the second grade'? We know we have to compete in an English-speaking world, but we won't destroy the kids in order to do it. What happened in the past was, they tried to teach Spanish-speaking kids to read in English. The kids fell behind, they got discouraged, they got turned off on school, on learning, they dropped out. If we can get the kids learning, then, it's no big trick to get them to learn in English. But first they have to learn that they can learn."

GONZALEZ himself is a figure of considerable controversy in *Cristal*. For one thing, he is paid \$29,000 a year as superintendent of schools. His wife Diola earns \$13,000 a year as the director of the "Right to Read" program, a federally-funded effort for pupils in grades four through eight. The idea is to get kids reading, not just the slow learners, but all the kids. The program is deliberately structured so that it doesn't matter if the kids are reading the Encyclopedia Britannica or comic books, as long as they're reading. You can imagine how charmed some of the more traditionally-minded *anglos* are upon seeing the schools encouraging kids to read comic books.

The Gonzalez' are not the only husband-wife team around *Cristal* these days. The opposition naturally suspicions rampant nepotism. Angel Gutierrez' wife Luz is the "acting director" of the new federally-funded, but as yet inoperative, family health clinic in *Cristal* (a joint HEW and OEO project). Her salary is \$18,000 a year. She had been, in the original budget request, listed as director for \$20,000 a year. But the Middle Rio Grande Development Council, a middle-echelon screening group, pronounced her qualifications for that job "marginal" and demoted her to acting director. Local *anglos* bitterly point out that she can continue as acting director *ad infinitum*, since there's no requirement that a

permanent director be found.

Dale Barker, editor of the Zavala County *Sentinel* (which strongly opposes *La Raza Unida*), points out that part of the problem is that in Washington, where such projects are funded, \$13,000 or \$18,000 a year is not considered a princely salary. In New York City, it would barely qualify the recipient as middle class. But in *Cristal*, if you're earning over ten thousand *per*, you are considered to be chopping in tall cotton.

Gonzalez' penchant for Cadillacs has also raised hackles. He points out that he had a Cad when he first came to *Cristal* four years ago (from a good job with the Texas Education Agency in Austin). He has gotten three new ones since then, but he says it's because he wears them out, being constantly on the road to San Antone or Austin on school business. Gonzalez does seem to have some difficulty relating to the teachers who work under him. One, L. F. Villarreal II, who was fired after his first year, reinstated after a hearing and resigned after his second year, wrote a letter to the *Sentinel* eulogizing Gonzalez as, among other things, "a disgustingly hideous excuse for a human being."

Gámez, who is somewhat more objective, says, "Noe knows what grants are available and know to get them. That's his strong suit, hustling money from the foundations and in Washington. He's really very good, very forceful at that and has brought in many good programs. But he has a terrible problem getting along with the teachers. In fact, they all hate him. Armencio Cantú [his assistant] has to do all the people work."

If the question of politically-motivated hiring in the *Cristal* school system is

touchy, the matter of political firings is even worse. This spring, the Gutierrez-approved slate of *Raza* candidates had primary opposition from a group called *La Raza Libre*.

According to Gutierrez, Reyes and everyone else in *Raza Unida*, the *Raza Libre* slate was simply the same tired old group of middle-class *chicano vendidos* who have opposed *Raza Unida* from the beginning. But there is some evidence that indicates the *Raza Libre* folks are what they claim to be — former *Raza Unida* supporters who have become digusted with the way Gutierrez is running Crystal City. One of the *Libre* candidates had been previously elected on a *Raza* slate and the others said they had voted and worked for *La Raza* in the past. The *anglos* have at least become politically sophisticated enough to deny to a man that they ever had anything to do with *Raza Libre*. Dora Graza, one of the unsuccessful *Libre* candidates for the school board, takes a grim and sardonic view of Gutierrez' claim that she and her colleagues are nothing but middle class sellouts.

"Huh, I read that story about *Angel* in the *San Antonio Light* last Sunday," she said, coming very close to snorting. She is a native of *Cristal* and added, "All my life things were bad under the *gringos*, but not as bad as they are now. It seems to me that all those people want is power. They get rid of everybody who doesn't agree with them. *Angel* said in that article, was quoted as saying about how he had worked in the fields and he understood the problems of the migrants. Huh. I was to school with *Angel*. He was a rich boy. He was the middle-class Mexican, not us. We were the ones who really went to work in the fields

every summer.

"*Angel*," she continued, "his father was the doctor. In school, he was always with the *gringos*. He hung around with them. All his friends were *gringo*. He was elected president of the student body and all that because his *gringo* friends wanted him to have it. He took all the *gringo* courses, like algebra and physics. We were the ones who worked our way up, got some education by fighting and scratching for it. Now he tells us that we're not really for the people because we're too middle class. Because we worked and got some education, suddenly that means we're not really with our people."

Against the very real rage of Dora Graza and *chicanos* like her, one must set the kind of perspective offered by John Shockley in his excellent and recently published book on *Cristal*, *Chicano Revolt in a Texas Town*. Whatever else *Angel Gutierrez* may be, he is one hell of a good political organizer. And as such, he does not simply manipulate the politics of *Cristal*, as so many *anglos* seem to think; he must, of necessity, respond to the political realities of *Cristal*. Shockley compares the town to South Africa — a vast majority of long-oppressed semi-literate, politically-inexperienced people. If one is politically active in such an environment, one is either seriously committed to participatory democracy, i.e., "radical" enough to give some of the semi-literate, politically-inexperienced majority real responsibility, or one chickens out to one degree or another and lets the "qualified" *chicanos* effectively control the "rabble." While it is exhilarating to play with political theories about what the revolution

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in Crystal City means, one suspects that Shockley, for all his research and perspicacity, kind of missed the boat by not knowing very much about South Texas political machines. (He seems to think that Laredo is relatively well-governed by an *anglo-chicano* coalition.) He does understand that a good deal of what is coming down in Crystal City these days is your basic gander sauce, a.k.a., reverse racism. Hell, yes, teachers (and, for that matter, school cafeteria personnel) who aren't 100 percent (90 percent won't do — gotta be 100) for *La Raza Unida* have been canned precisely because of that reason. But anyone who doesn't think that when the *anglos* controlled the system (pre-1963 and during the '65-'69 counter-revolution), they didn't fire folks for ideological reasons, probably also thinks Laredo is relatively well-governed by an *anglo-chicano* coalition. The *anglos* of *Cristal* doubtlessly never meant to teach the *chicanos* how to run the place, but it turns out that they learned anyway, all too well, how to operate a political machine that would do Geroge Parr proud. Teaching by example — Noe Gonzalez would understand it well.

Cristal, however, retains an appealing down-here-on-the-ground quality. Political scientists may get exercised over its similarities to South Africa and political reformers may be distressed by its similarity to Duval County, but the basic flap in *Cristal* itself these days is over the half-time shows at the high school football games. Eagle Pass and Uvalde have threatened not to play Crystal High again unless the band cleans up its act.

Gonzalez got voted down 13-1 in the regional high school administrators' conference on the question of whether half-time shows had to be submitted for prior approval by the conference. In addition to performing such unsettling tackiness as spelling out "RAZA" on the field, the band has acquired the habit of marching out for performances with clenched fists raised. Depending on whom you talk to, these fists mean "right on," "power to the people" or international communist victory.

BARKER, who is admittedly prejudiced against *La Raza*, still has a nice eye for its hypocrisies. Just minor stuff — during the school boycott of '69 and the hard-fought school elections of '70, *La Raza* objected most strenuously to the fact that the then *anglo*-run school system never purchased any gas from *chicano*-owned stations. Barker insists that he's been watching the gas situation closely ever since *Unida* took over, and there isn't an *anglo*-owned station in Crystal City that's pumped a single gallon of gas for the school district since *La Raza*'s '70 victory. Gander sauce, just a little gander sauce.

But there's no gander sauce involved in passing, as *La Raza* did two years ago, a \$2.77 million school bond issue for

construction purposes. That's more than any *anglo* school administration in *Cristal* had done since 1945, when the feds dumped a lot of "temporary" buildings on the district, on account of they had no further need to continue incarcerating Japanese-Americans in them. *Anglo* lawsuits tied up the bond money for two years, but the courts finally unleashed it and by the fall of 1975, Gonzalez expects to have all Crystal City kids going to school in buildings designed for learning instead of for concentration camps. And it may be partly or even chiefly as a result of Gonzalez' hustling scholarships, but he's still had more than 80 percent of his graduating high school seniors going on to college for the past two years. Over 80 percent from a *chicano* high school in a poor district — well, just credit where credit is due.

While the progress in *Cristal*'s schools is countable, in spite of all the justified and unjustified quibblings, in terms of dollars, bricks and graduates, *La Raza*'s record in municipal administration leaves a sight to be desired. The most notable area of failure could yet prove to be terminal because it is economic. During its four years in power, *La Raza Unida* has been unable to attract



The municipal building displays this statue of Popeye in tribute to Del Monte's spinach packing plant, Crystal City's primary industry.

one single new industry to Crystal City. The blame for that failure almost surely goes beyond *La Raza*, but simply because the party has the power, it must bear the major portion of the blame.

To be sure, *La Raza* has had notable success in attracting federal and foundation money, but the economy of a city cannot run on federal and foundation dough for specific, one-shot purposes (barring the

feds putting some kind of permanent installation into *Cristal*, which as far as anybody knows, they are not planning to do). The industrial development foundation of Crystal City, an *anglo* run C of C-related outfit, had plans for an industrial park in 1970 when *La Raza* took over. According to Kingsbury, the group had even had a couple of nibbles from industries wanting to re-locate. But now, Kingsbury, like almost every other *anglo* businessman in town, says flatly, "I'd have to say, if a businessman was to ask me about locating in Crystal City, that I just couldn't advise it. The political situation is too unstable."

In fact, the political situation is not in the least unstable. For the foreseeable future, *La Raza Unida* will be running Crystal City and, as of this fall, when Angel Gutierrez comes up for election as county judge, it is more than probable that the party will have control of Zavala County. It is a politically well-entrenched organization. But a fat lot of good that's going to do it, if the economic situation doesn't improve. Since *La Raza* took over Crystal City, exactly one new commercial building has gone up, according to Kingsbury. The city lost and the county lost a negligible chunk of population between the 1960 and the 1970 census, but Kingsbury, that zealous counter, estimates that 500 *anglos* have left the city since *La Raza* took over. There's an extent to which one can conclude that the town's *anglos* are cutting off their collective nose in order to spite their collective face. There is a distinctly petty, nyeh, nyeh, nyeh element to the *anglo* business community's having stopped all work on attracting new industry to the town. On the other hand, the responsibility for that kind of effort should lie with the established power. Gutierrez' few pronouncements on the subject have been oracular references to "industry being welcome here only on our terms." Veteran Gutierrez watchers assume he means that any business that wants to come in will have to pay very equal taxes. The catch-22 in that kind of political rhetoric is that, as matter of practicality, South Texas towns have to offer some special concessions in order to attract industry — X number of years of total tax exemption or free municipal utilities or whatever. Crystal City is something of a puzzlement as an industrial site. True, it doesn't have much to offer but cheap labor, and since it is run by a political party dedicated to not letting capitalist economic forces take advantage of that cheap labor pool, even that advantage may be moot. Its chief geophysical handicap is that it doesn't have much water.

Politically, it has been undercut by the feds' border development program, which permits American industrialists to locate on the Mexican side of the Rio Grande and to pay far less than minimum wage to their

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Conversation with an angry anglo

Crystal City

Jackie Hooks is the administrator of the Zavala County road department. He has lived in Crystal City for all of his 47 years. The conversation started with the question, "How are things here, with Raza Unida running the show?"

"It's a dictatorship. It is. That's all it is. A dictatorship run by Angel Gutierrez.

"You can't tell what they're doing in the schools because they haven't published a financial statement since they've been in. They never show the breakdown of how much federal and foundation money: apparently it's all unsupervised.

"I wouldn't invest a dime here under this situation, and I'll tell that to any businessman who asks me about coming in here.

"I'm not going to say that there was no animosity toward the Mexican here before, but we were outgrowing that 'til this damn bunch come up preaching racial hatred. Hell, we were growin' out of all that stuff and here they come along and start it all over again.

"Now I only have this on hearsay, but what I heard is that Angel is telling the Mexicans that once he's elected county judge, they can cut all the fences on all the ranches and take the cattle and vegetable crops and he's gonna take the land away from the ranchers and divide it up and give it to the Mexicans.

"What we've got here is a limited few, highly educated Mexicans — Gutierrez, Gámez, Gonzalez and Andrade — reapin' the cream off the crop. They get these programs, sure. But what it is, they'll get a grant for \$25,000 and put in an administrator at \$12,000 and an assistant administrator at \$8,000 and a secretary at \$5,000 and then what's left to accomplish the program with? The money never gets down to the people it is intended for. Not at all, the people don't get anything out of all these programs — just the few who run 'em.

"They put in such incompetent people to run things. We've got grammar school

graduates or not even that to run three-four-five and six million dollar school budgets. I couldn't care less if it's a Mexican, a Negro or an *anglo* in the offices as long as he's qualified to hold 'em. They had to fire the one deputy sheriff for lack of a G.E.D. Sheriff's a butcher, that's all he's ever done.

"I'LL TELL you why people don't vote. They get harassed at the polls. Two-three days before an election, we have comin' in here cars with license plates from all over. You never saw the like of the element that descends on us — beards, whiskers, serapes — all drivin' doodlebug cars or else vans. Election day here is one big carnival. They carry on with catcalls and threaten the Mexicans that vote in the Democratic primary. They set up a table right outside the polling place and they'll start hollering at any Mexican that goes in there.

"Raza Unida could promise no security to its supporters until it gained the school system, which is one of the larger employers in the county. They up and fired most of the teachers and the rest of 'em up and left. They begun replacing 'em with fresh graduates out of St. Mary's and A&I, but they don't stay long either. They've gained support by threatening people's jobs. One of our fellows helped us poll watch and his wife was employed by the school cafeteria and she got fired the next day. Anybody who goes against 'em — wham, they're out.

"I've been with the fire department for many years now. It's volunteer. They said we didn't have Mexicans in it. Well, we had the Mexicans and they wouldn't stay with it. The Mexicans wouldn't keep up with the training or come to the meetings. For quite a while the fire truck couldn't even pass a state inspection for the insurance. We couldn't get the city to pay any attention to requests from the fire department — they said it was *anglo*. They won't carry insurance on us — I had to pay the doctor bill of \$100 myself back here a while where I got crippled up on a fire. They finally did fix up the fire truck. We haven't got any law enforcement here, in my opinion. None. But I'll say this for the city police. For the past six months, the city police has afforded the fire department some help. We had 107 alarms in February, and they were there helping us at every one — directing traffic and keeping the crowds back. It's extremely hazardous, but they just fell in and went to helpin' us. And I'll tell you this, when that fire whistle goes off, you don't know if it's a Mexican, *anglo* or nigger house going up.

"There's some good Mexican people in Crystal City. It's just the one element, the Gutierrez faction that's radical. And that is part of a trend all over the U.S.

"I'm not sayin' we had a good city government in the years prior to '60. It didn't do anything. But we had no debts. Course, had no money.

"I'll tell you what'll chafe your rear end if you look it, it's the money the United States government is giving out here. Now that is in part my money. And will you look here, what is this Federation of Experienced Americans down here on this list for a grant of \$1.3 million? I happen to be an experienced American myself. If the U.S. government would get the hell out of here, this whole bunch would go down in no time. They don't have to work. Government provides everything for 'em. Hell, Angel Gutierrez never turned a hand in his life and he's 29 years old. I read in *Human Events* that such programs will be funded from here on out. Well, believe you me, none of that money has ever gone to the betterment of the community.

"I THINK this is the worst thing in the world. This is just the way the communists work — they go in and get the school children. I don't say that Angel's a communist, but his tactics are so similar to the communist tactics that I have to think he's got some inclinations that way. Hell, he's read Marx and all that.

"It took a couple of hundred years to build this country up — will be come '76. But they're out to tear it down in a hurry. You heard this Aztlan talk? They're only teachin' Mexican in the schools. They're out to isolate the whole section through the language barrier. You couldn't do it more effectively if you built a wall like in Germany. You couldn't have a barrier be more effective than that.

"The goin' thing down here now is Jose Angel. Every reporter that comes down here capitalizes on him. The papers won't talk about anyone else in Crystal City, just Angel. That's the way they sell papers. Bein' a Mexican wasn't good enough for Angel and them. They had to change their name to *chicano*.

"The war on poverty is the cause of all this inflation. They give these people food stamps now and do you think they check the price of meat before they buy it? No. They just pitch a stack of those books down on the table and tear out some pages for what they want. I'm for helpin' people, but only those who are incapable of helpin' themselves.

"I passed near the courthouse the other day where they have one of their programs. There was a sign out front that said "Crystal Self-Help Project." But it was layin' on the ground." M.I.

(Continued from Page 5)

workers. But the profession, as it were, of migratory labor is becoming increasingly unprofitable, both on account of mechanization in the harvest fields and because of the increased price of gasoline. Thus *Cristal* is likely to have in the near future a more-than-usually desperate group of unemployed and underemployed workers who will either use their political power to insist on industrialization or will move on to bigger cities.

The first city manager under *Raza Unida* (since *Cristal* has a strong-manager form of government, it has never made that much difference who sat in the mayor's or councilman's seats) was a dynamic and knowledgeable personality by the name of Bill Richey. Richey resigned in order to attend Harvard Law School and left the post open to lesser personalities. The current city manager Esequiel Guzman is a rather vague young man who seems not to be quite perfectly clear about what, if anything, the city is doing to attract industry. The city does have an industrial development board, but Guzman was not up on its recent activities, if any.

GONZALEZ is of the opinion that it was no use trying to attract industry to *Cristal* as long as the public facilities were so miserable. No parks, no swimming pools, no good schools — what industry would want to settle here, he inquired, until the minimal social services had been built up?

Trouble is, what industry would want to settle there now, if the *anglo* view of *La Raza Unida* as a racist political power group is correct? The *anglos* have withdrawn from the public school system, parking their kids in a private academy called the Crystal City Community School. Kingsbury, the numbers man, says the community school is 40 percent *anglo* and 60 percent *chicano*, i.e., a lot of middle-class Mexican-Americans send their kids there. At the Thanksgiving songfest of the Community School the children dress in red, white and blue and sing patriotic songs.

While one would like to accept Gonzalez' vision of an improved public school system being a great attraction to *anglo* industry, one is nevertheless left with Kingsbury's question. "If you were an industrialist considering settling here and bringing in some of your top people, what would you think when you drove past the new elementary school and you saw a big sign out front that said, '*para la Raza, por la Raza?*' What would you think?"

Gonzalez' fine speeches about dignity and identity and humanity and pride don't quite, somehow, answer that question.

The schools are better and the industrial situation is worse, but on other fronts *La Raza's* efforts to run Crystal City have had some novel results. Take the matter of law enforcement. Law enforcement is not in very good shape in *Cristal* or Zavala



Elvira Valenzuela Crocker

A panel from "Rebirth of Our Nationality," a mural in Houston, by Leo Tanguma.

County. This intelligence comes not merely from the obvious *anglos* — Chamber of Commerce businessmen, *et al*, but also from the general run of folks in *Cristal*. According to Barker, Joe Dupnik, a local grocer, suffered a burglary at his establishment on June 20. A person or persons unknown tossed a rock through his glass front door and made off with a not inconsiderable amount of his goods. When Barker asked Dupnik if he had reported the incident to the police, Dupnik sighed and said, "Hell, no, I might as well forget it." Crystal City *anglos* are unanimously of the opinion that there just is no law enforcement in Zavala these days. Sheriff Joe Serna, who was elected by *Raza Unida*, brings to his work a splendid Zapata moustache and his credentials as a former meatcutter at H.E.B. He used to have a deputy in La Pryor, Zavala County's other chief population center, but the deputy turned out to be a felon. Then there was the unfortunate matter last September of the two Zavala County deputies and the three Crystal City police officers who got kicked out of their police-work extension class for cheating. "Alleged irregularities in exams" was the official wording, but in any case, the men, all of whom are still on the job, did not complete the courses required by state law. *Cristal* is now on its third police chief since *La Raza's* takeover: the first two were fired. "It's just as well that they never arrest anyone," sighed an *anglo*, "because if they did, he'd have to go before the city judge." The city judge is Julian Solas and he brings to his work his credentials as a convicted felon: federal firearms violations — a couple of counts — convicted while in office but still serving on account of a suspended sentence. Actually, Solas is sort of an experienced judge. At least he had been a justice of the peace for five years before he was elected

city judge. On the other hand, during the five years he was j.p., he never tried a single case.

Crystal anglos can carry on in this vein for literally hours at a time, reviewing the peculiar qualifications of public officials installed in office by *La Raza Unida*. And most of what they say is, as in the above cases, perfectly true. The only thing missing from these delightful tales is a sense of perspective. For example, C. L. Sweeten, the last *anglo* sheriff, was not, by several reliable accounts, the most reasonable of men. Texas sheriffs in general, all 254 counties considered, have had among their number a fair proportion of incompetents, bigots and psychopaths.

However, pointing out that *Cristal* under *Raza Unida* is by no means as messed up as, say, Duval County, does not give the town's *anglos* so much as a second's pause. And that is *Raza Unida's* second great failing in Crystal City. The polarization between *anglos* and *chicanos* in the town is not, heaven knows, the fault of *La Raza Unida*. But after four years in power, not only has *La Raza* failed to do anything at all about trying to heal the divisions, but it still uses a "get-the-gringo" platform for political advantage. If one accepts *Raza Unida's* usual gander-sauce justification for such shoddy tactics, the *chicanos* are entitled to, let's see, at least several hundred years of rubbing *anglo* noses in the dirt. And if that were all that had been happening in *Cristal* since the revolution, the story of these last four years would be nothing more than a tale told by an idiot, full of sound and fury, signifying nothing. But what has been happening in *Cristal*, sad, funny and pocked with human error as it is, is progress: now the *chicanos* are making their own mistakes. And they have earned the right to do that. They are entitled. M.I.

Look who's minding the store

By Jackee Cox

Austin

In 1972 the federal government decided it was time to put the lid on the abuses which were skyrocketing Medicare-Medicaid bills. The rising costs, the government concluded, were due in part to unnecessary medical services performed for recipients of Medicare-Medicaid funds. Congress passed Public Law 92-603, which contained two safeguards designed to establish "quality control" over services rendered.

The first provision required that all in-patient services paid for by Medicaid be monitored by a "utilization review" program to be established by June 30, 1973. These programs are supposed to be integrated with controls over all physicians' actions under federally-funded programs, to be implemented by 1976 through regional Professional Review Standards Organizations (PSRO's). It was Congress' intent to keep PSRO's outside the monolithic control of state medical societies by requiring that no PSRO region include more than 3,500 physicians.

The Texas Medical Association has not taken kindly to the idea of having medical procedures monitored. At its annual convention in Houston, in May, the TMA House of Delegates voted to collect \$100 from every doctor in the state as lobbying money for a campaign to kill the PSRO law. With 12,000 doctors to call on, the TMA is shooting for a war chest of \$1.2 million.

During the first week in May, the TMA filed suit against the regional office of the Department of Health, Education and Welfare. The suit claims that HEW's division of the state into nine PSRO regions constitutes arbitrary administrative action, and demands that the entire state be designated one PSRO region. If Texas is to have a PSRO, the TMA wants to control it.

THEIR STRATEGY for maintaining that control is on its way with the cementing of Medicaid utilization review

Jackee Cox is a free lance researcher and writer specializing in the field of medicine.



procedures into a statewide block. The acronym for this first step is TARP – the Texas Admissions Review Program. It will be financed by funds from the federal government and the Texas Department of Public Welfare. The DPW recently approved TARP. The vehicle is a contract between Blue Cross and the Texas Medical Foundation, because the Medicaid program in Texas is handled by Blue Cross (federal funds are paid to Blue Cross, which acts as insurer for all eligible recipients). Within two years, TMF personnel may be employed in more than 90 percent of the state's hospitals, carrying out the terms of the contract. They will have authority to approve or disapprove payment for all Medicaid hospital claims and will exercise authority over actions of every doctor who treats Medicaid in-patients. The TMS will have the power to invoke sanctions against any doctor whose actions do not meet with its approval.

The TMF was incorporated in 1971 by the TMA. The TMA's legal staff includes Philip Overton, Ace Pickens and Sam Stone. Overton and Pickens are listed as legal counsel to Blue Cross-Blue Shield in those corporations' 1973 reports to the State Board of Insurance. (In their 1972 reports, Overton and Stone were listed as legal counsel.)

Stone is employed as legal counsel to the State Board of Medical Examiners. One of his duties for the agency is to prepare actions to suspend or revoke physicians' licenses. Under TARP, the TMF will identify physicians who do not comply with the foundation's policies. Doctors so identified could ultimately lose their

licenses to practice medicine.

The TMA's possible influence over TARP raises the possibility that the independence of Texas physicians may be threatened. In April, I interviewed several San Antonio doctors in an effort to gather testimony on the influence of the TMA. Three are on the teaching staff of the University of Texas Medical School. All three expressed outrage at the reactionary philosophy they saw governing the practice of medicine in Texas. All three seemed fearful, as well. At one time or another they each had mounted a campaign for change from inside the TMA and had suffered reprisals. These three physicians are now so intimidated that they will not even point out the sources of public records which would document their efforts.

The reactions of two private physicians in San Antonio were the same. TMF board member Dr. John Smith runs the Bexar County Medical Society with an iron hand, and no one intending to maintain a practice in the county invokes his wrath.

There were, however, two doctors presently employed by the military who were willing to speak up. One was Dr. Ruth Bellinger, who for several years ran her own practice in San Antonio. During that time she was a member of the Texas Medical Association and of the Bexar County Medical Society.

Before she could get her Texas license, Dr. Bellinger was required to attend a Texas Medical Association "orientation seminar." At the time of her "orientation," President Johnson was pressing for the legislation which produced Medicare-Medi-

Some connections

PHILIP OVERTON — AUSTIN

Legal Counsel, Blue Cross-Blue Shield
Vice-President, Blue Shield
Legal Counsel, Texas Medical Association
Registered Lobbyist, Texas Medical Association
Law Offices, Overton, Pickens, and Stone

FRANKLIN "ACE" PICKENS — AUSTIN

Legal Counsel, Blue Cross-Blue Shield
Legal Counsel, Texas Medical Association
Registered Lobbyist, Texas Medical Association
Legal Counsel, State Board of Nurse Examiners
Law Offices, Overton, Pickens, and Stone

SAM V. STONE — AUSTIN

Legal Counsel, Blue Cross-Blue Shield (until 1973)
Legal Counsel, Texas Medical Association
Registered Lobbyist, Texas Medical Association
Legal Counsel, State Board of Medical Examiners
Law Offices, Overton, Pickens, and Stone

DR. JOSEPH PAINTER — HOUSTON

Chairman, State Health Advisory Committee on
Comprehensive Health Planning
Board of Directors, Blue Shield
Chairman, Executive Committee, Texas Medical Foundation
President, Board of Directors, Texas Medical Foundation
(1974)
Past President, Texas Medical Association Council on
Tax-Financed Government Programs

DR. CHARLES B. DRYDEN — WICHITA FALLS

Texas Medical Association President, 1973-74
Board of Directors, Blue Shield
Executive Committee, Texas Medical Foundation

DR. JAMES HALLMARK — FORT WORTH

Board of Directors, Blue Shield
Board of Directors, Texas Medical Foundation

DR. JOHN SMITH — SAN ANTONIO

Board of Directors, Texas Medical Foundation
Executive Committee, Texas Medical Foundation
Texas Medical Association Council on Medical Legislation

DR. N. L. BARKER — PARIS

President Elect, Texas Medical Association
Board of Directors, Texas Medical Foundation
State Board of Health

Names of Blue Cross-Blue Shield directors and legal advisors taken from 1972 and 1973 annual reports to the State Board of Insurance.

Names of Texas Medical Foundation directors taken from 1971 articles of incorporation.

Names of Texas Medical Association officers taken from lists provided by the Texas Medical Association.

Names of Texas Medical Foundation Executive Committee members taken from correspondence in the Department of Public Welfare files.

caid. According to Dr. Bellinger, the principal content of her orientation was a series of lectures on the evils of socialized medicine. No time was given to discussions of the responsibilities of the physician in upholding the standards of the profession. The concerns of the Texas Medical Association were focused on politics, economics, and maintenance of the holy concept of "fee for service," which means that no doctor should accept a fixed salary for his work. For the Texas Medical Association, professional standards were reduced to a question of preserving an economic base of control.

In her practice in San Antonio, Dr. Bellinger took in many patients who could not afford to pay for services, and she often found herself in the position of having to exert pressure to try to get those patients admitted to hospitals. As a result, she also found herself repeatedly called before committees of her peers for professional review. Sometimes she was even subjected to review for procedures performed by the specialists to whom she referred her patients.

The second physician willing to speak publicly about the pressures which organized medicine brings to bear upon those who disagree with its philosophy was Dr. Walter Faggett. In testimony delivered before U.S. Sen. Philip Hart's Subcommittee on Antitrust and Monopoly, Dr.

Faggett said, "There is a peer review board in most local medical societies which does monitor the standards of medical practice. It is interesting that I am probably at risk in testifying, in terms of my own personal relation to the local medical society, as evidenced by the fear of some local physicians to testify because of possible reprisals in the form of difficulty in obtaining licenses, exhaustive review of hospital charts and Blue Cross-Blue Shield reports and similar methods. There are other ways in which a physician's services can be subject to pressures by organized medicine, especially from the viewpoint of a specialist who must depend on referrals from other physicians in order to practice. This climate of fear and reprisal is contrary to progress."

TALES OF physicians' fears of harassment were not entered into testimony before the board of Texas' DPW when it was considering TARP. The board did hear objections to the contract on the grounds of conflict of interest, as well as questions concerning fiscal management.

The board was read a letter from Rep. Lane Denton of Waco which requested the DPW "demand detailed information about the developmental contract" between Blue Cross-Blue Shield and TMF. The letter went on to itemize those elements of the

TARP proposal that Denton thought deserved attention. He pointed out that "the cost of the developmental agreement to TMF is estimated to be \$177,300, but the DPW does not have a copy of a budget for the 90-day developmental period." Dr. Phil Gates, director of medical services for DPW, has still not received that budget, but he was willing to argue before the board on behalf of the contract.

(In conversation, Dr. Gates explained that he has great confidence in TMF Executive Committee Chairman Dr. Joe Painter. Dr. Painter, as former chairman of the TMA Council on Tax-Financed Medical Programs, helped Dr. Gates win TMA support for DPW's hearing aid program. Dr. Gates is still grateful.)

Denton also raised the question of whether other groups, besides the DPW, might buy and use the TARP program. He had been informed that "TMF may, in the future, offer private insurance carriers, and other governmental programs such as CHAMPUS [the insurance program for military dependents] and Medicare, TARP-type utilization review as a private enterprise of the TMF." The board did not pursue the question of whether tax money might be used to develop a marketable product.

Blue Cross has a history of setting up

empires through cozy subcontracts with members of the corporate family. Consider the case of H. Ross Perot. In 1966, Perot was a part-time employee of Texas' Blue Shield's data processing division while trying to get his Electronic Data Systems, Inc., off the ground (see *Obs.*, April 14, 1972). A few days after Perot went off Blue Shield's payroll, Blue Cross gave EDS a subcontract to develop a computer system for processing Medicare - Medicaid insurance claims. EDS retained ownership of the system developed and sold it, with appropriate modifications, in 31 other states.

Will we hear another verse of that marketing melody? At the May meeting of the DPW, Dr. Gates protested vehemently

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that the department would own the utilization review system to be developed under TARP. The contract between TMF and Blue Cross is silent as to the question of ownership. The contract between the DPW and Blue Cross has a section entitled "Rights to use of utilization review computer programs." The section guarantees DPW's continued right to use the system's operating instructions and program decks in the event of contract termination, on the condition that "such information shall be restricted to use by employees of the state agency and the contractor." In short, the department does not own the system outright, and there seems to be nothing to prevent the TMF from marketing it.

THE BOARD heard Denton's letter politely, asked no questions of his staff and moved on. I was next on the agenda. I presented certain questions about the costs of TARP. A contract attachment estimates operational costs of \$1.6 million for the first year of implementation. That figure does not include the data processing costs, which may be paid for through Blue Cross' subcontract with EDS. When I inquired about the data processing costs, I was told by board member Morris Garrett of Fort Worth that the board would concern itself with those expenses at a later date. I then asked DPW Commissioner Raymond Vowell if he had figures on costs involved in the subcontract with EDS. He replied that he did not. I was informed that I had less than 90 seconds to complete my questions.

I asked the board members if they were aware that studies by the General Accounting Office, HEW and the U.S. Senate Finance Committee have indicated that Blue Cross' arrangement is grossly inefficient and (to use the phrase of HEW's audit report) "exorbitant" in cost. DPW Commissioner Raymond Vowell informed the board that all these studies pertained to the Title XIX Medicare program, and that the DPW was concerned with Title XVIII of Medicaid. My three minutes were up.

(My subsequent efforts to get information on the automatic-data-processing costs of the Medicaid program produced a rather interesting conversation with Dr. Gates. When I handed him a written request for "any available data on rates paid EDS for claims processing and review," he told me that the DPW does not maintain such records. As I walked out of his office, I noticed that a drawer of one of his files is labeled "ADP-Blue Cross.")

The board next entertained opposition speeches from George Benz and Lee Sanders of the San Antonio Health Advisory Council, a non-profit citizens' group for consumer advocacy in health affairs. Benz and Sanders brought up a document submitted by the Texas Hospital Association when that group entered its formal objections to TARP in January. The statement pointed out that "some leaders

and proponents of the TMF proposal, through their high-level connections with Blue Cross-Blue Shield, appear to have possible conflicts of interest which could lead to embarrassment and possible condemnation by an inquiring public if the costs of the TMF program exceed those of the Blue-Cross-Blue-Shield program, a likelihood that appears quite probable."

Sanders then gave the board a list of the names and affiliations of some persons associated with TARP (see box). Three of the eight persons listed have held offices or performed duties for both Blue Shield and the TMF. Seven of the eight have performed functions for both the TMF and the TMA.

The board voted affirmatively on the TARP contract. When the vote was completed, Chairman George Butler of Houston said, "We don't want to gloss over these allegations." He then instructed Vowell to "get something from the attorney general to clear this up."

On June 14, Vowell sent a query letter on the conflict-of-interest question to Atty. Gen. John Hill. A brief on the subject, drawn up by TMA attorney Pickens, accompanied the letter. Pickens included lists of Texas Blue Cross' and the TMF's boards of directors.* His TMF list gives the names of directors elected in May of this year. Drs. Dryden and Hallmark, who are listed as directors of the TMF on its 1971 articles of incorporation, are no longer directors. Dr. Smith remains on the board.

When asked whether his work for TARP and DPW was being paid for by Blue Cross-Blue Shield, the TMA or the TMF, Pickens said, "It would not be ethical for me to answer that question." His brief noted, "The attorney at law conflict would have no application to the situation relating to any DPW concern. As a side comment, the representation of multiple clients if full disclosure is made to all parties is not a conflict of interest."

It will be interesting to see how Hill will respond to the issue. He once made a campaign promise to do away with the practice of allowing state agencies to hire outside counsel. Pickens and Stone are presently employed as outside counsel to state agencies, despite the campaign promise and despite a rider to last year's appropriations bill prohibiting payment of state revenues to registered lobbyists. □

* Pickens' communication carefully omits mention of the directors and officers of Texas Blue Shield, since it is not a party to the TARP contract. There is a legal distinction between Blue Cross (incorporated as Group Hospital Services) and Blue Shield (comprising a non-profit parent corporation, Group Medical and Surgical Services, and a wholly-owned subsidiary for-profit corporation, Group Life and Health Insurance Company). Though the three entities are separated in law, they are hard to distinguish in operation. Texas Blue Cross and Blue Shield share a letterhead and a Dallas address. They also share a president, several vice-presidents, a secretary and a treasurer. Three bodies with one head have a tendency to act and speak as one body.

Don't fold the tents

Political Intelligence



Gov. Dolph Briscoe

• It may not be long after midnight on July 30 — deadline for completing their work on the new constitution — when members of the Legislature turn into pumpkins, or legislators, again. The halls are buzzing. Occasionally, even a conversation about the speaker's race gives way to speculation over whether Gov. Dolph Briscoe will call a special session to consider school financing and/or the shortage of natural gas for generators in Lo-Vaca Gas' marketing area.

The governor's office is mum. Rep. Jim Kaster of El Paso said he heard from his local school superintendent that the session is on. A Texas State Teachers Association spokesman told *The Austin American-Statesman* he didn't know. Rep. Dan Kubiak, chairman of the House Education Committee, and Rep. Jon Newton, chairman of the House Energy Crisis Committee, seem to think the governor is ready to go if the proper bills can be written in advance.

What Briscoe does not want can be summarized as follows: (1) he does not want the Legislature to spend all of the estimated \$315 million surplus in the state treasury, because some of the money will have to be used to fund next session's budget if "no new taxes" is to be more than a used campaign slogan; (2) he does not want a complete overhaul of the school financing system, at least partly because of (1); (3) he does not, observers think, want all those crazy legislators running around making sweeping energy policy decisions while people in San Antonio are screaming for relief from soaring utility bills, on the grounds that hard cases make bad law.

In short, he wants all his ducks in a nice row before he issues the call.

• The Constitutional Convention is about ready to get down to some real dickering. With less than six weeks to go to its deadline, the convention had given third-reading approval to education, local government and legislative articles of its draft. Convention President Price Daniel, Jr., was predicting that the third reading of the entire document could be completed before the July 4 recess. That would leave three and a half weeks for the convention to cut and paste the draft into a shape acceptable to 121 delegates.

No one was particularly surprised when Daniel said, after all articles had received second-reading approval, that he would support the new constitution as it was then written. Folks were still waiting to see how the confrontation between the convention and Briscoe would come out. It came out in Briscoe's favor, and the governor is now — in his own tentative fashion — signed on as a supporter. It's impossible to tell whether voter approval of the constitution requires an active campaign by Briscoe, but

a little stumping by the governor wouldn't hurt the document's chances.

• Briscoe had been miffed by three proposals in particular, and the delegates more or less caved in on all three. He felt that the draft would not give future governors sufficient time after inauguration to make appointments: the delegates voted to allow a full year. He wanted to retain the present margin necessary to override a governor's veto: the convention split the difference (the present constitution requires two-thirds of those present in the house where the bill originated and two-thirds of total membership in the other; delegates had originally voted to require two-thirds of those present in both houses; the compromise requires three-fifths of the total membership of each house). Briscoe wanted the governor to retain sole power to call special sessions: the delegates agreed to remove the Legislature's blanket authority to call itself into session but retained a provision that allows self-called sessions to consider gubernatorial vetoes.

There was more than a little grumbling at the idea of giving in to Briscoe, especially since he waited until all three matters had been approved to voice his objections. The convention was rewarded for its tractability, though: Briscoe said that "as the body of the constitution now stands, I can support it."

• No one can predict exactly what will be in the draft when the horse-trading is all over. Procedurally, it will go like this: after all articles are approved on third reading, the convention's Submission and Transition Committee will put together a document

and send it to the floor. If fewer than 121 members vote aye on the first go-round, the committee will begin considering adjustments. The prime candidate for adjustment right out of the constitution is the right-to-work section, which has been approved as a separate submission. There were 65 votes against the section on second reading, and the feeling is that more "nays" than "ayes" are solid. If the AFL-CIO can hold 61 in place, according to this scenario, it can get the language excised without arousing 61 die-hards on the other side.

It's not clear what part Daniel will play in the bargaining over right-to-work. He has already said that if he had his 'druthers, the final document would be accompanied by only two separate submissions — one on parimutuel betting, the other on county home rule. And he said, earlier in the convention, that he did not think right-to-work belonged in the constitution. But if Daniel is lobbying to have the section removed, he is doing it quietly:

• Those things the delegates are signing aren't always amendments or resolutions. Some of them are the covers to a convention "souvenir" booklet that never got printed. Seems the convention's information staff thought it would be a good idea to put together a brochure containing a nice letter from Price Daniel, Jr., a list of committee members and subject areas, an outline of convention procedure and a brief biography of each delegate. Approval of the booklet was delayed so long that the value of the things as an introduction to the convention was nil. Meanwhile, the covers had been printed (at a cost of \$2,413.80, by the way). They may eventually be used to bind some copies of the convention's final draft. Numerous covers are already being put to use as autograph albums. Some have neat lines, with spaces for signatures by all 180 colleagues.

One disillusioned delegate was discussing the possibility that the convention might not approve any document at all. "No," he finally said, "we'll get something out. Did you ever hear of anyone voting against his high school after his yearbook was signed?"

• As the *Observer* closed this issue, the office of Atty. Gen. John Hill announced that the State of Texas is taking action against the American Milk Producers Association (*Obs.*, March 15) for alleged violation of state anti-trust statutes.

• Lt. Gov. Bill Hobby has entered a plea of no contest to a charge of driving while intoxicated. Hobby was arrested at about 3 a.m. on June 20, and that afternoon was assessed a \$100 fine

and sentenced to 30 days in jail. The jail term was suspended. Hobby took the opportunity to praise Texas' "fine system of justice that treats ordinary citizens and public officials the same."

• Sometime next spring the 64th Legislature will pass an appropriations bill. Somewhere in it will be the funding for the Texas Commission on the Arts and Humanities. Like all agencies, the commission gets involved in the budgeting process almost a year before an actual bill is drafted, making its pitch to the Legislative Budget Board. The TCAH's turn came June 18. The commission is requesting about \$2.5 million for the fiscal biennium 1976-7, a mere 680 percent more than its actual budget of some \$320,000 for the present two-year period. Like most agencies, the commission will not end up receiving what it initially requests.

Maurice Coats, the commission's executive director, says the increase wouldn't look so huge if present financing were adequate. As a measure of the penalty of current programs, Coats pointed out that Texas ranks 52nd among the 55 states and territories in expenditure of state funds for support of the arts. (All five American colonies - American Samoa, Guam, Puerto Rico, the Virgin Islands and Washington, D.C. - outspend Texas. Only Louisiana, Idaho and Wisconsin spend less.) There is more federal money available than the state can obtain, Coats says. "It's not just that we can't match it, because the federal government doesn't require matching funds to be state money. It can be private money. We just don't have the staff to administer programs or even put programs together." The commission pays only four staffers out of state funds.

Most of the money in the proposed



budget (62 percent in FY 1976, 65 percent in FY 1977) would be used for grants to local programs and particular institutions. This money is particularly important, Coats says, because each state dollar spent generates almost five dollars in complementary private financing. At the same time, the commission wants to loosen the requirement that all grants be accompanied by dollar-for-dollar local matching. Coats says the requirement insures that "them that's got gets," and would like to see 20 percent of the grants budget used for projects where no matching funds are available.

Counting 'em up

• George Kuempel of the *Houston Chronicle* somehow became possessed of the idea that a little sanity could be injected into the speaker's race, and set out to ask all 123 returning members of the House if and to whom they are pledged. For his pains, he got these results: 31 members admit being signed up with Rep. Fred Head, 19 with Rep. Billy Clayton, 18 with Rep. Carl Parker, seven with Rep. Dave Finney, two each with Reps. Jim Nugent and DeWitt Hale and one with Rep. George Preston.

When Kuempel first approached Rep. Elmer Tarbox of Lubbock, Tarbox told the reporter that he had pledged to one of the candidates, but would not divulge a name. Clayton or one of his partisans reportedly learned how close the tally was running and leaned on Tarbox to announce his support for Clayton so that Clayton would come out in front of Parker. Tarbox wound up in the Clayton total.

Oh yes. The paranoids in the House agree that Kuempel's story is a Head plot.

You may think that's only on account of it shows Fred in the lead, but it's also because Kuempel's story makes the race out to be between Head and Clayton, thereby encouraging Parker liberals to flake toward Head. Kuempel himself thinks that about three-fourths of the 37 members who claimed to be uncommitted are in fact devotees of one candidate or another, which could seriously skew the Kuempel poll.

• Jody Martin Parr is dead, an apparent suicide victim. It had been almost a year since she filed a divorce suit against Duval County Judge Archer Parr, touching off a complex and rancorous series of legal spats. On the morning of her death, a notice of a contempt-of-court order (the third order entered against her) was delivered to her Corpus Christi home.

Ms. Parr had spent her last night writing letters and making telephone calls to friends, attorneys and supporters. One note went to Brother Lester Roloff, thanking him for his visit to her at the Alice jail and wishing him well. Roloff officiated at the funeral.

• Doug Harlan, the Republican nominee for U.S. Rep. O. C. Fisher's seat, is visiting Washington. Harlan told *The San Antonio Express* that he intended to find out if the House Minority Leader, U.S. Rep. John Rhodes, would promise him a seat on the House Armed Services Committee. Harlan said he received such a pledge from Gerald Ford, then the GOP leader in the House, when he ran against Fisher in 1972. This time, Harlan is opposed by Bob Krueger.

• James Aston, chairman of the board of Republic National Bank's holding company, has declined ordination as a candidate for mayor of Dallas. In the traditional rite of calling on one another's *noblesse oblige*, some 40 captains of commerce and civic pride gathered to urge Aston to assume the mantle. John Schoellkopf, president of the Citizens Charter Association, insisted the get-together was not a CCA function and did not attend. (The CCA ordinarily serves as official bestower of the Establishment's good wishes.) Schoellkopf did sign the telegram convening the meeting, though, along with former mayor Erik Jonsson, developer John Stemmons and Robert Stewart, board chairman of Republic's arch-rival First International Bancshares.

Another civic leader who did not attend is Wes Wise, the city's incumbent mayor. Wise had been leaning toward running for a third term anyway, and said the meeting increased the chances he will run. In 1973, the CCA did not sponsor an opponent for Wise, and he took 84 percent of the vote.

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Whose peers?

By John Muir

Austin

New indictments of assault with intent to murder have been returned against five of the Houston 12 defendants. Texas' only black state district court judge, Andrew L. Jefferson, Jr., quashed the original indictments because *chicanos* had been excluded from the grand jury that indicted them (*Obs.*, "Political intelligence," June 7).

The case is now back in Judge Jefferson's court and the defense lawyers plan to renew their attack on the grand jury system in Harris County. Future action on the case may determine whether Jefferson's action was simply the isolated act of a courageous judge or the beginning of the end for Texas' antiquated grand jury system.

It all started when members of Youth Against War and Fascism (YAWF) called for a demonstration last October outside a Houston synagogue where funds for Israel were being raised. The YAWF wanted to protest U.S. involvement in the Middle East war. A 30-minute peaceful demonstration was interrupted by a fight among police, persons attending the synagogue rally and the demonstrators.

Twelve demonstrators were arrested and charged with aggravated assault on a police officer. Five (José Barriga, William Christiansen, Alex Rodriguez, Miguel Trujillo and Bartee Haile*) were also charged with assault with intent to murder. Given the political nature of the protest and the persons involved as demonstrators, the case/cause became known as the "Houston 12."

JUDGE JEFFERSON granted the motion to quash the indictments because *chicanos* had been excluded from the 177th district court grand jury that indicted the five men; additionally, *chicanos* had been substantially underrepresented for ten years on grand juries impanelled by the judge of the 177th district court, Miron Love. Judge Jefferson

*Haile has experienced Houston justice before. As a result of a July, 1970, shoot-out between the Houston police and People's Party II, Carl Hampton was murdered and Bartee Haile hospitalized and indicted for assault with intent to murder a police officer. After a highly political trial in which the goals of people's Party II, as testified to by Mickey Leland, became a major issue, the jury hung 7-5 for acquittal and the charge was dismissed.

did not decide this other issue presented by the defense: whether the indictments should be quashed because of the ten-year period of virtual exclusion of *chicanos* from all grand juries in Harris County. Such a ruling would have clouded the validity of all indictments returned by Houston grand juries from 1964 to 1973.

Jefferson's action was not a radical step but rather an example of what the legal system is supposed to be all about: a judge listens to the facts, informs himself of the law and rules accordingly. Unfortunately trial judges, with some federal exceptions, are rarely inclined to take such a stand. Defense lawyers are told, "That's a close question; I'll overrule your motion and you can take it up on appeal."

The judge was not applauded for his action. Harris County D. A. Carol Vance was quick to attack. "I do not think the other ten judges are going to follow this ruling," he said. "I just do not believe our ten district judges have tried to systematically exclude any group that is eligible for grand jury service, be it on the basis of race or occupation or whatever. . . . Now unfortunately the state has no right of appeal." Vance didn't seem to be aware of the key issue—a defendant's right to have a fair cross-section of the community on the body that considers whether to indict him.

Stu Stewart, the assistant district attorney prosecuting the case, added, "It's not fair because there is no one to grade the judge's paper." The prosecutor's ultimate response was to take the cases before another grand jury two days after the original indictments were quashed. The prosecutor picked a grand jury that had one *chicano* on it. The other two grand juries presently impanelled have no *chicanos*.

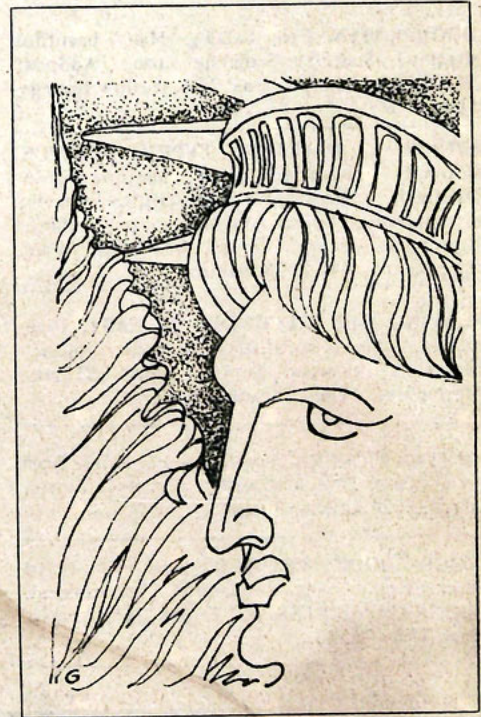
One hundred years ago, the Supreme Court reversed a conviction because blacks had been excluded from the grand jury. As a result of the civil rights movement during the Sixties, there were several successful challenges to grand and petit juries where blacks were substantially under-represented. It is historically significant that in the Houston 12 case another oppressed minority has benefited from these precedents hammered out of black people's struggles.

THE TEXAS grand jury system consists of three to five grand jury commissioners selected by the district judge impaneling a grand jury. These commissioners in turn select from 15 to 20 persons who are summoned to appear before the judge, who then selects 12 of them to serve on the grand jury. Since the judge may choose anyone he wants—subject to general qualifications such as being an eligible voter and not being a felon—and since the commissioners have unfettered discretion in their selection of potential grand jurors, it is easy to see how wealthy, well-educated *anglos* select

each other for grand jury service. Even if all selectors act in good faith, it is nearly impossible for the grand juries to represent a cross-section of the community, especially in a community as diverse as Harris County.

Legally, the defendant in a jury challenge has a dual burden: first, to show a substantial statistical variance between the percent of a cognizable class eligible for grand jury duty and the percent who actually serve; and second, to show that there is an opportunity to discriminate. That is, that there are not rules and procedures set up to guarantee a fair selection process. When the defendant has proved these exist, he has demonstrated a *prima facie* case. The burden then shifts to the prosecution to explain away the discrimination. Of course, if the defendant can show total exclusion he has proved an un rebuttable *prima facie* case.

The Texas system provides complete opportunity to discriminate since all the decisions are subjective. The defendants were able to show total exclusion on their



grand jury and substantial underrepresentation on Judge Love's prior grand juries. Some observers think that because of the subjective decision-making process the Texas system is unconstitutional and can never provide a fair cross-section of the community.

Until the enactment of the Federal Jury Service and Selection Act of 1968, a similar "key-man" system was used to select federal grand jurors. Since the key-man system was discarded, federal grand jurors have been selected randomly from voter registration lists. If the lists are shown to be under-representative of blacks, *chicanos*, women, young people or other

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classes, the lists must be supplemented. Texas should adopt some similar selection process.

Issues surrounding grand juries have been in the news in the last several years because special federal grand juries have been used by the Nixon administration to stifle dissidents. Guy Goodwin, of the Internal Security Division of the Justice Department, was responsible for a series of special federal grand juries which subpoenaed, harassed, jailed and indicted members of the Catholic left, anti-war movement and new left. In fighting these indictments, defendants in the Ellsberg and Gainesville 8 cases raised the issues that the grand juries that indicted them were under-representative of blacks, youth, women, working class people and the Spanish-surnamed population (this category has been used because it, rather than *chicano*, is the term used in the census data). Since the defendants in both cases were acquitted, no legal precedents developed. The materials from those efforts, however, were used in the Houston 12 challenge.

ANOTHER major input into the grand jury challenge was the data gathered by Professor Robert Carp of the University of Houston's political science faculty. Carp was a member of a Harris County grand jury and was appalled by the large number of indictments processed and the manner in which the panel rubber-stamped the prosecutor's recommendations. Carp decided to investigate further and sent out questionnaires to all the Harris County grand jurors for the period 1969-1972. When he analyzed the responses (58 percent), he found that *chicanos*, young people, women, the less educated, those with lower incomes and workers were substantially under-represented on the grand juries. The ten-year study done by the defense, which included all persons called for grand jury duty in Harris County, validated Carp's results.

What are the potential implications of Judge Jefferson's ruling in the Houston 12 case? All 1,488 of the indictments returned by the August, 1973, term of the 177th

district court grand jury are subject to challenge. One of those indictments was for Elmer Wayne Henley, the accused mass murderer who is now awaiting trial in San Antonio. Henley's lawyer has filed motions challenging Henley's indictments. Other defendants indicted by that grand jury who are awaiting trial or who are in prison may mount challenges. Those defendants who have pleaded guilty may have waived their right to challenge. Certainly persons who were indicted during the ten-year period by Judge Miron Love's grand juries may want to challenge their indictments, subject to the same guilty plea qualification.

Potentially, the decision could lead to the revamping of the entire state-wide system. There has been talk of an affirmative suit in federal court based on a random sample of grand juries drawn from randomly selected counties in the state. If this data showed that the grand juries did not represent a fair cross section of the counties from which they were drawn, it would present powerful evidence that the system is simply unworkable and must be scrapped.

The present system could be reformed somewhat by requiring grand jury commissioners to select persons from the voter registration lists for grand jury service. If that did not result in a fair cross-section, then the list could be supplemented, a process which has received the approval of the courts. Since county commissioners have the authority to raise the pay of grand jurors, workers and those with lower incomes could conceivably serve without hardship. Finally, grand jurors must be allowed sufficient time to intelligently review cases and not simply rubber-stamp a prosecutor's decisions.

Historically, the grand jury was designed to act as a buffer between the sovereign and the people, to protect the people from the unreasonable and vindictive acts of the king. This function has been abused and misused. The Texas constitution provides that the accused has the right to be proceeded against by grand jury indictment. This right should be implemented by having a fair cross section of the community carefully review the evidence before an indictment is returned and one is forced to defend against a felony accusation.

It is outrageous that wealthy, educated *anglos* return indictments without thinking, with the assurance of the prosecutor that "any mistakes you make can be corrected later or at trial." The benign neglect of the Harris County system is just as oppressive for those attempting to create a free society as the actively hostile special federal grand juries of the Nixon administration.

Austin attorneys Cam Cunningham and Brady Coleman and Houstonians John Sayer and Larry Sauer plan to renew their grand jury challenge after their five clients are arraigned again July 29. □

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Shrimpers fighting for pier 19

By Max Woodfin

Galveston

Pier 19 here in the island city doesn't look to be kindling to fire a single civic debate, must less revive an argument that began in 1842. But its tilting pilings and sagging planks are in the middle of a classic struggle of progress versus preservation, cargo versus local color or (to borrow favorite expressions from opposite sides of the debate) simple economics versus quality of life.

Pier 19 is the home of Galveston's "Mosquito Fleet," a sundry collection of 46 independent shrimp boats and several public party boats. The fleet has called pier 19 home since — well, forever, in the quaint Texan sense of time that dates everything from Sam Houston or the last local championship team. The shrimpers have docked at the pier for at least 130 years and now, either suddenly or as a natural and necessary expansion, depending upon which side is talking, the Port of Galveston wants to force the shrimpers out and construct a big nasty of a money-making pier.

There are at least three sides to the argument. First are the shrimpers and party boat owners. They just want to stay where they are. Maybe a few repairs to the pier, not more than a million dollars worth, but says one shrimper, "We're not asking for anything more than we've got right now." Second is the Port of Galveston. It wants to spend four or five million dollars for a new slab of concrete, a big crane and a huge warehouse that would handle cargo to "help solve this energy crisis" and help

Galveston, the oldest port west of New Orleans, compete with those upstarts in such places as Houston and Beaumont. And third are the compromisers, generally headed by the Galveston Historical Foundation, the folks who are lickety-split "restoring" Galveston's old business district along The Strand Avenue in time for the USA Bicentennial. The compromisers want to develop a Fisherman's Wharf with shrimpers and shops and cargo combining to pull more tourists downtown and to complement the development on The Strand, a few blocks away.

THE DEBATE began as early as 1842, with the first reported conflict over space. In 1937, United Fruit Company built "the finest banana dock in the world" at Pier 19 and in 1940, the City of Galveston bought all port property from 10th Street to 42nd Street. The shrimpers held their rented ground, although losing numbers almost yearly. The mosquito fleet will remain at Pier 19 for at least 60 more days, while one more study of the area is made.

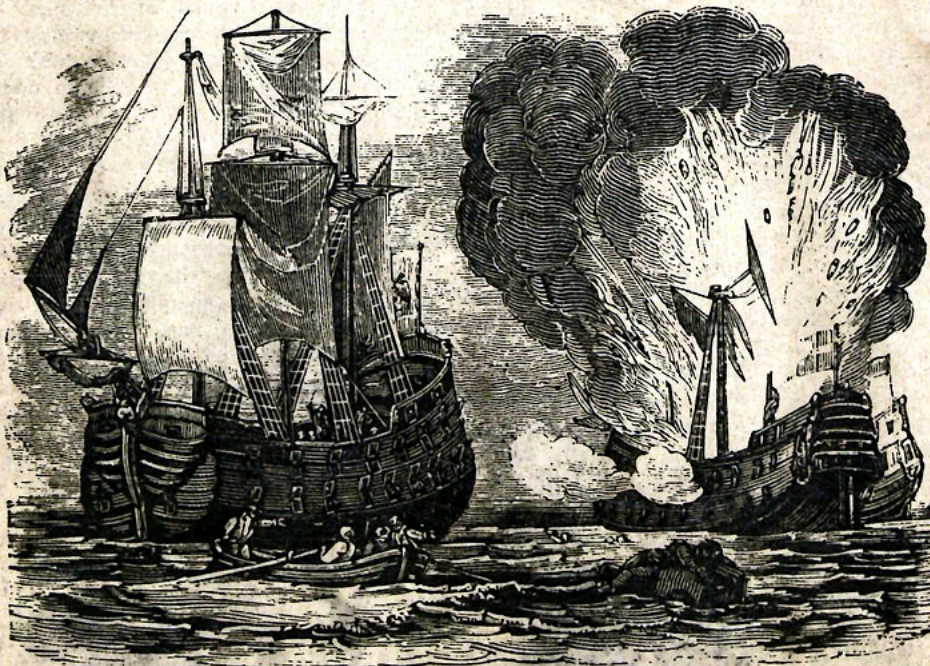
The position of the Port of Galveston is easy to understand, even by those who disagree. When the city purchased the port from private owners in 1940, it appointed a board of trustees whose job was clear: develop the port and attract ships and cargo to Galveston. The job has been done at least reasonably well. Local expansionists say the port has always been too late with too little, beginning in 1914 when Galveston's natural harbor lost legislative support which went instead to

Houston's bayous. On the other side, critics say the port tries to be too big for a small city. Gross income of the port in 1973 was close to \$7 million. Wages were in the neighborhood of 12 million. A recent study shows tonnage handled by the port has increased by 16.4 percent since 1963. However, the port claims a 200 percent increase in tonnage from 1972 to 1973.

Galveston was one of the first ports in the country to develop facilities for containerization (instead of longshoremen loading items one by one, items are packed in boxes 40 feet by 12 feet by 10 feet, then hoisted). The new loading technique has stimulated growth and the professed need for space at Pier 19. And now the port is bucking for the go-ahead to develop a superport, a monstrous onshore affair to handle everything from oil to farm products. It would make the present facilities look like, well, a mosquito port.

The mosquito fleet also has an economic impact on Galveston, but the heart of the shrimpers' position is tradition and uniqueness. A walking tour of the present Pier 19 area, if you can dodge a few "no trespassing" signs and perhaps pass as a deck hand, is a pleasant, sensual experience. There is an immediate impression for the nose, unpleasant at first, but as one legitimate deck hand said, "How do you expect shrimp to smell, they ain't for smellin', they're for eatin'." The shrimp boats are small compared to ships, but large compared to canoes or other boats with which most landlubbers are familiar. And they appear well used — nets and rope and crates all over the place, paint worn and many of the large engines exposed as a shrimper curses and fixes. It's a feeling akin to that around the farm in autumn or around an oil field after the first strike. By golly, there's some work going on around here.

THE DOLLAR value of the shrimpers is considerable. Five million dollars worth of shrimp were landed in Galveston in 1973, approximately one-quarter to one-third at pier 19. Yearly take-home pay for those working out of pier 19 is more than \$1 million. These figures compare favorably with the income from a cargo dock, depending, of course, on who does the comparing. The economic differences are that the mosquito fleet produces very little revenue directly to the port, \$19,980.60 in 1973, while the cargo dock would produce as much as a million in gross revenue. Estimated employe income at a cargo dock would be less than 50 percent of the mosquito fleet's. To say



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which has greater economic impact depends on whether you look at income for the Port of Galveston or income for the Galveston area.

There is conceivably more potential for growth with a cargo dock. All sides agree that shrimping in Galveston Bay has reached a saturation point — more shrimpers would not mean more shrimp. Economic growth will depend upon the inflation rate of the price of shrimp.

The mosquito fleet received support from the Galveston County Democratic Convention, which voted by large majority to "leave the fleet as is, where is," and from an association of beachfront storeowners who feel the presence of the fleet helps their businesses. There are other businesses in the pier 19 area directly affected by the presence of the shrimpers, such as bait houses and net companies.

The Galveston Historical Foundation has taken a middle of the road, compromise position. They want to maintain some type of public access to the port, a vital part of the original business district. Some members of the foundation favor leaving the mosquito fleet as is, but the official position was taken, according to Peter Brink, a Washington, D.C. attorney serving as executive director of the foundation, because "We are afraid of losing everything."

The most often mentioned compromise is development of a Fisherman's Wharf. This would mean retaining much of the shrimp fleet and the party boats at a remodeled pier 19. Additionally, shops and restaurants would be built in the area. According to Brink, this could possibly double the tourist potential of the historical district. The Port of Galveston recommended a Fisherman's wharf development at pier 19 in 1964, but tenants and financing did not materialize.

Another suggested compromise would provide public access to whatever type of cargo dock is built. To the shrimpers, this is no compromise; it means they are out of the picture. "Providing access" may be a useless bit of rhetoric. A port spokesman said that "Customs people may make us put up a fence around the whole area, to keep people out."

If the port develops pier 19 for a cargo dock, the shrimpers may be gone from Galveston. The port board has suggested alternative locations for the mosquito fleet, but the shrimpers aren't biting. Most of them seem to think that if they are forced to move from the present location, they will move to Freeport, San Leon or other ports, taking their revenue with them.

A PUBLIC HEARING in May was a modern example of Town Hall democracy. Three-hundred people crowded an elementary school auditorium. A public relations man for the port said, "There was more emotion in that auditorium than in Atlanta when Hank Aaron hit that home run."

The Galveston Daily News said support was six to one in favor of leaving the fleet at pier 19, at least among those who used the opportunity to speak. Certainly, audience sentiment seemed much stronger in favor of the fleet. Opposition included local union representatives, who spoke of the increased work they would have from the dock, and one man who spoke of the traffic problem at pier 19.

The evening gave shrimpers a chance to make public their feelings. Almost to a man they would apologize to the longshoremen, saying, "We don't want to deny you work." Apologize for themselves, "I can't use words too well." Then in the peculiar eloquence that comes to people when they sense their livelihood being threatened, the shrimpers would rouse the audience to cheering.

The shrimpers have found natural and vocal allies in a large number of people who claim their concern is the "quality of life" in Galveston. Galveston is developing in a big way. Big apartment complexes, big condominiums, big increases in land values and big plans for Hilton hotels. Freeport won the first race for an offshore superport, so Galveston is now actively promoting an onshore superport. There are Galvestonians, at least a sizable minority, who don't want the bigness. They want diversity. And Galveston is presently a diverse city by any standards. Beaches, wharves, shrimpers, a medical center, beautiful old homes, The Strand area.

To the "quality of life" people, the economic impact of a cargo pier is not an issue. The issue to them is over-emphasis on one part of Galveston at the expense of another part. Tourism is secondary to this argument. They don't want more tourists. They see enough visitors packing the beaches from April to October. But they wouldn't mind a different sort of tourist who would enjoy other parts of the city.

To the port, denial of the pier 19 location would mean renewed emphasis on the superport idea, or perhaps a look for another location for a new cargo dock, although space is limited by the surrounding privately-owned property.

The final decision will be made by the Port of Galveston Board of Directors, not by the city council or the panel appointed by the council to make a recommendation. The council appoints the port board, too, but it is known and generally accepted that the appointments are made after consultation with various maritime interests. The idea of involving the council in the pier 19 decision came from Harry Levy, chairman of the port board. That took some of the heat off the board and opened the decision to public input. It hasn't gotten the decision made, though — not yet.



Improper Political Influence In The Justice Department

By Charles E. Goodell

The following statement by Charles E. Goodell, former U.S. Senator and now Chairman of the Committee for Public Justice, was made to the Separation of Powers Sub-Committee of the Senate Committee on the Judiciary on March 28, 1974, and is reprinted by permission.

The Committee for Public Justice is an independent organization affiliated with the American Civil Liberties Union Foundation. It studies and is concerned with individual rights and civil liberties of American citizens. As part of its efforts at public education concerning these problems it has held a number of conferences relating to the administration of justice.

It held the first comprehensive conference on the FBI at Princeton University. This conference was attended by 50 experts on the FBI, including former FBI agents, ex-justice department officials, and many other writers and academic figures, of all points of view, who have made the FBI a special area of their interest. The conference examined a wide range of issues, such as the Bureau's history and responsibilities, its relations with other police forces, its performance in the areas of civil rights and organized crime, the collection and dissemination of personal and political information, and the use of electronic surveillance and informers. Papers from that conference, together with panel and other discussions, have been published in a book entitled *Investigating the FBI*.

In May, 1972, the Committee held a conference on the current use and abuses of the Grand Jury. The conference discussed the historical origins of the Grand Jury, the original constitutional intent and subsequent development of the institution, and the current practices, including the threat to individual rights by misuse of the Grand Jury by present-day prosecutors. Attending and participating were a number of citizens who themselves were called to testify before Grand Juries. A book based upon the conference will be published shortly by Quadrangle Books.

Most recently it has held a conference into the functioning of the Department of Justice. It was sponsored by Senator Philip Hart and was held in the Senate Office Building on February 7, 8, and 9th, 1974. I am including as an appendix to my written statement a summary of the conclusions of that conference.

We believe that the problems which S.2803 seeks to deal with are extremely important. The Department of Justice has greater power over the day-to-day lives of American citizens than any other agency of government. It is vital that the administration of justice should be even-handed and insulated from improper political influence. However, we do not feel that it is necessary or desirable to separate the Department of Justice from the Executive branch of government. We feel that other less drastic solutions are possible, including the appointment of an independent permanent prosecutor. Accordingly, we are supporting S.2978, a Bill to establish a special commission to study the establishment of a permanent special prosecutor's office.

We believe there are other more effective ways of dealing with the problem of improper political influence in the Justice Department. Among the steps which we believe should be taken

are the following:

1. Persons involved in the political process as candidates or managers should not be appointed to high positions in the Department for two years after they served in their political positions. Department officials should not speak for political candidates or collect funds for political campaigns. It might be desirable to have persons of the opposite party appointed to a certain number of positions in the Department, including the criminal division.

2. The Attorney General must have the final word on prosecutions. No one, not even the President, should interfere with individual cases. He may set policy but not dictate specific steps that should be taken. If the President does not like what his Attorney General is doing, he should fire him. In England it is clear that the Attorney General has the final word on all prosecutorial decisions.

3. Above all, the Attorney General must appoint people of integrity in the Department who believe in the rule of law. The Justice Department should not be considered a refuge for defeated political candidates who have had little experience in law enforcement and the administration of justice.

4. In addition, there must be thorough and continuous oversight by Congress with respect to both the Justice Department and the FBI. A special Congressional panel with permanent staff must be established to continuously check into improper actions by the Department and the Bureau. A joint Senate/House committee along the lines of the CIA oversight committee would be desirable.

5. A citizens panel should also be established that can explore invasions of individual's rights on a continuous basis. It would have the authority to check into claims of abuse of power, to make public cases of denial of rights and to press for redress of grievances.

6. Most important, we believe a permanent special prosecutor's office is desirable. Mr. Lloyd Cutler offered a plan at our Justice Department conference which we believe has many positive features. The main idea of the plan is as follows:

1. A special prosecutor would be appointed for a six-year term with the advice and consent of the Senate.

2. A deputy might also be appointed who would be of the opposite political party of the special prosecutor.

3. Removal would be possible only for incapacity or misconduct.

4. The special prosecutor would have jurisdiction over all (a) election law crimes, (b) violations of federal criminal law by present or former government officials, or national political party figures, (c) lobbying offenses.

5. The special prosecutor would be able to use all the investigative resources of the FBI and could prosecute all cases within his jurisdiction.

The special prosecutor could check into the types of crime associated with Watergate, and into other acts of corruption. It would do so in a way that does not present any potential conflict of interest which may take place when the Justice Department must investigate its own political allies or superiors. The plan also has the virtue of providing a check on over-reaching by government officers, particularly Justice Department figures and FBI agents when they interfere with

the civil rights of citizens by illegal surveillance, wiretapping and similar crimes.

In reaching these conclusions, we in no way dispute Senator Ervin's reasons why changes are required in the Justice Department. We agree whole-heartedly with Senator Ervin's remarks on the importance of the Department of Justice, on the need for the American people to have faith in the fairness of our system of justice and on the doubts that have risen in the public mind about the Department's activities in the Watergate scandal. In Watergate, we had a Justice Department which refused to recognize or consider that its superiors in the Executive Department may have been guilty of criminal behavior. It reported the result of its investigations of wrong-doing to those who may have planned and participated in the crimes and in this way contributed to the obstruction of justice. It arranged for the special appearance of witnesses from the Administration before a prosecutor instead of the grand jury and sought to restrict grand jury questioning of possible White House involvement in the Watergate scandal.

But, there have been other questionable actions and nonactions by the Justice Department in recent years. They were also the result of improper political considerations in the development and carrying out of policy.

In the field of civil rights, the Justice Department has gone beyond merely implementing a new policy of the administration, but it has effectively nullified Congressional enactments in some areas through tactics of non-enforcement. While its recent actions on voting rights and employment may have been vigorous, (although it opposed extension of the Voting Rights Act in 1970), its nonactivity in education and housing are in violation of Congressional requirements. It has also shown its disregard of Constitutional requirements by a conscious policy of restricting the rights of demonstrators in the Nation's Capital.

A more fundamental problem arises in the misuse of the concept of national security. Of course the problem has been present in the FBI for over thirty years. A substantial argument can be made that the FBI has usurped the power to engage in domestic intelligence since 1939. While its power to investigate crimes is clear, the Presidential directives on which the Bureau has relied to check into "subversive activities" do not appear to grant the power it has claimed. Nor do any statutes grant it such authority. Its extraordinary intelligence activities, its extensive files, its direct avenues to Congress has rendered it impregnable over the years. And it has used this power for direct political purposes. It has tried to convince the public that movements for change were inspired by subversives or were the product of agitators, or that the nation should not move for reform of basic institutions because the Soviets would rejoice. It created and expanded its jurisdiction to implement the political ideology which J. Edgar Hoover endorsed.

The problem of the recent Justice Department has been that it has been infected by the FBI abuses of the Hoover years. The Justice Department has found a new and more effective device to gather intelligence from those it considered its enemies—namely, the grand jury. It has taken over the FBI's concept of national security and foreign intelligence and used them to justify wiretaps, infiltration, and surveillance of political dissidents. Its conspiracy indictments have embraced the cold war terminology and ideology of Hoover. Obviously, it has done nothing to check into the FBI's expansion of

power. The experience of the FBI and the Justice Department in recent years had been that illegality breeds deception and deception breeds illegality.

The way to deal with the misuse of power in the national security area is to take steps to eliminate the practice directly, not through structural changes in the Department. Mail drops, Pen registers, wiretaps must be eliminated or greatly curtailed except where necessary to uncover the commission of a crime. Other abuses connected with the collection or dissemination of data must be dealt with by specific legislation.

These problems transcend most of the recent concerns about partisan influence in the Justice Department. Obviously there are serious inroads into the rule of law when partisan political input is the crucial factor in prosecutorial decisions. Anti-trust enforcement, for example, has been compromised for decades because powerful interests have been able to exert pressure on both Democratic and Republican administrations to influence anti-trust decision. One would hope that it would be possible to minimize this problem by requiring disclosures of all contacts between the decision-maker in the Department and all outsiders who ask about particular cases—including legislators, White House figures or the parties themselves. But the line between economic policy and partisan politics may blur in this area and the best safeguard is to appoint people of integrity to positions of responsibility.

Detailed papers on each of these subjects were prepared at our Justice Department conference and will be made available to this Committee.

These criticisms do not necessarily lead to the conclusion that the Justice Department must be totally independent of the Executive branch. It can well be argued that prosecution is and should be an Executive function that flows directly from the Executive obligation to execute the laws. If a President is elected on a platform of vigorously enforcing anti-trust or civil rights laws, or of the criminal laws generally, he should have a Department of Justice which will carry out his pledge. It would not do for a carry over Attorney General from a prior administration to say that he does not believe in vigorous enforcement of these laws and he will not take steps to bring prosecutions.

It is true that in many states and cities the Attorney General or District Attorney is elected directly by the people and is independent of the Chief Executive. But a governor or a mayor controls the police forces and so has a direct input in the way in which laws are enforced. Creating an independent Justice Department with an Attorney General who appoints the U.S. Attorneys in each district as well as the Director of the FBI means that the President is almost totally removed from the process of law enforcement.

We do not believe that it is desirable to make the prosecution function so distant from the political process. The Attorney General must be made more responsible to the public and their needs, not less. If we are concerned about the danger of Watergate, the answer lies in a permanent special prosecutor's office, not in taking away general law enforcement from the Executive branch.

We would hope that the courts would continue to check on abuses of power by the Justice Department and that Congress and the public would exercise a more direct supervisory function. The efficient and fair administration of justice is too important to us all. We must, therefore, make a re-evaluation of our assumptions about this key department of government.

School days in Wilmer-Hutchins

By Colleen O'Connor

Dallas

Traveling south toward Houston on Dallas' South Central Expressway, you enter the northern end of the Wilmer-Hutchins Independent School District as soon as you cross the Trinity River bridge. It's a particularly poor section of the district. An undisciplined zoning pattern and economic starvation of the once industrial area has left a patchwork of cheap motels, low-income houses, gas stations and industrial plants throughout the area. The Dallas city directory lists this area as the lowest economic sector of the city.

The area is officially in the Oak Cliff quadrant of Dallas. But the only thing that separates this part of the city from all-black, mostly-poor South Dallas is the dried up Trinity River bottoms. Most of the residents of this area are black, and a good portion are welfare recipients.

As you proceed farther south on South Central Expressway, you'll come upon a more respectable-looking showcase of residents. Past South Loop 12, past Simpson-Stuart Road, begins Federal housing development number 235.

In 1967, the Department of Housing and Urban Development (HUD), with the assistance of the City Planning Commission and the Dallas City Council, conspired with a few independent contractors and builders to give poor families in Dallas a sizable slice of the American Dream. For \$100 down and \$100 per month, mom, dad and all the kids could learn what it means to have a 30-year mortgage. The City of Dallas okayed the necessary zoning changes and building permits, HUD found the families and subsidized them, the trust companies got hold of the mortgages, and soon, hundreds of families spilled into the area from South Dallas and West Dallas.

DURING the six-year period of 1967-73, some 1,500 students whose parents had moved into the 235 developments enrolled in the already overcrowded Wilmer-Hutchins school district. The district, which stretches to the rural semi-agricultural communities in south Dallas County, wasn't exactly cordial to these new black students. And the result is a classic racial battle that has been fought at school board meetings, in PTA meetings and in the classrooms.

Trustees of the district traditionally had

O'Connor is a free lance writer and editor of the Dallas Journalism Review.

been from the lower income white communities in the area. For the most part, they were willing to go on quietly providing inferior education for the 6,000 students in the district. Then parents began to complain. Because of the overcrowded conditions, it was learned, the schools did not meet City of Dallas health codes. In one school, students had to pass through the cafeteria kitchen to get from one part of the school to another. The restroom facilities at a second school were portable toilets outside the main building.

The school board proposed two separate bond elections — the first in 1970, the second in 1971 — but voters turned each proposal down. The reason? The voting majority was from the predominantly white areas in Wilmer and Hutchins, both small towns south of Dallas city limits where the predominantly white schools were adequate. The newer residents of the district who needed the school improvements did not turn out the vote.

One white teacher who was fired from the district in 1972 said, "The attitude of the white parents was blatantly racist and they would do anything, including punishing their own children, rather than provide better facilities and better education for the blacks.

"Blacks in 'their' schools were foreigners, intruders, and all of us [teachers] saw more and more white parents pull their kids out of school and keep them home rather than have them sit next to blacks." She continued, "Perhaps the worst part of this whole mess was that many of the teachers and school administrators held the same attitude. And they would rather see the schools rot and the kids' educational opportunities go to hell than to do what they were supposed to do."

There was so much tension in the district that the racial issue took precedence over the district's half-hearted efforts to educate the growing black and shrinking white student populations. School superintendent J. M. Fendley, a man who can't understand why his district was "overrun" by poor blacks, commented, "Thanks to the federal government and the city, our schools are in turmoil. Education is practically nil here and has been for some time."

As the situation went from awful to terrible, parents in the white communities within the district held closed meetings to discuss how to reverse the creeping black-white ratio. The whites who stayed in the district banned together to defeat three bond elections which would have upgraded the overflowing schools in and

around the 235 housing development.

Black parents met too and took their complaints to board meetings and PTA groups. At one such meeting, board members refused to call on blacks and adjourned the meeting before any business was conducted to prevent a showdown. The black "parent's coalition" eventually fell apart because of internal bickering and continued frustration in their efforts.

MEANWHILE, the school board (which maintained a white majority) devised a plan which was supposed to make both races happy: abolition of the district. In November, 1972, the board intervened in the case of *United States v. Texas*, a lawsuit which ultimately ordered the Texas Education Agency (TEA) to eliminate "all

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vestiges" of racial segregation in Texas public schools. One of the rulings in that court case stipulated that any school district which was at least two-thirds minority could be annexed to a neighboring district. The move would have resolved racial conflict in the district; it would have done nothing to uphold the intention of the court to eliminate segregated school districts.

By the time the suit to abolish the district was filed, approximately 87 percent of the district was black. The white school board majority figured that abolishing the district would eliminate the responsibility for improving the schools which was falling on white property owners south of Dallas. If the entire district was annexed, white parents would most likely put their children in the Baptist church schools in their own communities or send them off to Ferris or another school district in the Ellis County area.

Judge William M. Taylor, Jr., heard the case and ruled that the district's intervention was invalid because the district could only be abolished by a majority vote in the district. The board members, instead of calling for an election, voted to appeal the decision, perhaps because they feared that black voters might finally turn out against the proposal. Lionel Churchill, the only black trustee, proposed a resolution to hold an election after Taylor's ruling. It died for lack of a second, and the appeal procedure got underway.

Meanwhile, the Texas Education Agency began investigating reports that white students in the district were attending schools outside the district. Some white parents who could not or would not move from the district put their children in neighboring white districts. Lea Donosky, *The Dallas Morning News'* education reporter, prompted the TEA investigation after she discovered that the president of the Wilmer-Hutchins school board, L. D. Davis, had his five children enrolled in Ferris schools. State Rep. Paul Ragsdale then got into the act, demanding that the TEA investigate the situation and that Davis resign.

Davis filed an affidavit with the TEA in February of this year stating that he was a legal resident of Ferris. The TEA upheld Davis' right in the matter but barred Ferris school officials — who had in the past looked the other way — from letting Wilmer-Hutchins students enroll in their predominantly white, segregated schools by the end of the 1973-74 school year. That move by the TEA may attack the symptom but it hits nowhere near the causes of the abysmal educational mess in the Wilmer-Hutchins district.

THE BLAME for the situation has been passed in all directions. The school board blames the City of Dallas for

approving the zoning changes which allowed the housing project to be built. The City blames HUD, which located the project there. HUD blames the voters for not passing a series of bond issues to upgrade the district. (HUD area director Irving Statman points out that builders in the area offered school board members financial assistance to help pass an \$8 million bond issue last year. The board wasn't interested and, unfortunately, neither were most of the voters. The issue failed miserably with a low voter turnout.)

There is renewed discussion in the district now about how to undo the wrongs and get on with teaching children how to read and write. That rekindled spirit is due to the results of last April's district school election. Blacks now have a majority on the board and Lionel Churchill is president. One of the three remaining white trustees, claiming election fraud, resigned on the night the blacks were sworn in. Lawrence Tyler walked out after he failed to find a judge who would help him nullify their elections. Noting that he had called at least ten county judges who refused to intervene for him, Tyler left the meeting, stating as he went, "You can't find a judge in the county who will stand up for a white man anymore."

Perhaps. Or perhaps, even the whites in the county are weary of the district's 48 percent teacher turnover each year and its rank as one of the ten worst, academically, in the country. The board unanimously voted to withdraw the appeal to the Fifth Circuit Court to abolish the district. And it is working quietly to involve parents of both races in the daily operation of the schools. A new bond issue would have a good chance of passing if put to the voters now.

In the meantime, Judge Taylor, who refused to abolish the troubled district in 1972; is sitting on a Dallas desegregation case which might eventually put Wilmer-Hutchins students with Dallas students after all. One learned observer of the district thinks consolidation of Wilmer-Hutchins with Dallas and other school districts might not be such a good thing. "For the first time in a long time," he said, "Wilmer-Hutchins has a chance to build a better district. It's a kind of experiment, where black leadership and black control of a mostly-black school system could be used to the fullest advantage to turn things around there."

As that district stands now, it remains a vestige of segregation — the very thing the courts have said cannot exist in our educational system. Wilmer-Hutchins might well become another tool with which the courts will pry lose the clamps of segregation and racial discrimination that are evidenced in the larger Dallas district. And the district, which turned from white to black in two years and almost destroyed itself in the process, may be re-integrated as fast as it became segregated. □

Philbrick froths at freedom frolic

By Si Dunn

Dallas

For those who missed it, here are a few highlights from the recent Dallas Freedom Seminar, a three-day lecture affair put on by the Christian Anti-Communism Crusade and the Dallas Freedom Forum. "Ten of America's most famous speakers against communism" spoke at the Adolphus Hotel to an audience of about 500, mostly teachers and students from Dallas junior and senior high schools. Dr. Nolan Estes, superintendent of the Dallas Independent School District, was one of the co-chairmen of the seminar.

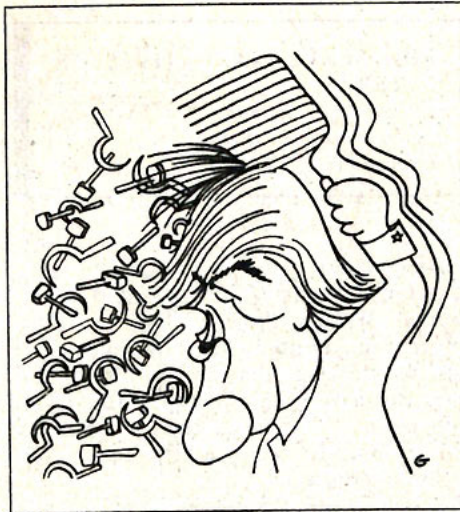
A press release issued prior to the seminar by the VanCronkhite Companies Incorporated of Dallas, for the Dallas Freedom Forum, said the sessions' purpose was "to inform students, teachers and citizens of the philosophy, morality, organization, techniques, strategy and objectives of communism and the New Left."

"So that no one may be excluded on financial grounds," added the seminar's registration form, "tuition scholarships (\$50) will be granted upon request . . . Full scholarships for tuition, food and lodging will be granted to students, teachers, policemen and clergymen . . ." Scholarships also were offered to principals of Dallas' secondary schools, in a letter from Dr. Estes, sources said.

THE SOURCE of the New Left Revolution" was the topic of one of the seminar's featured speakers, M. Stanton Evans, editor of the *Indianapolis News*, an associate editor of the *National Review* and chairman of the American Conservative Union. "The violent phase of campus activity is pretty well over," Evans stated. "The violence has stopped but the underlying causes are still there. What was it on the campuses that left the young people ready to be agitated by the communists? The beginnings of their leftist radical leanings were in the classrooms. They had learned them from their professors."

Evans concluded "the basic doctrine which is taught to students" in economics, anthropology, sociology, religion and political science courses at nearly every major university, is "that there isn't any right or wrong. . . . Make young people subject to that kind of teaching day in and day out for four years [and] what do you expect? Bit by bit their religious beliefs and political beliefs are stripped away."

"The predominant theory" in economics



classes at most large universities, Evans said, teaches students to distrust the free enterprise system and "to punish the people who save their money." He urged college-bound students to "think for yourselves" once they reach the campuses, and encouraged adults in the audience to "find out what is being taught [at colleges] and what kind of guest lecturers are being brought in. Is it only Jane Fonda and William Kunstler and people of that ilk?"

HERBERT PHILBRICK, former counterspy for the FBI and author of *I Led Three Lives*, lashed out at the New Left, commies, and "peace fronts." "'Anti-war' - talk about the big lie!" Philbrick told his listeners. "Baloney! Newsmen have fallen into that old trap again. Abbie Hoffman, Rennie Davis . . . they're not against war! They're against this country! [And] young people are marching like sheep, thinking they're against war!" Philbrick compared communist propaganda to "bottles of arsenic that you've put new labels on: malted milk." His speech drew applause that eventually became a standing ovation, at the urging of a half dozen handclapping adults.

The seminar's main speaker, Dr. Fred G. Schwarz, president of the Christian Anti-Communism Crusade of Long Beach, Calif., said communism promises "not

simply to conquer the world but to create a world of perfect people living in a society of perfect harmony" that will turn people into robots. "You can imagine an idealistic young person responding to that," Schwarz said. "This is why idealistic university students become communists . . . to them it sounds reasonable."

Students and teachers were shown a display of "radical and communist books" during the seminar. Displayed beside Liu Shao-ch'i's "How To Be A Good Communist" was Manuel P. Servin's book, "The Mexican-Americans: An Awakening Minority." Servin's preface states: "Although the Mexican-American is not the most deprived or the most oppressed minority in the United States, nonetheless, he is the most historically neglected and ignored of all the peoples who make up our great nation."

In view of such constant poisoning of the minds of our children, it's comforting to know that rational, objective programs like the Freedom Seminar are available. □

In Texas a number of bankers have set up a political fund in which the contributing formula is based on the dollar reserve of each bank. The fund tries to disassociate itself from the tax-exempt Texas Bankers Association, but its literature states that "funds will not be expended contrary to any official position of the Association."

—George Thayer, *Who Shakes the Money Tree?* Simon & Schuster, 1973, p. 213.

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REVIEW

Si Dunn is a feature writer for The Dallas Morning News Sunday magazine.

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THE SLAVE NARRATIVES OF TEXAS

Edited by Ronnie C. Tyler & Lawrence R. Murphy
Encino Press, 143 pp. \$7.95

Austin

These short interviews originally were collected in the late Thirties as part of the Federal Writers Project. They've never before been printed, but now, thanks to Bill Witliff and the Encino Press, the narratives have been done up in fine style, with photos of some of the former slaves and an appendix telling a little about each person interviewed.

As the editors themselves point out, it's hard to know exactly how seriously to take this early attempt at oral history. The interviewers were white government employees. Did their color and affiliation influence the blacks' answers? Portable tape recorders didn't come along until the late Forties. Did the interviewers use shorthand? Did they reconstruct the dialogue after the fact?

The editors warn, "In the cases where these Negroes tell fascinating tales of slavery, they probably are repeating incidents told them by older slaves rather than relating their own experience. There is also the possibility that they fabricated their own stories."

Still, most of these narratives ring genuine. Some of them are so off the wall, so bizarre, they have to be true. Take, for example, Martha Spence Bunton who, seeing her first norther, thought it was "rabbits, because we'd never seen a rabbit then." There were good masters and evil ones, pleasurable times and a whole lot of misery. Most of the slaves seem to agree on two things: (1) the food was memorable and (2) the home made red russett leather shoes were a sore trial for everyone.

The narratives are presented according to themes which include masters, the necessities of life, the work, runaways, glimmers of joy, superstitions and religion, the Civil War and freedom. These little snippets from the past are compelling, evocative, giving one the taste, the smell and the feel of Texas more than a hundred years ago. A sampling follows.

SPENCE JOHNSON

"The nigger stealers stole me and my mammy out of the Choctaw Nation up in the Indian Territory when I was about three years old. . . . The nigger stealers drove up in a big carriage and mammy just thought nothing, because the ford was near there, and the people going on the road stopped to water their horses and rest awhile in the shade. By and by, a man coaxed the two biggest children into the

carriage and gave them some kind of candy. Other children saw this and went too. Two other men were walking around smoking and getting closer to mammy all the time. When he could, the man in the carriage got the two big step-children in with him, and me and sis climbed in, too, to see how come.

"Then the man hollered, 'Get the old one, and let's get away from here.' With that the two big men grabbed mammy, and she fought and screeched and bit and cried; but they hit her on the head with something and dragged her in and threw her on the floor. The big children began to fight for mammy, but one of the men hit them hard and off they drove, with the horses under the whip.

"This was near a place called Boggy Depot. They went down the Red River, crossed the river, and on down in Louisiana to Shreveport. Down in Louisiana we were put on what they called the 'block' and sold to the highest bidder. My mammy and her three children brought \$3,000 flat. The step-children were sold to somebody else. . . ."

SILVIA KING

"Old marse was going to feed you and see that your quarters were dry and warm or know the reason why. Most every night he went around the quarters to see if there was any sickness or trouble. Everybody worked hard but had plenty to eat. Sometimes the preacher told us how to get to heaven and see the ring lights there.

"The smokehouse was full of bacon sides and cured hams and barrels of lard and molasses. When a nigger wanted to eat, he just asked and got his passel. . . .

"There was spinning and weaving cabins, long with a chimney in each end. Us women spinned all the thread and wove cloth for everybody, the white folks, too. I was the cook, but sometimes I hit the spinning loom and wheel fairly good. We bleached the cloth and dyed it with barks.

"There was always a big woodpile in the rear, and the big, caboose kettle for rendering hog fat and beef tallow for candles and making soap. Marse always had the niggers take some apples and make cider, and he made beer, too. Most of us had cider and beer when we wanted it, but nobody got drunk. Massa would sure cut us if we did.

"Marse sure was a fool about his hounds and had a mighty fine pack. The boys hunted wolves and panthers and wild game like that. There were lots of wild turkeys and droves of wild prairie chickens. There were rabbits and squirrels and we made Indian pudding, made of cornmeal. It was real tasty. I cooked goose and pork and mutton and bear meat and beef and deer meat, then made the fritters and pies and

dumplings. Sure wish we had that food now.

"On the cold winter nights, I sat many a time spinning with two threads, one in each hand and my feet on the wheel and the baby sleeping on my lap. The boys and old men were always whittling, and it wasn't just foolishness. They whittled traps and wooden spoons and needles to make seine nets and checkers and sleds. We all sat working and singing and smoking pipes. . . ."

WASH INGRAM

"Massa Ingram had a pig plantation down near Carthage and lots of niggers. He also bought land, cleared it, and sold it. I plowed with oxen. We had an overseer and several taskmasters. They whipped the niggers for not working right, or for running away, or pilfering around massa's house. We woke up at four o'clock and worked from sunup to sundown. They gave us an hour for dinner. Those who worked around the house ate at tables with plates. Those who worked in the field were driven in from work and fed just like horses at a big, long wooden trough. They had to eat with a wooden spoon. The trough and the food were clean and there was plenty of it, and we stood up to eat. We went to bed soon after supper during the week for that's about all we felt like doing after working 12 hours."

NANCY JACKSON

"I remember one big time we done had in slavery. Massa was gone and then we found out he wasn't gone. He left the house intending to go on a visit, and the missy and her children were gone and us niggers gave a big ball the night they were all gone. The leader of that ball had on massa's boots, and he sang a song he made up:

*Old massa's gone to Philiman York,
and won't be back till July 4th to come;
the fact of it. I don't know he'll be
back at all;
Come on you niggers, and join this
ball.*

"The night they gave that big ball, massa had blacked his face and slipped back in the house while they were all singing and dancing and he sat by the fireplace all the time. Directly he spat, and the nigger who had on his boots recognized him and tried to climb up the chimney."

FELIX HAYWOOD

[When the Civil War ended] "everybody went wild. We all felt like heroes, and nobody had made us that way but ourselves. We were free. Just like that, we were free. It didn't seem to make the whites mad, either. They went right on giving us food just the same. Nobody took our homes, but right off colored folks started on the move. They seemed to want to get closer to freedom, so they knew

what it was — like it was a place or a city.

"We knew freedom was on us, but we didn't know what was to come with it. We thought we were going to get rich like the white folks. We thought we were going to be richer than the white folks, because we

were stronger and knew how to work, and the whites didn't, and we didn't have to work for them any more. But it didn't turn out that way. We soon found out that freedom could make folks proud but it didn't make them rich." K.N.

'Straight from hell'

Following is a small sampling of the scores of letters the Observer has received from devotees of Brother Lester Roloff since the evangelist filed libel charges against us. Each letter was addressed to "The Texas Observer Publishing Co.," which leads us to suspect that Mr. Roloff has been encouraging a letter writing campaign among the bretheren and susteren. Needless to say, we stand solidly behind our stories concerning Roloff Enterprises. — Ed.

I am here to write you a letter about the Rebecca Home for Girls. What you have wrote in the newspapers about Bro. Roloff and the girls are *not* so. It is all a big lie straight from hell. The devil put all those lies in your head. . . .

Think of what you are doing to the things of God. He could strike you dead for all you've done to him. I would think a lot before I said anything else.

Vera Adamson, 1511 Stanford,
Lubbock, Tex. 79403.

No Elmer Gantry

I am pastor of the largest church in the state of Kentucky. Our average attendance is somewhat over 3,200 people every Sunday and our membership went well over 6,000. We have three schools, a day care center, two daily radio broadcasts, camping programs for children and numerous other ministries affecting great hosts of people. We have thoroughly investigated and checked Mr. Roloff over the years. He is not the kind of man the news media have made him out to be.

There may be some "Elmer Gantry's" around and may be some folk are involved in "the Lord's work" for finance, position, and power, but Roloff is not one of them. I feel you have made a bad mistake. Surely Roloff can call thousands of influential, successful Christian and business leaders from across this nation to testify on behalf of his character. I am confident that he can win his case in the libel suits and, of course, I hope he does.

My purpose for writing this letter is just to let you know that there are tens of thousands here in the grass roots who do not appreciate your loose, careless reporting of news and your adding fuel to

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the flames of those who would burn God's men at the stake.

Dr. Tom Wallace, Beth Haven Baptist Church, 5515 Johnsonstown Rd., Louisville, Ky. 40272.

Asks apology

As a minister of the Gospel of the Lord Jesus Christ, I am writing this letter on behalf of my church. Since Lester Roloff and the Roloff Evangelistic Enterprises have been vindicated of the false charges that were brought against him and the Enterprises, I believe that you should make a public retraction and apology for the critical statements that you have published.

Christian people all over this nation respect the ministry of Lester Roloff. I, personally, know young men and women who are in Christian work today who were formerly drug addicts and criminals. Through the ministry of Bro. Roloff they became Christians and are doing a great work for the Lord today.

Bro. Roloff has been vindicated by the Supreme Court of the State of Texas, but his ministry has been hurt by those of the news media who put their critical remarks before the public. If you would kindly retract the statements that were made against Bro. Roloff, it would be greatly appreciated by those who know and love his ministry.

Charles E. Wright, 3665 Forrest Park Road, Atlanta, Ga. 30354.

Gentleman

This is just a note to you in the interest of Bro. Lester Roloff. I have known Bro. Roloff for a number of years and know the work that he is accomplishing with people of all ages. He has his work with the young people; the Home for the Boys and Girls here in Texas in the Corpus Christi area; as well as a home for the Alcoholics and Dope Addicts in Georgia and I believe he has

work in Mississippi. In many instances he takes people that others do not want to work with. He is a fine Christian Gentleman and runs his homes and deals with people in a Christian like manner.

Carrie Howard, 408 E. College, Coleman, Tex. 76834.

Lord on throne

I feel sorry for people who have to print lies and ruin someone's testimony like Bro. Roloff but you are really the losers. People believe in him and stand behind him one-hundred percent. In Romans 12:19 it is written, "Vengeance is mine I will repay saith the Lord." I would rather face the people and reprint the truth than the Lord.

The Supreme Court found him not guilty, the Lord is still on this throne.

Miss Pat E. Garrett, 811 Riverside Dr. S.W., Albuquerque, N.M. 87105.

Vulgar reporting

PRaise THE LORD FOR LESTER ROLOFF!

I am writing this letter to protest your inaccurate, bigoted, slanderous, vulgar reporting of the ministry of this faithful Man of God. You will someday have to answer to God for the lies and falsehoods you have published and broadcasted across America. . . .

Sincerely, A Bible Believer, Bob Benefield, youth pastor, Highland Baptist

Church, 3901 Table Mesa Drive, Boulder, Colo. 80303.

Bible discipline

My heart aches to think of the wicked lies you are publishing about Brother Lester Roloff and the Rebekah Home for Girls at Corpus Christi. I have been there and I have never been so touched in my life as I was to see the girls and hear those sweet testimonies of a new life in Christ.

Don't go against Jesus! Let the Church have freedom to preach the blessed Bible and rescue the perishing. That's a word of love, but brutality. I force myself to spank my girls because the Bible says if you don't you hate them. We've got to have Bible discipline in this country or we perish!

Sincerely, a Christian mother, Mrs. Jack McMurry, Box 30, Farson, Wyo. 82932.

Progress and price

Your article concerning the LCRA-City of Austin Power Plant Project in Fayette County (*Obs.*, June 21) exposed an issue that is too often overlooked in determining the pluses and minuses of the project. I am sometimes concerned with economic opportunists whose blinders are snugly in position to ignore folks like the Polaseks.

It is disheartening to me, however, to realize that many of our own country's citizens are included amongst the ranks of those who place economic "progress" above all else.

Dan R. Beck, P.O. Drawer 329, Flatonia, Tex. 78941.

Carr clarifies

Your Political Intelligence on Jun 7 referred to me as a practicing agnostic. That's not quite true. I do believe in a Supreme Being. A lawyer in Houston replied to that statement by saying, "yes, and we all know who you think she is!" Now that's irreverent.

In the 50's I was a pillar of the Methodist Church, president of the Women's Society and later East Houston Secretary of Christian Social Concerns. However, I do not believe in denominations and organized religions. They waste time, talent and money. Most churches are big business these days and do very little to help bring about needed changes in today's world.

However, I want to share two stories with you: One, A group of professional gamblers in Vegas were talking while playing poker about whether or not they believed in God. Each said no until the leader, Benny, surprised everyone and said, "well, I do." When asked why, he said, "Simple - it's a jelly-roll, boys." Later someone told me that in gambling language, a jelly-roll is like a sure thing; a

cinch bet. If you believe in God and there is one, then you've won. If there isn't, you haven't lost anything either.

All of you remember Madalyn Murray O'Hair, who filed the suit to have prayer taken out of public schools. Once she was jailed in San Antonio and Maury Maverick, Jr., walked in her cell and told her the ACLU had sent him to take her case, and she replied, "thank God you're here."

So maybe in a jail cell or in a waiting room of M. D. Anderson Hospital when you are waiting five hours for your son to come back from surgery, even the most unbelieving may believe.

Many people from around the state and nation have sent word that they wished us the best, were thinking about us, were praying for us, and of course, we are grateful.

Billie Carr, 2418 Travis, Suite 3, Houston, Tex. 77006.

Sexist words

They keep telling us we've come a long, long way; but I really wonder how far, when a supposedly "liberal, progressive" newspaper must be educated to sexist language.

In Steve Barthelme review of *Working* (*Obs.*, June 7), he writes about "a man on a car assembly line," and "an advertising man," while in the same breath, it is a "bright engaging young girl" writing for a health institute, and "a girl who works as a bank teller." Will the day ever come, when such phrasing will jar one's logic as does for instance, "an advertising boy" or "a boy on a car assembly line."

Brenda Loudermilk, 3920 Driscoll, Houston, Tex. 77006.

With a small d

A Texan cannot vote Democratic and be a democrat! With four exceptions Texans have elected name-only Democrats as governors.

A conservative Democrat is a Republican with a Southern name. As long as we vote party we're voting Republican.

But we can vote Republican on the state level and - in time - straighten out the parties. It's stupid to continue as is. We can reclaim the Democratic party only by voting Republican on the state level for a decade or so!

Rus Purifoy, 600 N. Dotsy #14, Odessa, Tex. 79763.

TIME OUT

There will be a three-week interval before the next *Observer* is published. Our schedule is being revised in order to eliminate conflicts between our regular print days and Monday holidays for the rest of the year.