

# OBSERVER

A Journal of Free Voices  
A Window to the South  
November 26, 1976

50¢



## Many happy returns

Austin

When we saw Frank Erwin, Allan Shivers, O.C. Fisher, and Sam Houston Johnson all crawl out of the woodwork in the last couple of weeks of the presidential election to endorse Gerald Ford, we ordered our case of Shiner.

They were like rats swimming toward a sinking ship, to use Ralph Yarborough's stinging simile, and we took it as good evidence that Carter had Texas where he

wanted it. Sure enough, even before we could haul our Shiner to the Carter campaign's election eve watch, Cronkite had awarded Texas to the Democrat on behalf of the CBS computers. The local television analysts sniffed that Walter was talking out of turn, but he proved to be right—Carter beat Ford roughly 51 to 48 percent, with four million votes cast.

How did that happen? "We just ran at  
(Continued on Page 3)

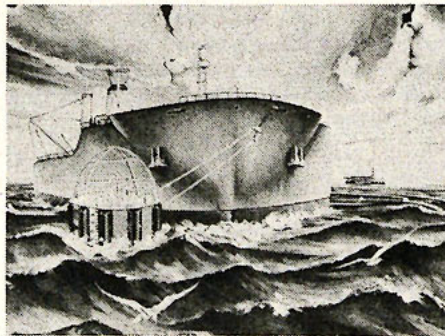
## Showdown for superport?

By Clarence Johnson

Galveston

Secretary of Transportation William T. Coleman Jr. will be answering a super-sized multiple-choice test sometime this month.

The decision could result in (A) a \$650 million superport located in the open Gulf of Mexico 28 miles south of Freeport; (B) a \$300 million superport located onshore in



Galveston harbor; (C) none of the above; or (D) both A and B.

If fifty pounds of applications and computations by the bureaucracy don't provide enough answers for Coleman, Gov. Dolph Briscoe has shown himself more than happy to pronounce the offshore superport plan sponsored by nine oil companies suitable for approval.

But hold on—Gov. Ruben Askew of Florida says he should have just as much

(Continued on Page 18)

## FINANCING SCHOOLS

By Jo Clifton

Austin

Gov. Dolph Briscoe has finally done something. He's promised more public education dollars and lower property taxes—a little magic made possible by a projected state revenue surplus variously estimated at \$750 million, \$1 billion, \$2 billion, and \$3 billion.

Trouble is, most of the state's new money

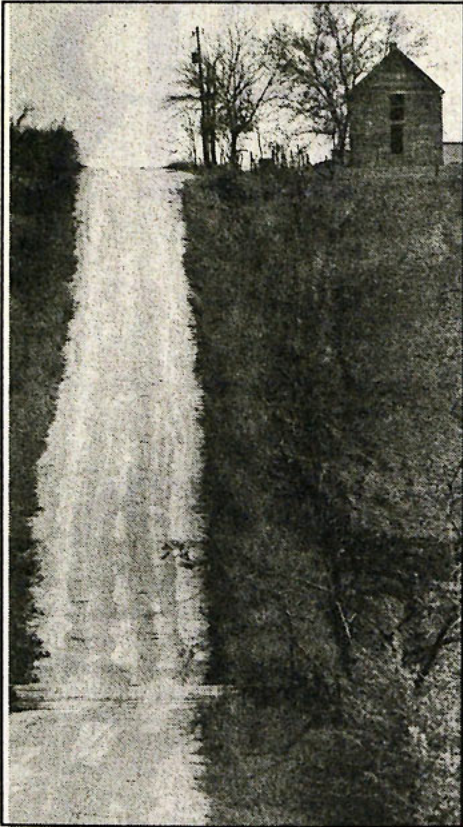
would go to those districts which need it least. Under the governor's plan, richer-than-average districts will receive about two-thirds of the state's contribution to education through the Foundation School Program.

The Foundation School Program is the state's basic apparatus for funding public education. Currently three-quarters of this funding comes from state taxes and one-quarter from local school taxes.

(Continued on Page 20)



Ed Malcik



Roy Hamric

# Fortnight

By Suzanne Shelton

## NOVEMBER GRAB BAG

**WAMPUM**—Collection of beads and North American Indian beadwork from New York's Museum of the American Indian includes bead-decorated objects such as belts, moccasins, and dresses; through Dec. 19, Michener Gallery, University of Texas, Austin.

**HOMER GRAPHICS**—Seascapist Winslow Homer also tried his hand at graphics, which was his trade long before watercoloring; Kelsey Collection, one of largest of Homer graphics, on traveling exhibition; through Jan. 23, Museum of Fine Arts, Houston.

## NOVEMBER 27

**MEDIEVAL DRAMA**—"The Play of Herod" is Texas Opera Theatre's holiday offering for performance in Houston churches, presented with six-piece consort of authentic early instruments, including krumhorn, lute, vielle, and bagpipe; through Jan. 2, area churches, Houston.

## NOVEMBER 28

**DANCING GIRL**—Roberta Knie joins locals

in Dallas Civic Opera production of "Salome" by Strauss; also Nov. 30, Dec. 3; Fair Park Music Hall, Dallas.

## NOVEMBER 30

**CHORUS CONCERT**—Richard Robinson conducts free Oratorio Chorus concert; 8:15 p.m., Roxy Grove Hall, Baylor University, Waco.

**WIND QUINTET**—World's most active group of its type, the Dorian Wind Quintet performs with John Solum on flute, Charles Kuskin on oboe, clarinetist Jerry Kirkbride, Jane Taylor on bassoon, and Barry Benjamin on horn; Hogg Auditorium, University of Texas, Austin.

**RECITAL TIME**—General recital presented by music department; also Dec. 7, 1 p.m., Recital Hall, Music Bldg., Texas A&I University, Kingsville.

## DECEMBER 1

**IT'S FANTASTIC**—The long-running love of off-Broadway, Tom Jones' and Harvey Schmidt's "Fantasticks," with local cast; through Jan. 9, Theatre Three, Dallas.

**FREE CONCERT**—The airwaves are free, so listen to cellist Lev Aronson and pianist Roger Keyes, in concert; 8:15 p.m., Roxy Grove Hall, Baylor University, Waco.

## DECEMBER 2

**CHRISTMAS MUSIC**—'Tis the season, with Chamber Singers Festival of Christmas Music conducted by Robert H. Young, free to public; 8:15 p.m., Armstrong Browning Library, Baylor University, Waco.

## DECEMBER 3

**TOSS HER A ROSE**—Bizet's "Carmen" sings and spits and generally acts gypsyish as Fort Worth Opera presents the old favorite; also Dec. 5, Tarrant County Convention Center, Fort Worth.

**FUN THEATRE**—Children's division, Fun Theatre Productions, presents "Rumpelstilskin"; through December, Zachary Scott Theatre Center, Austin.

**CHOIR CONCERT**—Euell Porter conducts A Cappella, Chapel, and Concert Choirs in Christmas music concert, free to public; 8:15 p.m., Waco Hall, Waco.

**JAZZ FEST**—Incomparable Ella Fitzgerald, Count Basie Orchestra, Oscar Peterson, and Joe Pass team in jazz fest; 7 and 10:30 p.m., Jones Hall, Houston.

**PERRY ON PIANO**—John Perry, pianist, joins Austin Symphony Orchestra in concert; Municipal Auditorium, Austin.

**MORE YULE CAROLS**—Christmas Chorals from students conducted by Ray Moore; 8 p.m., Houston University Center, University of Houston.

**OPERA WORKSHOP**—"The Indian Princess," directed by Robert Scott, is Opera Workshop Production; also Dec. 4, Jones Auditorium, Texas A&I University, Kingsville.

**IF YOU CAN CATCH 'EM**—"Butterflies Are Free," by Leonard Gershe, with student cast; through Dec. 5, Margo Jones Theatre, Southern Methodist University, Dallas.

## DECEMBER 5

**DANCING 'DILLO**—Austin Ballet Theatre welcomes its fans back for monthly concert,

directed by Stanley Hall; Armadillo World Headquarters, Austin.

**HOLIDAY FREEBIES**—Chamber Singers Festival of Christmas Music, with Robert Young conducting; free, through Dec. 6, Armstrong Browning Library, Baylor University, Waco.

## DECEMBER 7

**THESIS PLAY**—Some of the most interesting theatre in Austin occurs in the Master of Fine Arts thesis productions, such as "Scorpius X9" by David Fulk, with George Brashears directing student cast; through Dec. 10, Drama Bldg., Theatre Room, University of Texas, Austin.

**SYMPHONIC SOUND**—Free concert, with Daniel Sternberg conducting Baylor Symphony Orchestra; 8:15 p.m., Waco Hall, Baylor University, Waco.

## DECEMBER 8

**MIMI'S MISFORTUNE**—"La Boheme" is an operatic tale of bohemianism, consumption, and love, with Elena Nunziata as Mimi leading Dallas Civil Opera cast; also Dec. 10 and 12, Fair Park Music Hall, Dallas.

**SPIRITED SHAW**—George Bernard Shaw's high spirits pervade "You Never Can Tell," concerning free-thinking twins who scandalize a seaside resort; through Jan. 16, Alley Theatre, Houston.

## DECEMBER 9

**CHRISTMAS CONCERT**—Joint concert by choir and student singers; 8 p.m., Jones Auditorium, Texas A&I University, Kingsville.

**AND MORE**—Christmas music overflowing, with Robert Young conducting Christmas Chorale Concert; 8:15 p.m., Roxy Grove Hall, Baylor University, Waco.

**BALLET ON TOUR**—Dallas Civic Ballet, directed by George Skibine and Marjorie Tallchief, is a talented troupe with a traditional repertoire and a few new ballets by Texas choreographers; Southwestern University, Georgetown.

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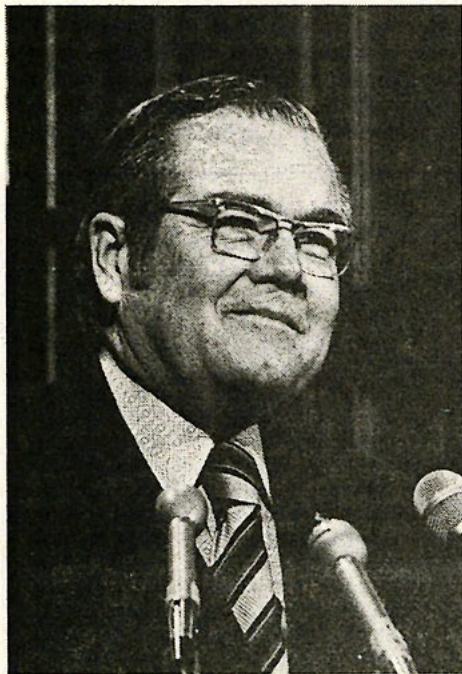
# Returns . . .

(Continued from Page 1)

them with a traditional Democratic approach," was the analysis of Carter campaign co-chair Bob Armstrong. And that's as close to the truth as any political pundit could get you.

Texas Democrats outnumber Republicans by a hefty margin, so (1) if Democrats hold themselves together, with no sizeable number deserting or taking a walk, and (2) if Democrats turn out their vote, they win. And that's the way it was. Unlike 1968 and 1972, Democrats mainly stayed in the fold, and a solid campaign organization shepherded them to the polls.

Look at the county-by-county map of this year's returns and you'll get a general idea of how to produce Democratic victories in Texas: stay within sight of the Republican in Dallas; win big in such cities as San Antonio, El Paso, Corpus Christi, Austin, Beaumont, and Galveston; get all you can in Harris County and Ft. Worth; pray for an early blizzard in Midland and Odessa; then wipe them out in the towns and rural areas of South and East Texas. The only major divergences from norm in this particular Democratic victory were a disappointingly close win in El Paso County and a surprisingly close second by Carter in Tarrant County.



The governor came through.

There's a rush to credit Dolph Briscoe with the Texas win, and it is clear that the governor was a major force in holding Democratic conservatives in line and was effective in his rural campaigning for Carter. But a good dose of praise is due such Democratic progressives as State Rep.

Mickey Leland (D-Houston), State Rep. Gonzalo Barrientos (D-Austin), State Sen. Raul Longoria (D-Edinburg), and others who produced a massive turnout among blacks and Mexican-Americans. Then there's Jimmy Carter, who just might have been instrumental in the victory. Despite all the huffing and puffing in the press over the alleged Carter slander of LBJ, the truth is that Carter helped himself here, especially on his last trip through South Texas, San Antonio, and Ft. Worth.

The Carter campaign in Texas was broad based, energetic, and effective. It bore up admirably in the closing days when the Republican effort resorted to scare tactics, bleating warnings that election of Carter would mean confiscation of guns, unionization of farms, and government policy dictated by George Meany. The Carter organization stayed in touch with Democrats throughout the state and kept the troops calm. To their credit, a majority of Texas voters were not spooked by the negative barrage.

Whatever the analysis, Ford is a lame duck. He'll find some solace, of course, in the \$100,000-a-year retirement he will draw from the taxpayers. When Fred Harris was running for the Demo presidential nomination, he made a campaign stop in the Iowa town where his uncle Ralph worked for the railroad. At breakfast the next morning Ralph suddenly looked up at Fred from across the table and observed, "You know, bud, if you get that job you'll be fixed for life." That may be the thought behind the brave smile Ford had on November 3.

## The Congress

November put a little better look on the face of the Texas congressional delegation. Oh, sure, Lloyd Bentsen won as handily as predicted, taking about 57 percent of the vote in his race against Alan Steelman. The senator was as stuffy as ever in the moment of victory, crediting it to hard work and an efficient organization. Admittedly, too, practically all House incumbents were re-elected, including John Young (D-Corpus Christi), who found himself a principal in one of Washington's sex charges last spring.

But there *is* good news. In particular, the one incumbent who did not win was ultra-conservative Ron Paul (R-Lake Jackson). His race was tighter than the bark on a tree, with former State Sen. Bob Gammage (D-Houston) presently clinging to a 260-vote lead out of nearly 190,000 votes cast. Paul has called for a recount, though the early result of that has been to increase Gammage's lead from 250 to his current 260. No one can rest easy with that thin of a margin and a recount underway, but best guesses are that Gammage will hold on. Not only is the dismissal of Paul (whose political views warrant anthropological investigation) devoutly to be wished, but the election of

former-Dirty Thirtian and steady liberal Gammage is a plus for Texas.

On the other side of Houston, the good news is that Rep. Bob Eckhardt did all but stomp on challenger Nick Gearhart, taking better than 60 percent of the vote. Eckhardt took this race seriously (*Obs.*, Oct. 15) and stunned his friends and supporters by campaigning vigorously. It paid off, as he grabbed Gearhart by his big media budget and squeezed the life out of his political ambitions. In addition, Eckhardt's big win will stand as a strong deterrent to major conservative challenges against him two years from now.

There even is good news from Dallas, where State Rep. Jim Mattox took a populist message to generally-conservative fifth district voters and came away with a solid 54 percent win. He was up against the choice of the city's big business establishment, Republican Nancy Judy. This campaign to fill Alan Steelman's old seat truly was a battle, with ideological lines clearly drawn, ill-temperos flashing, and hard words exchanged. Mattox laid out about \$90,000 to Judy's \$145,000, with labor picking up the heaviest share of the tab for Mattox and big business backing Judy.

"I know who elected me," exulted Mattox in a victory statement. "It wasn't the downtown newspapers; it wasn't the downtown business establishment; it wasn't the North Dallas fat cats; it wasn't the utility lobbies." Who was it? "The working people, the small business owners, the senior citizens, and the average consumers," reiterated the new congressman. It was good stuff, and it put a good man in Congress. That is big news in itself, since you would have to take to the archives to find the last progressive that Dallas sent to Washington.

There were no other major surprises in congressional races, though oldtimers George Mahon (D-Lubbock) and Bob Poage (D-Waco) raised a few eyebrows by falling short of their usual runaways. The 76-year-old Poage, who was first elected to Congress in 1936, had a particularly close call in Bell County (Temple) and his home county of McLennan (Waco), both of which he carried by only 2,000 votes. That's not exactly bowling them over in the old Poage style. Straight-ticket voting in labor and black precincts saved him even deeper embarrassment in Waco, which is ironic since he votes against their interests at practically every opportunity. Another factor holding Poage back was his support of the U.S. Army's intentions to add another 60,000 acres to Ft. Hood, thus miffing farmers in his district. All of this feeds speculation that Poage will step down in 1978, with such Democratic lights as State Reps. Lane Denton and Dan Kubiak mentioned for the seat.

Little by little, our House delegation is looking better. We're not yet up to the standard of, say, Iowa, but there's progress.

## The Legislature

If you liked the cast of the 1975 legislative session, you'll be comfortable with the '77 model. No big changes overall, though there are some particular pluses and minuses.

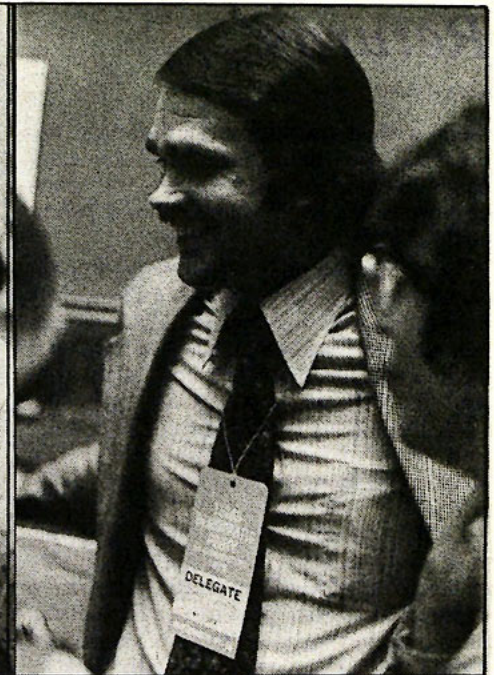
Progressive forces gained another notch in the 31-member state Senate with the election of Carlos Truan of Corpus Christi. Truan will take the seat of Corpus television station owner Mike McKinnon, whom Truan defeated last spring in the Democratic primary. Progressives held their own in two other Senate races, with former Rep. Gene Jones of Houston winning Bob Gam-mage's seat and former Rep. Carl Parker of Port Arthur replacing retiring Sen. D. Roy Harrington.

For those concerned that the election might result in any slippage of quality in Senate debates, rest easy—Walter "Mad Dog" Mengden (R-Houston) came screaming back into office, winning nearly 70 percent of the vote.

Forty-one seats changed hands (or what-ever) in the 150-member House, but don't expect much real change in legislative patterns—it's pretty much the same bunch in spirit. Attrition took a heavy toll in progressive ranks, with various members from the last session either running for higher office or just plain clearing out. But they have been replaced by others with progressive inclinations, and it looks like the new Legislature actually will number a few more members on our side of the ledger. Among those newly elected members expected to stand tall for progressive interests next year are Lance Lalor of Houston, Ernestine Glossbrenner of Alice, Froy Salinas of Lubbock, Ron Wilson of Houston, Bob



Ernestine Glossbrenner



Lance Lalor

Bush of Sherman, Betty Denton of Waco, David Cain of Dallas, Jerry Benedict of Angleton, Gerald Hill of Austin, and Irma Rangel of Kingsville.

Here are some statistics on the new House: 17 Republicans—up only two from the previous Legislature, even though they mounted 55 challenges this election; three more women, for a total of 10; five more blacks, for a total of 14; Mexican-Americans are up three to a total of 16; and labor leaders are claiming seven more "friends" in the house, for a total of 66.

For you collectors of political

memorabilia: 1976 produced Republican legislators from Lubbock and Tarrant County for the first time; Rep. J. L. Briscoe (R-Houston), who reportedly missed every regular meeting of the whole House, was the only House incumbent defeated in the general election; and Clay Smothers of Dallas is the first black Wallacite elected to the Texas House.

House Speaker Bill Clayton (D-Springlake) claims that, while conservatives didn't gain in numbers this time around, the House will be more conservative because the progressives have lost their experienced

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Ronnie Dugger, Publisher

A window to the South

A journal of free voices

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leaders (such as Neil Caldwell, Ed Harris, and Carl Parker). Whether that is a major factor or not, it is true that neither the House nor the Senate are in progressive hands. Clayton has a tight grip on the House reins, and such old Senate bulls as A. M. Aikin Jr. (D-Paris) and William T. "Bill" Moore (D-Bryan) stand as a conservative block in that body.

### Running the Gamut

**MR. JUSTICE YARBROUGH.** For sheer grittiness, Houston lawyer Don Yarbrough (the *other* one) merits "campaigner of the year" award. He caught the entire political and legal establishment off guard in the spring, winning nomination to the state supreme court. Not only did that make the state's lawyers take notice, but they noticed that he faced a whole mess of lawsuits against him. Then they heard him say that God told him to run, and that he would consult the Bible in court decisions more often than law books. Then they noticed he had no Republican opposition; *ergo*, he was about to be elected to the highest court in the homeland.

Good God, what a furor! Not only did responsible lawyers brand him wacky, but they also made perfectly clear that he was not one of their own. The state Bar sought to have him disbarred on some 53 counts, and the Bar frantically began to scrounge for a write-in candidate who could spare them this humiliation. Trouble is, the Bar produced two write-in candidates—Sam Houston of Denton and Tom Lorange of Houston. No write-in candidate has ever won a statewide race in Texas, and the presence of two in the race just muddled the situation hopelessly. There was a great deal of public handwringing by prominent lawyers, and the state's daily press fell in line with pompous editorials about the need to keep such riff-raff out of the courts.

Naturally, Yarbrough trounced the establishment, winning 1.22 million votes against a combined tally of 415,000 for Lorange and Houston. Yarbrough immediately announced he intended to serve every hour of his six-year term, giving the legal poobahs this observation to mull:

"There's a message in more than 1.2 million votes. Lawyers are spending money taking surveys as to why people hate lawyers. The problem is that their attitude is one of arrogance which characterized those ego-jerks who elevate themselves to leadership within the state Bar."

The lawyers blamed his election on the failure of either Lorange or Houston to withdraw, and on the failure of the voting public to understand the issue. There's truth in that, but not as much as they would like to think. The press covered the Yarbrough general election campaign as thoroughly as any, and voters are not always as stupid as lawyers assume. Straight-ticket voting undoubtedly helped

Yarbrough, but there's plenty of people in that 1.2 million who voted for the wild man just to twit the lawyers. Make a list of people's dislikes, and high up on it will be lawyers. It's a distrust that Carl Sandberg captured years ago when he wrote, "Why does a hearse horse snicker when he hauls a lawyer's bones?"

**RAILROAD COMMISSION.** State Rep. Jon Newton (D-Beeville) crushed Republican Walter Wendlandt two-to-one in their race for the important post of railroad commissioner. Newton was backed by the oil, gas, and trucking industries, which are regulated (sort of) by the commission. He spent half a million dollars to win the seat, including last May's primary, the run-off, and the general election. Wendlandt, an energy expert and former head of the commission's gas utilities division, was an advocate of consumer involvement in commission deliberations. He spent \$15,000 on his try. Newton said he didn't intend to speak for consumers or any group on the commission.

**WATER BONDS.** In the "You-can't-fool-all-the-people-all-the-time" category, Texans rendered a convincing "no" to the proposed constitutional amendment authorizing another \$400 million in bonds for water development projects. The vote was 1.2 million against it and 900,000 for it. Opposition to the proposition was led by an environmental coalition headed by John Henry Faulk, though the big part of the vote undoubtedly comes from fiscal conservatives who smelled a boondoggle. One small problem for the water advocates on this vote was that they couldn't say specifically how the money would be spent, just that it was needed for water plans that would be developed later.

The vote was a defeat for Governor Briscoe and House Speaker Clayton, both of whom had campaigned for the bonds. Briscoe termed the loss his only regret of the '76 election and vowed to come back later with same deal in another package. Texas Water Development Board chairman Robert Gillmore echoed that intention, saying that a plan to import water from out of state was going to be necessary, even though water officials had assured voters during the campaign that the \$400 million bond proposal had nothing to do with import schemes. Gillmore told *The Dallas Times Herald* that they were discussing the possibility of moving water to Texas from Alaska and Canada.

On the "yea" side of water, voters approved a second water proposition authorizing \$100 million in bonds to help local governments improve or rebuild sewage treatment facilities.

**LOCAL RUNS.** Bill Burnette, an Austin real-estate appraiser, used the "Independent Republican" ploy in beating Democrat Ed Wendler for the position of Travis County tax assessor-collector. Wendler

proposed that low industrial and high residential tax assessments should be equalized. Burnette said this would raise everyone's taxes and managed to frighten some relatively affluent Democrats away from Wendler. Then he dredged up some legal problems of Wendler's involving delinquent taxes, and that was enough to do it.

Dallas County has a new sheriff, 32-year-old Republican Carl Thomas. Prior to his election, he was an unknown sheriff's department officer who came from nowhere at the last minute to file against his former boss, Demo Clarence Jones. *The Dallas Morning News* reported that probably 80 percent of the people in the sheriff's department had no idea who Thomas was, though many of Jones' former cronies were last seen slapping their old pal Thomas on the back in hearty fellowship. It is the first time ever that a Republican has won control of the sheriff's department, and the same Republican officials who had taken Thomas on their ticket as a last resort (no one else would make the race) are now hailing him as their rising star.

*La Raza Unida* party slipped a peg in its home base of Zavala County, losing four of five contested races to the Democratic party. There is division within the party between its founder José Angel Gutierrez and former allies who say he has taken too much personal political power. That split is being rubbed raw by Texas Atty. Gen. John Hill, who has ensconced a large investigative team in Crystal City looking for corruption by current and past *La Raza Unida* public officials, and by Governor Briscoe, who has demagogued nonstop in an effort to deny Zavala farm workers a federal grant that would allow them to run a cooperative farm.

No *La Raza* candidate won outside of Zavala County. Fred Garza, contesting for railroad commission, was the only statewide *La Raza* campaigner, polling just over 60,000 votes. Zavala County newspaper editor M. Dale Barker told *The Dallas Times Herald* that "this election marks the end of Gutierrez and *Raza Unida* as a political power here." That's a lot of wishful thinking, but it is clear that 1976 was not a banner year for the Mexican-American poor people's party, and they have a great deal of patching up to do if they are to mount major statewide campaigns in 1978 as promised.

There's convincing new evidence on the question of whether crime pays in Texas. In Houston, State Dist. Judge Garth Bates, with four years of service on the bench, spent much of his general election campaign in court—as a defendant charged with taking a \$59,000 bribe from a pawnbroker. He had no ballot opposition in the general election, though Houston attorney Wes Hocker waged a last-minute write-in campaign. Judge Bates won four-to-one, and he sub-

sequently was found guilty of the bribery charges.

If that's not enough to chap you, take a whiff of this: Gus Mutscher, former Texas House speaker who was drummed out of office as a result of the Sharpstown scandal and who recently was serving a probated sentence for his role in that scandal, is now on the other side of the bench. Out in Washington County, the court dropped the probation and allowed the man to run for county judge—a post he won November 2.

### Parting shots

- Tackiest political ad of 1976 was run in Ft. Worth by Republican legislative

candidate Dr. Dorothy Patras. She flayed incumbent Chris Miller as being a radical women's libber: "Although she no longer smokes cigars in public and has changed the way she dresses, Ms. Chris Miller is still completely obsessed with her women's lib philosophy! Would you vote for someone who wants to eliminate women's rest rooms in public places?"

- *The Houston Post* walks away with this year's "perceptive headline" honors with its front-page, bold-faced offering: "Defeat disappoints Ford."
- The most sobering election result nationally was the defeat of all six ballot

efforts to limit the spread of nuclear power plants, with propositions losing in Arizona, Colorado, Montana, Ohio, Oregon, and Washington.

- For those who suspect that the conservatism of the 1950s is gaining a new grip on university campuses, the central campus precincts of The University of Texas voted strongly for the Ford-Dole ticket.

- The most befitting name of anyone involved in politics this time around belongs to the president of the UT Republican club: Lester Van Pelt III.

J.H.

## Erwin in court

# Justice 'under the influence'

Austin

Retired UT regent Frank Erwin wasn't drunk that night two years ago when an Austin policeman arrested him for driving his big black Cadillac the wrong way on a one-way street and weaving back and forth over the yellow line on a two-way street for five blocks. No, sir. Two years after the fact we learn that he was merely tranked out on Valium.

Officer John Mitchell said in his arrest report that Erwin's speech was "thick-tongued," "slurred," and "mush-mouthed," and that he "staggered" as he got out of the car. The regent, who smelled "strongly" of alcohol, twice fell backward when he attempted to perform a simple agility test, according to Mitchell. Erwin said he was not drunk, but he refused to take a breathalyzer test. He said he was under medication for a heart ailment, but he couldn't name the medication.

Travis County Atty. Ned Granger charged him with drunk driving. It was his second flirtation with DWI, the first being in December of 1971 when he was busted in the parking lot of a Mexican restaurant near the UT campus. According to the news accounts of that arrest, Erwin's face was flushed, his eyes dilated, he smelled of alcohol, his speech was slurred, and he was unsteady on his feet. Arresting officer Don Martin said he followed Erwin's car for several blocks and observed the car's tires spinning and the rear end swerving every time the regent took off from a stop light.

Erwin's attorney, Roy Q. Minton, got the 1971 case transferred to Belton on a change of venue, a well-nigh unprecedented procedure in a piddling DWI case. On the stand, an impressive roster of witnesses testified that they had been with Erwin at various times during the evening and that he had not touched a drop. A doctor was brought in to say that Erwin looked "tired" that night.



Erwin in reticent pose.

The jury found him not-guilty after three days of testimony.

This time around attorney Minton, his partner Charles Burton, and State Sen. Oscar Mauzy delayed the DWI proceeding for almost two years. "They were taking advantage of legislative continuances," Granger explained. As a legislator, Mauzy could postpone any proceeding scheduled during the legislative session.

The attorneys got the venue changed this time to Corpus Christi, and the trial was finally set for Nov. 15. According to *The Austin American-Statesman*, seven officers, including Mitchell, were prepared to testify. Granger guessed that the trial would last a week and a half. He normally tries DWIs in a day.

But on Nov. 3, without advance notice and in near secrecy, Erwin, Granger, and Erwin's lawyers (Minton, Burton, and Tony Canales this time) met with Nueces County Court-at-Law Judge Hector DePena and agreed to cut a deal. Dr. William Levin, president of the UT Medical Branch at Galveston, was on hand to explain that on the night in question Erwin had called him complaining that he did not feel well. Levin, as Erwin's personal physician, recommended that he take a double dose of Valium and go to bed.

Instead of turning in, Erwin said, he took his Valium and then went over to the Quorum Club to meet a friend. Erwin said he didn't drink anything that night, except a glass of white wine hours before his arrest.

On this testimony, County Attorney Granger reduced the DWI charge to public intoxication under the influence of a drug, Erwin pleaded no contest, and Judge DePena fined him \$200.

The proceeding was cozy and private. No press. No jurors. By chance, an assistant Nueces County Attorney was present. He told Brenda Bell of the *American-Statesman*, "To me this shows the whole character of the judicial system. It's a sad commentary. The openness the court gave to this type of proceeding would not ordinarily happen. There was enormous influence in the courtroom."

Granger explained to the *Observer* that he agreed to the reduced charge because, considering the evidence, he didn't think he could win the case. "If it hadn't been Frank Erwin, I probably would have dismissed it altogether," Granger said.

So now Frank Erwin has beaten two DWIs, not to mention six other traffic offenses—four speeding violations, driving without a license, and running a stop sign. And the only conviction on his record is public intoxication under the influence of a drug.

K.N.

## Despite media indifference

# C.O.P.S. proves effective

This is the conclusion of an article describing Communities Organized for Public Service, an activist San Antonio group.

Ed.

By E. D. Yoes Jr.

San Antonio

If Communities Organized for Public Service is not well known—much less understood—by the people of San Antonio, it is because the public gets their information about this highly active community action organization by reading the San Antonio papers or watching the local tube.

Newspaper coverage is incomplete, even in the sense of strictly "hard news." Understandable enough, since C.O.P.S. routinely conducts simultaneous "actions" on a number of fronts. It's common for three or four events to take place daily—at city hall, City Public Service, school board meetings, and dedication ceremonies, for example. Even if both papers assigned reporters to do nothing but cover C.O.P.S. the news people might not get to everything.

City hall gets more attention from the press than other C.O.P.S. action grounds. The papers put major emphasis on that arena anyhow. TV stations make it a principal beat, too.

C.O.P.S. leadership is perfectly media-savvy, of course, and a fast draw with a press release, as well as on good terms with all reporters. So it isn't because the beat reporters don't know the score that C.O.P.S. has yet to be fully explained to the reading and viewing public.

C.O.P.S. leadership suspects a publishers' effort to sit on their story. All that can be confirmed, however, is the existence of some disagreement between publishers and reporters over the importance of the C.O.P.S. story. It's not so much media myopia or an editorial conspiracy as a matter of interpretation.

Reporters who think C.O.P.S. isn't getting enough space or adequate interpretation are those who've been around San Antonio long enough to remember what it was like before C.O.P.S.—those who were here in the Gatti, MacAllister, Good Government League days, when one covered city hall part-time, because nothing ever happened, or what did happen came into view only long after the deal had gone down. Those were the days when membership on the city council was a part-time job.

But then came Becker, and suddenly C.O.P.S. The dam burst. Like a flash flood, C.O.P.S. rolled through city hall, sweeping



San Antonio Light

C.O.P.S. members at city council meeting.

out a lot of hot air, cigar ashes, and yellowing newsprint.

"There's a new group of reporters in San Antonio who arrived after C.O.P.S. came," says one veteran newsman. "They don't remember how it was before, and they can't see that C.O.P.S. has made the difference. They think, like the publishers, that we're overwriting the story. The truth is just the opposite. We're not giving enough space to what C.O.P.S. does."

### Keeping score

The greatest difference is in politicians' behavior. Even though the organization holds as an article of faith that it will never endorse any candidate, and though it has stated as policy that it will ignore contestants and deal only with winners, all the bright folks at city hall look at C.O.P.S. and count at least 30,000 votes, plus influence at election time stretching far beyond that.

Just by being on hand for every meeting and keeping score on who votes how, C.O.P.S. has had a remarkable clarifying effect on what was once one of the muddier political puddles in Texas, characterized by backroom deals, inexplicable shifting alliances, ill-defined or un-defined positions on issues, and soothing syrup ladled out during campaigns.

"Take Henry Cisneros, for example," says our city-room habitué. "In the old days, Henry might have turned into another

Dr. José San Martín. But with C.O.P.S. there to remind him of his promises and voting record, he knows every time a vote comes up he'd better not blow it."

And as if that wasn't enough, there's the direct pressure of C.O.P.S. research. When a C.O.P.S. "action chairperson" rises to the microphone, he or she is briefed to the eyebrows with exact dollars, dates, promises, and votes stretching back before the Flood. According, council members have learned to prepare themselves equally well, or not join battle at all. Councilmen who do their homework get a chance to shine; their stars continue to rise. The others recede into a kind of formless lump—a collective dormouse at the mad tea party, presided over by Mrs. Cockrell in the role of Alice.

All of which is indeed news. Yet with the exception of some excellent feature articles by Ron White—*Express-News* entertainment and feature writer—and the occasional editorial-page "Don Politico" appreciation which is group-written at the *Light*, the papers haven't allowed themselves the luxury of any interpretation.

In addition, columnists like Roddy Stinson of the *Express* or Paul Thompson of the *News* produce occasional comments or color stories on C.O.P.S. which dispense alternating praise and scoldings. The net ef-

fect of these entertainments is probably confusion, both at home and abroad.

That may explain how it was possible for *Texas Monthly* in its November issue to present an article about the *News* by Griffin Smith Jr. which never alludes to C.O.P.S. while touching most of the other political and social bases. The *Monthly* also ran a piece by Richard West on the San Antonio city council's decisions about water and the firing of city manager Sam Granata which never even mentions C.O.P.S., though the organization was directly involved in both matters.

If the San Antonio media were conspiring to keep C.O.P.S. a secret, they could hardly better the success they've had just by providing the barest of facts. The C.O.P.S. story is visible only to those diligent enough to save clippings, do a little nosing around, and put together a lot of two-plus-two.

Does nothing redress this imbalance? Yes, radio station KCOR. Tune to 1350 kc. to learn where to find the current C.O.P.S. action, or for a public-affairs discussion that digs into some of the gut-issues with C.O.P.S. speakers as guests, or to hear a complete live pickup of the C.O.P.S. testimony at a public hearing of some city agency. But to understand what you hear, you have to know Spanish.

Of particular interest is the station's handling of paid political announcements. During the campaign preceding the Edwards Aquifer zoning referendum last winter, one could hear paid spots boosting the developer interests, proclaiming "Vote as though your jobs depended on it!" and conveying more than an implied threat that restriction of suburban growth meant unemployment. These spots would be followed by a live announcer—Dr. Mateo Camargo, for example—giving locations of polling places and advising that C.O.P.S. would provide transportation for those who might otherwise be unable to vote . . .

In the outcome, the Mexican-American voters stopped the proposed shopping mall quite handily.

So listen to KCOR to learn about C.O.P.S. You may also acquire a taste for *ranchero* music, Angelica Maria, and Freddy Fender.

### Persistence

Maybe one problem for the English-language media in San Antonio is C.O.P.S.' sheer, numbing persistence. In its earliest days, when firebrand priests and little old ladies toed the microphone to talk back to the mighty or when the organization tied up business at the Frost Bank for two hours with a demonstration of "green-lining" (C.O.P.S. appeared *en masse* to demand all members' deposits, unless the bank stopped denying home-improvement loans on grounds of neighborhood deterioration), C.O.P.S. was great fun. After all, the media-consuming public loves confronta-

## 'Chavez inspiration'

Ernest Cortes Jr., one of the original organizers of C.O.P.S., called from Los Angeles to dispute one sentence in the first installment of Deck Yoes' piece. It concerned an alleged falling-out with Cesar Chavez. "The inference that Chavez is a loser is a canard," Cortes said. "In fact, Cesar Chavez has been an inspiration for me for more than a decade. I'd always hoped that a Chavez-type organization could be built in urban areas, and that has had a great deal to do with my motivation in organizing *Mexicanos* in the urban area. I've always supported the efforts of the United Farm Workers Organizing Committee and will continue to do so in any way possible, and no one can create any kind of schism between my organizing and that of the United Farm Workers. I'm extremely disappointed that this kind of reference appeared in this article."

tion politics. There was a flash of heavy coverage of the new organization.

But instead of remaining outrageous, or else drying up like standing water after weeks of hot weather, C.O.P.S. simply kept on the job, talking about the same old grievances, even moderating its tactics slightly in response to grudging official recognition that it would have to be negotiated with.

Reporting C.O.P.S. sank into the routine of feeding the goat. Reporters tired of writing and editors of reading the same old lead: "C.O.P.S. today demanded . . ." It's come to the point that San Antonio editors apparently assume *everyone* knows what C.O.P.S. is. Stories sometimes don't bother to identify the organization until down in the fourth or fifth paragraph, if then.

Thus for the benefit of mystified immigrants and foreign readers, we furnish the following translations: "Local groups" is C.O.P.S. "Protesters" is C.O.P.S. "Organizations opposed to . . ." is C.O.P.S. nine times out of ten.

Meanwhile, San Antonio's dailies continue their ride into the glorious future of Industry (Clean, White-collar), Development (Orderly), Jobs, Prosperity, and Bigger Circulation for Newspapers. With now and then a glance back along the trail at the Story That Won't Go Away.

The power to tax is the power to destroy. To this we must add the modern corollary—actually as old as the Athenians, at least—that the public subsidy is the margin of profitable development.

Nobody understands this better than C.O.P.S.—the predominantly Mexican-American, Alinsky-trained community-action organization of San Antonio. Unless it's their opponents, the predominantly anglo real-estate developers of the city, typified by the Greater San Antonio Builders' Association, who crammed city council chambers during July, 1976, hearings on City Water Board subsidy policy, all wearing buttons with the slogan: "Let San Antonio Grow."

By zeroing in on all the different little service subsidies—water mains, electrical connections, storm drainage, streetpaving—which the city has been accustomed to extend to new subdivisions,

C.O.P.S. has already grabbed the developers by their Achilles' heel. Without such subsidies, the cost of building new upper-middle-class suburban housing—already high and rising—pushes hard against the profitable price one can get for it, or reduces the size of its market, or both.

### What next?

If, in addition, C.O.P.S. is able to invoke strict adherence to the anti-pollution laws, so that residential development over the Edwards Aquifer is subject to expensive pollution-control measures, or if it is able to prevent creation of more centrifugal transportation arteries—such as the proposal to transform Culebra Road into a west-northwestward expressway connecting the central city to the Ranch Town development in the Leon Valley—then C.O.P.S. will have got the suburban developers by their pursestrings.

This is precisely C.O.P.S.' objective, and the group in only two years has gone far toward achieving it. The final outcome is unknown, and opposition to C.O.P.S. is only starting to organize. But if C.O.P.S. keeps on as it has begun, big changes are in store for San Antonio.

Contrary to charges by developer spokesmen, C.O.P.S. is not against growth. It's just against growth that does not benefit its membership—the middle-class, home-owning Mexican-Americans who declined to move out of their older neighborhoods into newer sections of the city built in the last fifteen years.

C.O.P.S. would agree that San Antonio needs growth—in industry, jobs, and even population—but would prefer to see it achieved by rebuilding the decaying center.

In the past twenty years, San Antonio has become two cities: the old one downtown—full of new parking lots and vacant office buildings huddled between congested intersecting freeways along the picturesque San Antonio river; and, the shiny, dynamic new one—spread out east-west along the north segment of Loop 410.

Development to the north, into the hills, has followed traditional U.S. patterns of

land-speculation and sub-division, as well as those deeper yearnings to feel and express superiority to one's fellows through literally living up-hill (and up-wind\*) from them.

The Mexican-American community, on the contrary, likes rooted continuity and urbanity in the old sense. Even when they can afford to join the trek to the suburbs, they don't necessarily do so. The Spanish term for downtown is "el centro"—the center of things. In Rio de Janeiro and Caracas, slums are built on hillsides, while the wealthy inhabit the center; in the U.S., the city's center today contains the slums.

So in a sense, C.O.P.S. opposition to suburban development is another aspect of the old intercultural conflict in progress since the Treaty of Guadalupe-Hidalgo and before.

But it would be a mistake to think that C.O.P.S. and the issues it raises divide San Antonio along strictly ethnic lines. Numbers of Mexican-Americans have exploited prosperity by joining the anglo rush to the suburbs. Indeed, some are among the ranks of developer-speculators themselves. While many anglos living in sections of the city that were stable and pleasant fifteen years ago now find themselves "inside the loop" and exposed to changes—zoning decisions, freeway construction, property revaluations, neglect of capital improvements—that if not checked will soon diminish the quality of their lives and the value of their investment. Some of these anglos are already members of C.O.P.S.

It would also be a mistake to see in San Antonio any parallel to the situation in Crystal City, where a dozen years ago *chicanos* took over city hall and the school district in the name of an almost irredentist political party, which is to this day such a thorn in the flesh of Texas' Democratic party conservatives that the governor screams "Reds!" every time he thinks about it. Crystal City remains a small town in a rural, agricultural mileu; San Antonio is an urban, industrial city. Political affiliation is almost irrelevant to what C.O.P.S. is and does. Plus, there are few blacks in Crystal City; a significant number of C.O.P.S. members are black people.

Nevertheless, as the struggle heats up, charges of ethnic favoritism may be hurled at C.O.P.S., as well as the cry of "Reds!" A lot of land-speculation money and the future of the city is at stake.

### Attempted seduction

At the moment, C.O.P.S. is on the rise. It has achieved effective dominance at City Hall. It has secured many of its immediate neighborhood capital improvements goals. It enjoys a large and growing

\*Prof. Ian McHarg and other students of city-planning have shown that in the absence of geophysical restraint, U.S. cities always develop in the direction from whence comes the prevailing wind.

membership—from thirty contributing organizations to thirty-eight in the last nine months—and the financial and moral backing of the Catholic Archdiocese and a number of Protestant principalities, too.\*

The opposition will eventually get its act together, recover from its speechless chagrin, and move to accomplish one of the two things it must do if the *status quo ante* is to be regained: neutralize or seduce.

Recently, Dr. Robert West, chairman of the board of Tesoro Petroleum and charter member of the San Antonio establishment, offered to underwrite one \$10,000-a-year seat on the prestigious San Antonio Economic Development Foundation for C.O.P.S.-backer Archbishop Francis J. Furey. "This city needs political stability," said West, suggesting that a C.O.P.S. seat on the SAEDF might calm the waters. Some, such as Ed Chambers, executive director of the Industrial Areas foundation, which trains C.O.P.S. leaders, views the offer as an initial, rather crude attempt at seduction, though it focused on the wrong man, since the archbishop neither is for sale nor has direct involvement in C.O.P.S. councils.

Other observers think the move was intended to cut off C.O.P.S. at the pocket-book by persuading the prelate to withdraw church support from the organization in exchange for alleged ecclesiastic input into major community economic decision-making.

Whatever it was, the ploy failed. When reporters asked for his reaction, his excellency declared that he had had no personal communication from Dr. West at all, and knew of the offer only through the newspapers. It is unlikely that this rebuff will put an end to all such overtures. The next ones will just be more subtle.

Neutralization, too, has been attempted at least once, also rather crudely and with ignominious failure.

In late summer, city manager Sam Granata was dismissed by the council for reasons never made public (Granata denied the council permission to state the reasons and made them fear libel if they did so). Following his dismissal, former Mayor Becker and others vowed to circulate a set of recall petitions aimed at Mayor Cockrell and city council members Henry Cisneros, Glenn Hartman, the Rev. Claude Black, and Al Rohde. Becker said his group was

\*In 1974, the year of its birth, C.O.P.S. got \$10,000 from the National Campaign for Human Development, an arm of the National Council of Catholic Bishops. In 1975, it got \$45,000 from the same source, plus amounts varying from \$1,000 to \$5,000 from the United Methodist Church, the regional Presbyterian Synod, the United Church of Christ, and the Episcopalian Diocese. This year, the N.C.H.D. raised its support to \$70,000. C.O.P.S. itself raised \$30,000 at its July 6th picnic.

only using the kind of dirty tactics C.O.P.S. had introduced.

The cavalry appeared from an unexpected direction. Henry "The Fox" Munoz, leader of the 30,000-member AFL-CIO union of state, county, and municipal employees, announced he was starting a recall petition of his own, directed at removal of the remaining council members: Phil Pyn-dus, Bob Billa, Dr. D. Ford Nielsen, and Richard Teniente. Munoz said his union members plus their *compadres* and *comadres* numbered sufficient signatures to put such petitions on the ballot.

The developer group did not want to see their friends as well as their enemies swept out of office; all talk of recall petitions subsided and was heard no more.

### A no-lose situation

The next major test of strength for C.O.P.S. will come next January, when a referendum will be offered the voters, asking their approval of a plan to change the mode of election of city council members from nine at-large to ten districted, plus mayor at-large.

This proposed change is the council's response to a Voting Rights Act complaint lodged against the city by the U.S. Justice Department last April. The complaint charged that the 1972 annexations of territory had diluted Mexican-American and black voting strength. The city's choice was to get right with Justice or sue.

The Greater San Antonio Builders' Association opposes the redistricting plan, though they don't say exactly why. C.O.P.S. favors it.

A look at the map shows why. Of the ten proposed 74,000-voter districts, C.O.P.S. is certain to control numbers one through six, and may achieve voting majorities in two others (seven and nine). Thus if the ten-district plan is approved, C.O.P.S. friends will constitute a majority of the new council.

It's kind of a no-lose situation for C.O.P.S. If the change fails of adoption, the present council will continue, and C.O.P.S. is not slighted by it. In any case, C.O.P.S. will continue to "ignore the contests and deal with the winners."

Best of all, from C.O.P.S.' viewpoint, the election will constitute an open struggle between itself and the old power structure, which thrives best when its motives and activities are not subjected to full scrutiny and discussion. C.O.P.S. leaders are counting on the referendum campaign to bring into the open all kinds of facts that the old powers would prefer to keep quiet. Home truths and plenty of them will be the January menu.

If the old power-wielders choose to make No Growth an issue, as seems quite likely,

they will get lots of argument, and the rest of the citizens of San Antonio will hear some enlightening things.

Says councilman Glenn Hartman, who regards C.O.P.S. as a productive force even though he does not always agree with its demands: "Those who claim [the city council is pursuing a policy of] no growth are patently incorrect. First of all, in terms of economic base, what can we lose? San Antonio already has the lowest breadwinner income level in the nation. What they [the developer group] call growth is actually displacement." The city needs growth, all right. Not unplanned, willy-nilly expansion, but its opposite. Still thirty-five to forty percent dependent on the military dollar, San Antonio is a place where the private sector of the economy has done little but say "we don't want to bring in organized labor." As a consequence, large wage differentials exist between government and private wages.

There's some irony in the fact that many of C.O.P.S.'s staunchest members are above normal intimidation because they are employed at Kelly Field or Fort Sam Houston. Current president Andres Sarabia, for example, is a computer programmer at Kelly.

Beyond the January redistricting battle there's no way to prophesy the future for C.O.P.S. or San Antonio. If the old power structure can't succeed in neutralizing or seducing C.O.P.S., it will simply be forced to join it.

Such an outcome might recall the fate of The Woodlawn Organization, in Chicago. Trained by Saul Alinsky to fight the establishment, TWO succeeded so well that it has become the establishment—and corrupt in its turn. When radicals reproached Alinsky for having failed to anticipate the effect of success on his organization, he always replied with a shrug, and the remark that the only thing that counted was whether the people themselves got what they went after.

"It's all there in the Federalist Papers," he would say. "There are only two kinds of Americans. Either you believe in the people—or you don't. I do." And that is Saul Alinsky's Third Rule.

Things have far to go before they reach the stage where Outs have become Ins in San Antonio.

"Political sophistication here hasn't reached puberty yet," remarks councilman Hartman. "Maybe someday we can have a Bar Mitzvah." □



# Student paper

By Hoyt Purvis

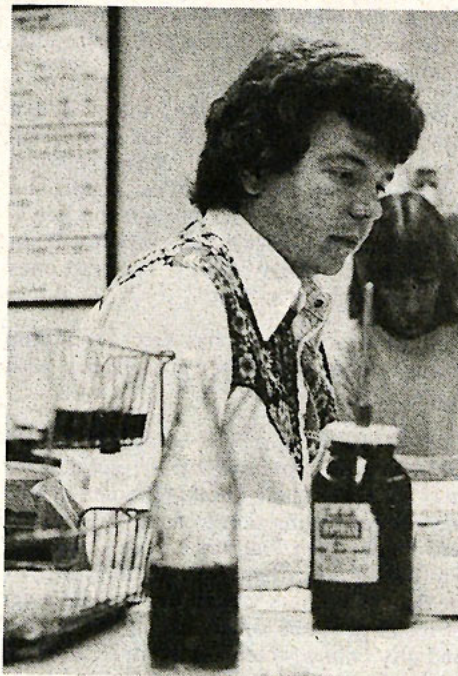
Austin

Conflict over the proper role of the collegiate press has hit the normally calm campus of East Texas State University in Commerce.

One of those involved in the controversy said, "The issues of the Sixties have finally come to ETSU."

Actually, the ETSU feud dramatizes the new dichotomy on American campuses of the late Seventies: between those who want to be involved in, or at least aware of what's going on beyond the campus, and those who are primarily concerned with traditional collegiate activities.

Student editors at ETSU were under fire from a segment of the student body for moving away from the customary emphasis on coverage of campus organizations. And, as is frequently the case, a college newspaper finds itself in trouble when administrators feel that the paper is threatening the school's "image" with the business com-



H. Ross McLerran

Editor Danny Goddard

munity, alumni, and influential supporters.

As a result of action by ETSU President F. H. (Bub) McDowell, governance of student publications has been turned over to a newly created University Press Council, replacing the Publications Committee, which formerly governed the publications and named editors. The Publications Committee was composed of

editors of the four student publications; their faculty advisors; the United Students Association (USA) president and vice president; and Dean John Carrier of the College of Liberal and Fine Arts. The new UPC is composed of Dean Carrier; three journalism faculty members; four faculty members from other departments; and the president and vice president of the Students Association, plus seven additional students recommended by the student president, and approved, like other members, by President McDowell.

The creation of the UPC brought a strong reaction from the editors of the four student publications, who signed a front-page editorial in *The East Texan*, the student newspaper, calling the move "a threat to the future of a free student press on campus." The editors said "If university administrators have their way, student special-interest groups and hand-picked faculty members will select their editors . . ."

The young journalists are particularly upset by the fact that they were not consulted about the decision. Not only do they view the administration's action as heavy-handed, they are concerned about the amount of power granted to the student president. "Giving the USA president this power destroys the adversary—or watchdog—relationship between student government and the student press," the editors said.

*East Texan* Editor Danny Goddard sees the UPC as subject to domination by either the university president or the student president, or both. In any case, he sees the paper's independence as severely limited. Further, Goddard, a senior from Klondike, is troubled by the reduced journalistic representation on the new governing body. The editors are not even *ex officio* members of the UPC.

University administrators insist that the changes had long been contemplated. "There was long-term discussion," said Dean Carrier. "It was not an abrupt attack." The editors feel that it was a sudden move, precipitated by a series of incidents in recent months—incidents which reflected the changing emphasis of *The East Texan*.

*The East Texan* is a tabloid which is published twice a week. For years most of its coverage was devoted to campus activities, especially fraternities and sororities. Symbolic of the paper's changing nature, and in line with a trend which had hit many universities some years before, *The East Texan* dropped its "club notes" column early this year. That move was strongly criticized by the social organizations.

# becomes issue at ETSU

The paper began devoting more space to matters such as the "Gupta affair." In August, the ETSU Board of Regents unanimously voted to terminate the contract of Dr. Sujoy Gupta, a tenured faculty member in earth sciences. Gupta was highly controversial, and his dismissal had been under consideration for several months. *The East Texan* was critical of the manner in which the affair was handled by the administration. Gupta was accused of "unprofessional behavior" and of obstructing functions of this department. Goddard said "no real explanation has been made public . . . for Gupta's firing."

"I do not know if Gupta is guilty or not," Goddard said. "I am concerned that he is given a fair shake by the university." Goddard said university officials refused to confirm "even the simplest neutral fact concerning the issue." He said the administration was attempting to censor the media "by refusing to release any information concerning the Gupta case."

Both the faculty Hearing Committee and the Board of Regents considered the matter in closed meetings. Goddard, in an *East Texan* editorial, asked:

So what does the university have to hide? As a public institution supported by public funds—every hearing and meeting should be open to public scrutiny. The university has an obligation to explain its actions fully. In order to formulate an independent conclusion unclouded by rumor and hearsay, the public and press should be allowed to attend any gathering that affects the university and its employees . . .

ETSU vice president Barry Thompson, in turn, accused *The East Texan* of "slanting the news" and "presenting the administration as being cold and heartless." He said *East Texan* editorials were "totally without basis." Thompson said the administration couldn't comment further because of the threat of litigation. Gupta had already filed two suits, charging the university with "discrimination and retaliation."

Clearly the administration was displeased with the aggressive tone of the student paper, viewing it as disloyal to the institution.

Meanwhile, *The East Texan* was broadening its coverage to include more off-campus news. In September the paper ran a consumer report on auto repairs in Commerce garages. The article received considerable criticism from the garages involved, including two large auto dealerships.

President McDowell announced the changes in publications control shortly thereafter, and the students feel that the

auto-repair article was "the final blow." Goddard said, "*The East Texan* stepped on too many toes . . . The administration has decided to bring future editors under tighter control."

When the change did come, student opinion was split. Those who had been critical of the paper's policies and de-emphasis of campus organization news were also those who dominate student government. Under the UPC, this group could have major influence over the paper. McDowell said, "Many students have complained that *The East Texan* does not represent them. They need more stories on the activities going on on campus."

It would appear, therefore, that administration has come down squarely on the side of those who wanted more coverage of collegiate activities and less attention to controversy and off-campus news.

Dean Carrier denies this, claiming that the administration "has come down in the middle . . . between the two groups."

"The administration has not entered into the question of whether the newspaper should cover off-campus news, although the editors have overlooked matters of considerable interest on the campus. The journalists view the paper as a training ground and think they should cover off-campus news, community concerns, and elections," Carrier said.

He noted that the paper gave considerable coverage to the recent presidential election "to the exclusion of homecoming activities." He said that alumni and others have pointed out that "they can get the kind of news about elections in their local papers; but they want to get what's going on on the campus from *The East Texan*."

However, Carrier concedes that with the 18-year-old vote, it is particularly important for students to be informed and that many of them don't read any paper other than *The East Texan*. Likewise he concedes that auto repairs are an important matter to students, particularly the 4,000 who commute to ETSU.

All of this leads Carrier to conclude that the newspaper needs more money, more space, and more resources—a point with which the editors would strongly agree.

While the school has grown steadily, and currently has an enrollment of almost 10,000, the paper has not really grown in 16 years. Indeed, with advertising increasing to as much as 65 percent of the space in an issue, the news hole has been shrinking.

Carrier said the changes in the governance of publications are not set in con-



H. Ross McLerran

crete. The editors fear, however, that there will be a steady erosion of editorial independence and the newspaper will become a bulletin-board publication, avoiding any controversy.

Danny Goddard and his fellow editors believe that important issues are at stake. They were encouraged by the fact that ETSU regent Houston Harte of Harte-Hanks newspapers questioned President McDowell about the changes at the last regents' meeting. The editors hope the regents will reconsider the whole matter. However, even before the next regents' meeting, the UPC is planning to name the new editors for the next semester.

Important issues are at stake. *The East Texan* is losing a significant measure of independence to a combination of the ETSU administration and student government. It would be easy to label it a power grab by the administration, but it is less dramatic than that, even if no less significant. It is rather an erosion of the paper's independence, and the student editors are right to fight it.

Of course, this battle has been fought successfully on other Texas campuses, but there was an important difference in these previous resistances: they had broad support from the student body. Essentially, *The East Texan* editors are fighting alone. This freedom-of-the-press saga may tell us more about the student body than it does the administration. If the issues of the Sixties have come late to ETSU, they will have a hard time surviving a campus mood more reminiscent of the Fifties. □

# Editor falls as Corpus reporters try to organize

Austin

The Newsroom Association, an independent union effort by reporters at the *Corpus Christi Caller-Times*, is headed for a National Labor Relations Board hearing in Washington, D.C. Attorneys for the Harte-Hanks newspaper chain indicated they would appeal any ruling by the regional NLRB board, so the local hearing examiner decided to send the case directly to the highest NLRB authority in Washington. At stake is the Newsroom Association's right to represent *Caller-Times* reporters in labor negotiations. Very few newsrooms are organized in Texas.

Meanwhile, *Caller-Times* editor Gregory Favre has become the first casualty of the organizing effort.

Favre, a newsman with a good progressive reputation, was brought in from Florida to edit the Corpus paper a year and a half ago. The scion of a Mississippi newspapering family, Favre had been editor of the *West Palm Beach Post-Times*, a member of the Cox newspaper chain. In 1972, he resigned rather than follow James Cox's instructions to endorse Richard Nixon for President. From the *Post-Times* Favre went to a Miami television station and then to Corpus Christi.

Reporters in Corpus were encouraged when publisher Edward M. Harte and the Harte-Hanks management in San Antonio hired Favre. By Texas standards, the Corpus paper is very good (see *Obs.*, June 18). It does a serious job of covering local events and it has a civilized editorial stance. (One gets the impression that at the *Caller-Times* editorial writers are in touch with reality. At the very least, they are in touch with the papers' reporters, which is not always the case on Texas newspapers. Selected reporters are invited to discuss and vote on editorial board decisions).

After Favre arrived, the *Caller-Times* got even better. He expanded the news staffs and allowed reporters the time they needed to do in-depth stories. Jim Davis had worked on a profile of Mayor Jason Luby for three weeks. A reportorial team was given three months to do a series about Mexican-Americans in Corpus Christi.

"Until Greg came, we just wrote for a South Side audience. We never even tried to get *chicano* readers," one reporter said. "The *chicanos* were pleased that the *Caller*

cared for them under Favre." Readership increased among young people and Mexican-Americans.

The new editor set up an aggressive, independent Austin bureau. He livened up the graphics on both the morning and afternoon papers. And he moved toward making the *Caller* and *Times* separate, competing papers. (The papers do not have separate facilities, but management contends that there is a "time wall" between the morning and afternoon functions. "It sounds vaguely Star-Trekky," said one skeptical staffer.)

"There was a certain amount of excitement in the newsroom," a source said. But although Favre brought a sense of progressive potential to the papers, he also brought discord. "He was a fairly abrasive influence," a reporter said. Others called him "brilliant," "arrogant," and "ambitious." (No one at the paper would speak on the record. Reporters are notoriously goosey about being quoted.)

Favre apparently had trouble working with some reporters he inherited. He preferred the people he had hired, "my own people," as he called them. More than one individual interviewed by the *Observer* remembered him as saying of a particular reporter, "I can't work with him. I didn't hire him." Many people who were not in Favre's favor felt neglected and ignored. He prided himself on his open door policy, but soon many staff members had stopped knocking on his door, because they felt he wouldn't listen to them.

Said one reporter, "Before he came, we had conservative but tolerant management. Under Favre, we had liberal intolerant management."

In retrospect, Favre said, "I had some different ideas on how the newspaper should be run, and I think a majority of the people in the newsroom accepted the changes. I apologize to anyone who thought I didn't bring them along. Change is very difficult. I understand and accept that fact. But the changes we made were good."

Dissatisfaction over the way Favre and the sub-editors handled the staff reached such a depth this year that a group of the younger reporters decided to organize a union. "Everybody felt they wanted some representation," explained one of the organizers. "They felt kind of powerless and left out of the process around here. They felt they had no place to take their grievances when they had grievances. Of course,

people wanted to make more money, but I don't think the money thing was the main part of it."

The organizing effort took management by surprise. Favre apparently had become so aloof from the staff that he was unaware of the morale problem. Management took an attitude survey and decided to offer up Favre as a sacrifice. When Favre resigned on Oct. 28, a news story written in the management offices explained that the "resignation was occasioned by differences in management style."

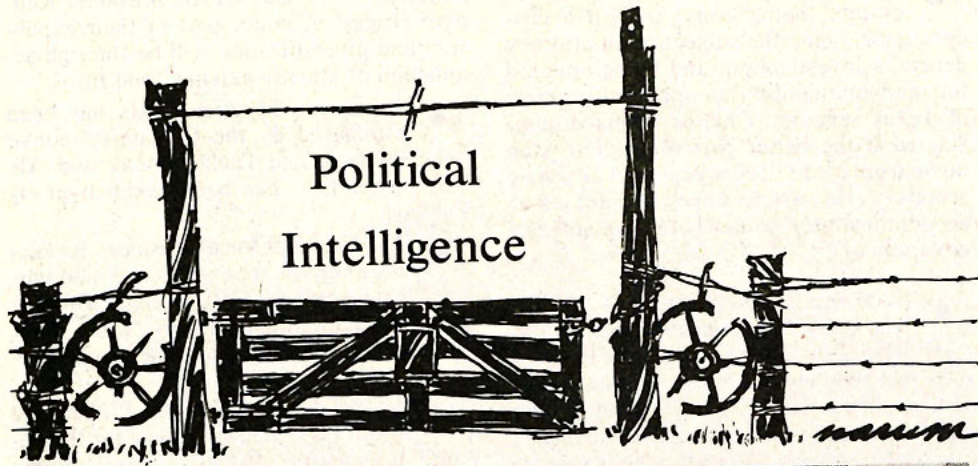
Staff members told the *Observer* that they had ambivalent feelings about Favre's departure. But even those who had harbored great hopes for his editorship were not particularly unhappy to see him go.

As for the organizing effort, a spokesperson said, "We wanted to get management's attention and to feel like we have a voice around here. To some extent, that has already happened. We have already done some good. For one thing, Harte-Hanks has already started obeying wage and hour guidelines."

The chain has not yet selected Favre's successor or successors. Some staffers fear that after one unsuccessful flirtation with a liberal editor the publisher may be tempted to return to conservative management. In the worst possible scenario as envisioned by some, the Harte-Hanks management, situated in San Antonio, will study the *San Antonio Express News*, a paper they sold a few years ago to Australian Rupert Murdoch, and adapt Murdoch's successful formula of sex, scandal, car wrecks, crime, UFOs, and screaming headlines to the Corpus Christi readership. Corpus, after all, is 50 percent Mexican-American, and Favre has already gotten that community's attention.

Management says it will fight the union effort but fight it fairly. With Favre's departure, at least one administrator should be improving his relationship with the staff. For many years, publisher Harte has written an editorial page column, usually at one of the typewriters in the newsroom. When Favre arrived, he banished Harte from the reporters' turf, apparently on the basis that Favre didn't want Harte undercutting his authority with the staff. So during Favre's tenure, Harte wrote his column on a video display terminal in the classified ad office. When Favre resigned, Harte was heard to say, "Well, now I can write my column in the newsroom."

K.N.



- Although Agriculture Commissioner John White has stopped the aerial application of Mirex in Texas, agricultural agents in a number of counties have handed out 1,513,000 pounds of the deadly poison to landowners for ground applications.

The suspected cancer-causing agent is used to fight fire ant infestations. After White canceled Texas' air program, the Environmental Protection Agency decided to prohibit aerial application nationwide after Dec. 31. Mirex will be banned altogether after June 30, 1978.

Harold Scarlett, *The Houston Post's* environmental writer, praised White for his "courage" in acting before the feds. He quoted White as saying that EPA's decision to eliminate Mirex by stages was hypocritical. "If it's unsafe for humans after Dec. 31, it's unsafe now," the commissioner told Scarlett.

But the same thing might be said for White's position. If Mirex is unsafe for use after June 30, 1978, it's unsafe for use now. The *Observer* asked the commissioner why the State of Texas was still distributing the poison. "It's the indiscriminate application that's so objectionable," White said. "We consider local application relatively safe, because the application is directed to the fire ant mounds."

So county agents are distributing Mirex free to landowners. Each owner must swear that he will distribute the Mirex bait immediately with a ground rig. "That seemed like the best way to move the stuff," explained Alvin Ashorn, an agriculture department administrator.

### Think smaller

- The U.S. Fish and Wildlife Department has formally recommended that the Army Corps of Engineers abandon its long-stalled Wallisville Reservoir project in favor of a smaller upstream lake.

The Corps' original job was simply to design a saltwater barrier to protect rice farmers using irrigation water drawn from the Trinity River. Then the Trinity River Authority and the City of Houston got involved and the project bloated into a



Commissioner White Bob Wieland

19,700-acre lake to be used for recreation and for a back-up Houston water supply.

Environmentalists, alarmed by what the mammoth reservoir might do to the Trinity's estuarine system, filed suit in Federal Dist. Judge Carl O. Bue's court a few years ago. Bue ruled that the Corps' environmental impact statement was inadequate and misleading and ordered further study. The Fish and Wildlife Service has since estimated that the water project would ruin 12,500 acres of nursery habitat. In its most recent report, the FWS stated that the reservoir would cost an average of \$1.76 million every year in reduced commercial fishery catches.

FWS recommends that the Corps shift its focus upstream and build a smaller 3,300-acre project that would avoid what the agency calls "gross environmental destruction."

- Good news for beach freaks. The Texas Parks and Wildlife Commission has approved almost \$3 million in funds for developing Mustang Island State Park near Corpus Christi. The 3,750-acre park will include 5.1 miles of beach. Despite grumbling from the Nueces county commissioners, vehicles will be banned for about two miles of beach between Corpus Christi Pass and the Water Exchange Pass.

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● After being indicted on five felony counts, being convicted on a misdemeanor, being the subject of an attorney general's investigation, and being opposed for reappointment by an apparent majority of Texas senators, Charles Schnabel considered it the better part of valor to step down from his \$37,500 a year post as senate secretary. He says he hopes to catch on as an administrator somewhere else in state government.

● State Sen. Lloyd Doggett (D-Austin), who carried the consumer banner into many a legislative battle during the last session, has been elected to the national board of Consumers Union, the national testing and advocacy organization that publishes *Consumer Reports*. Doggett, who is preparing a sheaf of consumer bills for consideration by the 1977 Legislature, joins such consumer lights as Betty Furness on the CU board.

Economic notes

● The average price of a house sold in Texas at the end of 1975 was \$34,700 according to the realtors' multiple listing service. That was up by a third from just three years earlier. Members of the Texas Association of Builders claim they are unable to produce a house in the Houston area today that sells for less than \$30,700, and they say they have written off families with incomes below \$14,000.

● Wilson & Co., which is the nation's third-largest meat company and a subsidiary of Dallas-based LTV Corporation, is changing its name to Wilson Foods and aiming to become a diversified food marketer. "The thrust is to move away from commodity fresh meats to further processed, value-added items, with broader

margins . . .," said Wilson president Kenneth Grigg. A major part of their expansion and diversification will be through acquisition of already existing food firms.

● Houston's Riviana Foods has been purchased by the Colgate-Palmolive conglomerate, and Dallas' Steak and Ale Restaurant firm has been taken over by Pillsbury.

● The National Small Business Association reports that small- and medium-sized businesses in 1960 accounted for 41 percent of business profits, while their share of profits today has fallen to 20 percent.

● As fuel costs leveled off, 1975 turned into a fairly lucrative year for the nation's top electric utilities. Texas Utilities, the fourteenth largest in the nation, earned \$888,736,000 in revenue. The company's profits were 13.6 percent as measured by return on shareholder investment.

● West Texas cattle raisers find cold comfort in the "improved" market for their beef—instead of losing as much as \$200 a head as they did in 1973, they now have it down to only a \$75 loss per steer. Some view the ranch economy as Earl Butz' meanest joke.

● Texas has the lowest gasoline tax in the union at 5¢ a gallon. The rate has not been increased for 10 years.

● Instead of going down the hall from your hotel or motel room to scoop out some free ice, you'll soon have to slug coins into a vending machine to get the cold stuff. *Texas Business* reports that Southland Corporation of Dallas (parent firm of 7-11 chain stores) has developed this newest way to nickel and dime Texans. "The machines dispense three pounds of cocktail ice in an insulated tray, shrink-wrapped," exulted a Southland exec. This technological advance already is in place at 17 Dallas hotels and is being introduced now in Houston.

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# FDIC moves on Manges

Austin

Loans to a bank's official family, their friends, and business associates—"insider loans"—emerged again this month as a problem for one of Texas' small town banks.

The Federal Deposit Insurance Corp. (FDIC) reached a "voluntary" agreement with the First State Bank and Trust in Rio Grande City to terminate federal insurance of the bank's deposits. Withdrawal of a still-functioning bank's deposit insurance is a highly unusual action in U.S. banking. "I don't know of any situation in which insurance has been withdrawn in the last 20 years—in any bank, anywhere," said FDIC regional counsel Charles M. Pickett of Dallas.

Although bank president Frank Anderson said the bank was withdrawing from the insurance program voluntarily, Pickett said the FDIC was terminating the insurance because of "unsafe and unsound" loan policies.

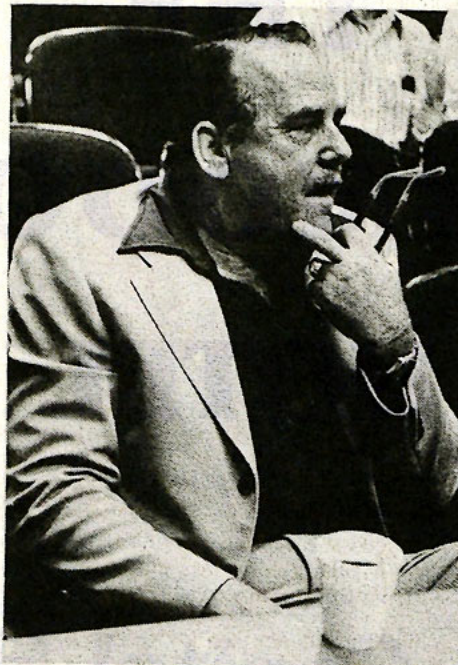
Owner of the Rio Grande City bank is Clinton Manges, a reclusive South Texas rancher with his hands in numerous political pies. Among the individuals who have received loans through the bank are State Comptroller Bob Bullock and Enrique Salinas, another elusive border-area banker.

Manges, who has been unusually talkative since the FDIC took action, claims it's all a plot by John Connally and the Republicans to shut down his little bank. After all, Manges points out, you don't see State Banking Commissioner Robert Stewart rushing down to the Valley to close the bank.

Manges told the Associated Press that the FDIC has classified as losses five times as many loans as the state examiners. (When loans are classified as losses, they must be written off as uncollectible and removed from the asset side of the ledger.)

Manges insists that the FDIC is spreading rumors about the bank because South Texas went overwhelmingly for Jimmy Carter for President. And Arnulfo Guerra, district attorney for Starr County, is promising a grand jury investigation of the rumors concerning possible bank failure. Guerra, who is politically aligned with Manges, said he will subpoena FDIC attorney Pickett and question him about the rumors.

The FDIC has a temporary "cease and desist" order concerning the Rio Grande City bank and probably Manges' other bank, Groos National in San Antonio. (In-



Clinton Manges

Bob Wieland

formation is scant on this subject, since the cease and desist actions are not public.) Under federal law, Pickett could not elaborate on what specific banking activities the FDIC wants stopped. He simply said that the order is to stop "unsound and unsafe banking practices," including "loans to insiders." On Dec. 6 in Houston, the bank or banks will get a hearing concerning a permanent cease and desist order.

Manges insisted the FDIC is trying to prevent him from doing business with "anyone that I do business with." He said those associates include "some of the biggest names in the state, prominent wealthy people who have done business with our bank in San Antonio." In addition, he said the FDIC has advised the Bank of the Southwest in Houston that it should not do any more business with him and should "call" his notes and has forbidden him to keep an account or borrow money from the Groos bank.

Both Manges' banks are solvent. In fact, the Rio Grande City institution is in good shape. Last year it managed to increase its income by nearly 50 percent. Much of this increase was due to recovery on loans previously classified as losses. The bank ranked fourth in profits among 457 Texas banks in its size category (deposits of \$10-25 million).

FDIC and state banking authorities apparently disagree over how to handle the problems at the Rio Grande City bank. "It's just a difference of opinion on what some

assets are worth," according to one state official close to the situation. "The value of collateral is a very subjective thing," the official said. The FDIC "apparently feels like some of the assets are not worth as much as the state examiners think they're worth," said the source, who indicated that the bank "has been a problem bank for some time to the [state] banking commission."

According to *The Dallas Morning News*, the banking commission has required Manges to pump an extra \$2.5 million in capital into the Rio Grande City bank.

The FDIC usually takes a harder line on regulation than the state authorities, probably because the federal insurers must pay up when a bank becomes insolvent. The feds are more attuned to preventive regulation than are the state bank examiners.

As one Washington source explained, "The FDIC gets upset about insider loans, but the state banking folks say, 'Well, they're solvent, aren't they?'"

Archie Clayton, counsel for the state banking commission, said they are taking a "wait and see" attitude toward the bank. As depositors stood in line to withdraw their money on Nov. 10 and Nov. 12, Clayton waited in Austin to see whether the bank would be able to pay all their demands. Since the demands were met, the bank remained open and defiant of the federal regulators.

Alan Wolf, a Washington, D.C. lawyer for Manges, told the press, "The only failure we are going to have is the failure of the FDIC to ruin this bank."

As of Nov. 17, new deposits are no longer insured and old deposits are insured for only two more years. Bank president Anderson said he hopes the state will institute some kind of state insurance for bank depositors. That's similar to what Frank Sharp wanted in 1969 when he convinced the Legislature to approve bills allowing a Texas corporation to insure state bank deposits, thus allowing state banks to remove themselves from FDIC control. Gov. Preston Smith vetoed the bills because of pressure from the banking commissioner. The rest of the story is known as the Sharpstown scandal.

According to Martin Mayer, author of *The Bankers*, the FDIC feels that "deposit insurance funds should not be put at the mercy of highly political state banking authorities"—"especially [in] Texas."

Although Rio Grande City bank officials are wearing a brave smile despite what amounts to a federal slap in the face, some of its loans, such as the one to Enrique

Salinas, could cause it further problems. Salinas owned a majority of the stock at Citizens State Bank of Carrizo Springs, which was closed by state bank examiners last summer (*Obs.*, Sept. 3).

According to *The Dallas Morning News*, both state and federal examiners have criticized loans to Salinas at the Rio Grande City bank, as well as a participation loan to Bob Bullock and his real estate partner, Ken Wendler.

Wendler, Travis County Democratic chairman and a possible mayoral candidate in Austin next year, borrowed \$1.2 million with Bullock in November, 1973, to purchase 44 acres of commercial land in South Austin. At that time, Bullock had stepped down as secretary of state and had not yet run for comptroller.

According to Buck Wood, Bullock's top assistant in the comptroller's office, Bullock and Wendler first asked Citizens for the entire \$1.2 million, but that was too large a sum for Citizens to loan individually. So Citizens asked Bullock if he knew of any banks that might participate, or share, in the loan. Wood said Bullock told the bank to contact Clinton Manges, that he might be able to help.

Bullock and Manges are "close personal friends," Wood explained. Bullock represented Manges in his dealings with Gov. Dolph Briscoe after Manges made a \$15,000 contribution to Briscoe's campaign in 1972. The governor never reported the gift as required by state law, and he eventually returned it to Manges.

Bullock and Wendler claim that they had no knowledge of the loan participation by the Rio Grande City bank. Wood said Bullock simply gave Manges' name to the Austin bank, and no one informed Bullock about the resulting participation. The participation is between Citizens and the Manges bank, not between the borrowers and the Manges bank. (Rumor has it that the sum is between \$250,000 and \$300,000.)

Bullock and Wendler also point to an appraisal value on their land of \$2.1 million as ample proof that their loan is a good one. The land was put up as collateral on the loan. They say they have paid all the taxes on the land, interest on the loan, plus \$100,000 of the loan principal. There is no basis for criticizing the loan, they insist.

Of course, bank examiners often flag loans to politicians, not to mention out-of-territory loans to the bank owner's friends.

Enrique Salinas has done business with both of Manges' banks. Groos was correspondent bank for the now-defunct Citizens State Bank. And Groos loaned Salinas \$600,000 to buy a second bank in Carrizo Springs, Union State Bank. The trustee who sold the Union State stock to Salinas, Charles Gary of Dallas, has since sued Salinas and Groos for "wilfully and fraudulently" violating the terms of the purchase agreement.


Gary wants \$750,000 in punitive and/or exemplary damages because Groos released the Union State stock which had been put up as collateral on Salinas' loan. Groos had a first lien on the stock as collateral for the \$600,000 loan to Salinas and Gary had a second lien on the stock as collateral for a \$277,520 loan to Salinas.


But for some unexplained reason, Groos released the stock and Salinas put it up as security on another loan at First National Bank of San Antonio. When Salinas defaulted on the First National loan, that bank auctioned off the stock, leaving Gary out in the cold without collateral and without any payments from Salinas.

There was yet another highly curious deal concerning Groos and Salinas' Citizens State Bank. Shortly before Citizens State was closed, Citizens borrowed \$1.25 million in fed funds (excess cash one bank loans on a daily basis to another bank) from Groos. As collateral, Citizens endorsed \$1.6 million in local loans over to Groos. So far, so good. But Groos allowed the \$1.6 million in loan paper to remain in the Carrizo Springs bank.


The next bit is even stranger. On the day that State Dist. Judge James E. Kazen upheld the banking commissioner's decision to close Citizens State Bank, Lindsay Langham, the senior lending officer at Groos, rushed out of the court hearing in Laredo and drove to Carrizo Springs. He went into the bank and removed the \$1.6 million in loan papers, despite the fact that Kazen had ordered that no assets be removed. The Texas attorney general has filed a contempt motion against Langham because of his action.

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The U.S. House Banking and Currency Committee's Subcommittee on Financial Institution Supervision, Regulation, and Insurance will hold two days of hearings on the Carrizo Springs bank failure and related matters Nov. 30 and Dec. 1 in San Antonio.

Kelsay Meek of U.S. Rep. Henry Gonzalez' office said that the subcommittee will "examine how various bank supervisory agencies worked individually and collectively" during the South Texas bank closing. "We're interested in whether the regulators cooperate with one another. Do they exchange information? Do they follow up on their examinations? If the FDIC finds a problem, does the Comptroller of the Currency help or hinder?"

Meek said representatives of the FDIC, the Texas Banking Department, the Comptroller of the Currency, and the Federal Home Loan Bank Board will testify.

# Superport . . .

(Continued from Page 1)

opportunity to coach Coleman's decision as Briscoe. Askew is worried that massive supertankers, laden with Mideastern oil and plying through the Bermuda Straits off Florida, spells environmental trouble for the Florida coast. So Florida is seeking an injunction in federal court to block Coleman's decision on a Texas superport, thus lengthening an already-long tale long enough for Florida officials to satisfy themselves about possible environmental damage.

Theirs is no idle speculation. The National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce conducted a risk analysis months ago, concluding that Florida faced more environmental risk from superports than either Texas or Louisiana, the probable sites of superports. Coleman ruled last year that Florida held no "adjacent state status" in this decision-making process. Hence, the Florida suit. The matter of the injunction may have been settled as the *Observer* goes to press, but the matter of the superport may finally wind up in the lap of the Carter administration.

With oil money at stake, the half-decade superport-seadock affair has been competitive, to say the least. The Freeport Seadock project—planned by a combine of nine oil and chemical corporations—would consist of four huge buoys connected with submarine pipes, spiderlike, to a pumping platform.

The platform is designed to pump Mideastern crude oil from huge supertankers through two 52-inch pipelines to a tank farm 31 miles away in Brazoria County. The whole Seadock project will be located in over 100-foot depth Gulf waters.

The Galveston onshore project, proposed as a joint effort by a number of public authorities, spearheaded by the public wharves authority in the Island City, would require a massive 67-foot dredging job from the mouth of Galveston Bay 35 miles out into the relatively shallow Gulf waters. That is a lot of dredging, and a lot of dregs to dispose of.

Supertankers are big. "Super" just doesn't say it adequately. It's sort of like "giant" and "king-size" soap boxes; the terms have lost their meaning. Some supertankers are bigger than others, but the biggest are comparable to floating the Empire State Building. Big. And they are filled with oil, which promises an unimaginable mess and ecological *disaster* when one ruptures. That's to indicate what we're messing with.

The supertankers that could enter the Galveston channel would be much larger than those capable of traversing the present 40-foot channel. But they wouldn't be as big as the supertankers capable of using the

100-foot depth offshore Seadock at Freeport.

The Galveston proposal would call for the tankers to use a terminal on the tip of Pelican Island, connected by pipeline to Texas City's petrochemical complex. In addition, super-sized cargo ships (again much bigger than those presently calling on the port) would carry dry goods such as sulfur, grain, and ore to docks planned for a section of Pelican Island facing Galveston Island.

Many environmentalists have accepted Seadock as inevitable and the "lesser of two evils." Some remain skeptical of the oil companies' plan.

Despite the advantages of public ownership in the Galveston proposal, the planned dredging and the possibility of huge supertankers moving around in Galveston Bay could turn the city's project into an environmental nightmare. But there's money to be made and jobs to be created, so Freeport and Galveston are at each other.

The federal government could conceivably deem both plans to be in the "national interest," but both Seadock and the Galveston wharves do not think that is very likely. Both facilities are aiming for the same amount of oil business.

The possibility that Coleman will shut out both projects is probably even more unlikely. As a Coast Guard official points out, "the very existence of the federal legislation dealing with the matter shows that Congress thinks a superport is needed."

And why do they think it is needed? Because the oil industry predicts Texas will be importing 5.5 million barrels of crude per day in 1985. And the same industry claims it's much cheaper to haul it over here in huge tanker ships, over 1,100 feet long.

Barbara Heller, with the Environmental Policy Center in Washington, D.C., believes the claims of dollar savings from

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supertankers is much exaggerated. The maximum savings obtainable from a super-tanker amounts to 1.2 cents per gallon of gasoline, she contends, and she believes the savings would likely be gobbled up as oil company profit. However, she believes a superport carefully regulated and safely constructed, as well as more safely built supertankers, would be a manageable risk.

In effect, if Texas does in fact open the gates to the monster ships, then Texans interested in protecting their environment should bring greater pressure to bear upon the Coast Guard and other regulators for stringent enforcement of safety regulations.

Seadock Inc. is owned by Cities Service, Continental Pipeline, Crown-Seadock Petroleum, Dow Chemical, Exxon Pipeline, Gulf Oil, Mobil Oil, Phillips Investment, and Shell Oil. A formidable group to do battle with. The joint corporate owners won one battle two years ago when they defeated a Texas Offshore Terminal Commission proposal for a state-financed superport.

The state-created TOTC proposed a plan very similar to Seadock's, except the TOTC proposal called for state financing rather than private ownership. But with political heavyweights like Governor Briscoe on Seadock's side, the Legislature declined to institute the TOTC proposal, and the way appeared clear for Seadock to proceed.

After clearing that hurdle, Seadock faced another challenge, this time from Galveston. Galveston port officials proposed their deep harbor. Under the federal legislation for processing superport plans, Galveston formally requested that the secretary of transportation consider Galveston's plan as an alternative to Seadock's application. In case you missed the bureaucratic term for the whole thing, it's called "comparative determination." The plan to service huge dry cargo ships is essential to Galveston's future. But, he notes, the oil terminal would be the only way to make the new bulk docks financially feasible. "I can't think of any single answer that would give Galveston better security for the future than deep water," Devoy has said.

Devoy points to the inherent safety protection of public ownership as an advantage to his proposal. But the project bears the burden of numerous other environmental problems. The Galveston onshore superport "approaches the magnitude of the Panama Canal," according to environmental geologist David Smith, hired by Seadock to help shoot down the Galveston project.

Dredging has often been under fire from environmental groups because of its effects upon marine life, shorelines, and fishing nurseries. Disposition of the tons of mud scooped up in the operation also concerns environmentalists, who believe valuable wetlands (where shrimp and other marine life are protected in early lifestages) and seafloors will be covered with dredging spoil.

Smith told a hearing that biologists would insist the dredged mud be dumped beyond the continental shelf. This is a far greater distance, and more costly work, than Galveston planners predict. Galveston port officials put the dredging pricetag in the neighborhood of \$280-300 million, while Seadock and TOTC estimates would have placed the figure at \$650 million or higher, about the same cost as the offshore facility.

Seadock's assertion that the risks of oil spill accidents are far less likely in the open Gulf as opposed to the close quarters of a busy port is a plausible one to many environmentalists.

At least one group of environmentally minded Galveston residents doesn't like the merits of either proposal for a superport.

November 26, 1976

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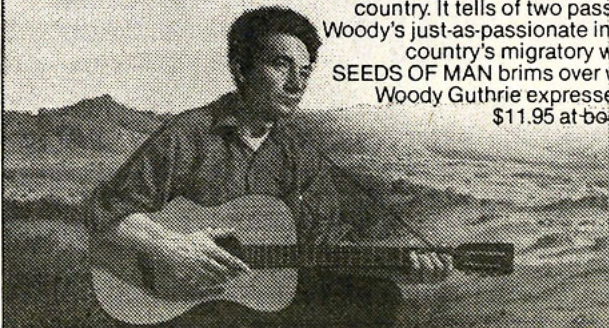
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The Kirkus Reviews



The Galveston chapter of the Sierra Club opposes superports on the coast here because they believe the facilities would attract petrochemical plants to an area already "saturated" with industry. The NOAA commented that the draft environmental impact statement for Seadock failed to adequately deal with the question.

A statement by Sierra Club representatives claims an increase in petrochemical plants will result in massive pollution of dangerous heavy metals and, in combination with overpopulation of the region, will provide serious waste disposal problems. They paint a grim picture of accelerating needs for fresh water for new industrial plants, continuing land subsidence due to ground-water withdrawal, and impossible evacuation plans during hurricanes due to

steady overpopulation and increased subsidence.

"We don't need more tank farms to take the place of our wetlands, and we don't need more refineries to take the place of our wetlands," says Sierra Club member F. H. Rudenberg of Galveston.

One former TOTC backer, State Sen. A. R. Schwartz of Galveston, who hotly argued for public ownership of the superport, now favors the Seadock plan. Asked about his onetime reservations about private ownership of the Seadock, Schwartz now says, "Whatever the concerns, they must be met with regulation. We must have a guarantee of importation facilities in the area."

Schwartz, a liberal who represents both Freeport and Galveston, found himself under fire from opponent Dr. James Parker during the Democratic primary. Parker's political advertising suggested to Galveston residents that one of their own was turning against the hometown's proposal. But Schwartz handily won a run-off election in the three-man race. "The people who were trying to make it an issue had no interest in it," Schwartz said of the political charges. "They did it for their own selfish purposes."

Schwartz tactfully deals with the Galveston deepwater proposal, claiming the project does not necessarily conflict with Seadock. "Each onshore facility must rest on its own merits," he concludes.

Another TOTC member who strongly favored a public superport, Sherman Fricks, who also is secretary-treasurer of the state AFL-CIO, has mixed feelings about the Seadock proposal. Though he favors an offshore superport, he said during the summer, "I've always thought they [the consortium of oil companies] didn't want to build it as much as they want to control it," adding, "I know that's a hell of a thing to say."

Fricks' feeling is shared by many folks. It stems from a natural (and healthy) distrust of those who brought us high energy prices and profits, as well as the likes of John Connally. Not surprisingly, Seadock Inc. stands to turn a profit of \$60 million a year for its parent companies.

So it is down to this equation: neither plan is environmentally sound, though Galveston's onshore facility involves massive surgery on the environment; the Seadock

concept puts the public interest into nine private and enormously powerful hands, assuring those firms of sizeable profits and threatening further monopolistic control of oil resources. A rational choice would be (C) None of the above. Other ways exist to deliver oil. As one observer put it, "You're still going to get the oil [regardless of the outcome of this squabble], even if the oil firms have to bring it here in buckets." □

## School financing . . .

(Continued from Page 1)

Briscoe has now proposed that the state pick up 90 percent of the program's cost, reducing each district's share to 10 percent. Of course, the governor also suggests that districts lower their taxes correspondingly.

Maybe they will, but again, maybe they won't, since "extra" money raised by the districts can be used for "enrichment," i.e. raising teachers' salaries or hiring extra teachers, air conditioning buildings or even buying more playground equipment.

Now they will have even more money for "enrichment" because the state will require that they pay only one-tenth of the cost of the foundation program.

To see where the inequities lie, compare three districts taxing at the same rate: a rich one which could raise about \$650 per pupil; an average district which could raise about \$250 per pupil; and a poor district which can raise only \$40 per pupil. (Districts in Texas actually experience this great a disparity.)

Under Briscoe's proposal to pay 90 percent of the FSP burden, the state would pay the rich district \$585, the middle district would get \$225, and the poor district would receive only \$36.

Poor districts will get more than \$36 from the state, thanks to an "equalization" program, which is designed to bring poor districts closer to the funding level of average districts.

Equalization money will be given to poor districts to guarantee them about \$210 per student extra, which is not too far from the \$240 per pupil average that other districts currently spent in addition to foundation program money. Districts would have to tax themselves at a rate of 22 cents per \$100 property valuation, but that's low, and probably no district would reject such a good deal.

We arrive at the 22 cents per \$100 figure by working backwards. First of all, the governor's researchers asked how much money they could supply to school districts by putting \$125 million into equalization. The answer to that was \$210 per pupil, still \$30 below the average, but close enough, the researchers decided.

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wealth" of Texas school districts by dividing the market value of taxable property in each district by the number of students in the district. Then you determine the rate of taxation which would produce the \$210 per pupil sum when multiplied by the state's average per pupil wealth.

The statewide per pupil wealth average is about \$93,800. Any district below this level will be considered poor and entitled to be "equalized" under the governor's plan. Of course, \$210 per pupil is not equal to \$240, no matter how the governor figures it.

That's hardly "meeting the challenge of the Rodriguez decision," a phrase in vogue during the last two sessions of the Legislature, but now evidently dropped in favor of a more attractive political idea—i.e., lowering property taxes.

In case you've forgotten, in that 1971 decision a three-judge federal panel ruled Texas' school finance system unconstitutional because children in poor districts received less money for their education than children in rich districts on the basis of property taxes. The U.S. Supreme Court overturned that decision in March, 1973, on a 5-4 ruling, stating that education was not a fundamental constitutional interest and should be left in the hands of the state legislature.

Nonetheless, both courts criticized the Texas system, and legislators vowed to improve the system called "chaotic and unjust" by the nation's highest court.

Now, back to the governor's arithmetic. Briscoe proposes to pump an additional \$100 million into "equalization aid" to help the poor districts, and to cut back the number of districts eligible to receive such aid. Under the 1975 law, even districts with slightly above average ability to pay could receive such aid. No more. But these steps hardly level out the distribution of state school aid.

Take a poor district like North Forest in Harris County. North Forest raises only \$58 per pupil from its 22 cents per \$100 tax. That's because taxable property in that district equals only \$26,476 per pupil.

Briscoe is promising North Forest and similar districts that the state will make up the difference between it and the "average" district by contributing \$152 in equalization aid.

For rich districts like Deer Park, in the affluent section of Harris County, however, the governor's plan holds even greater promise.

While North Forest gains about \$178 per pupil more than last year through equalizing efforts, Deer Park, through the foundation program's provisions, will gain an additional \$324 per pupil.

That's because taxable property is valued at \$275,055 per pupil, more than ten times that in North Forest. For its 22 cents tax, Deer Park can raise \$605 per pupil, putting it far above the state average.

But the rich district will not have to spend

its \$605 per pupil on the foundation program because Briscoe's new financing plan will pump an additional \$2.3 million into the district next year to relieve taxpayers of the property tax burden.

An important consideration to remember is that rich districts still might not opt to lower property taxes but channel more money into "enrichment."

Briscoe has an answer for that too: put a "cap" or ceiling on property taxes of \$1 per \$100 valuation. It sounds good at first, but students of school finance are saying that the cap is meaningless for several reasons.

Number one is that new property values devised by the Governor's Office of Education Resources are much higher than old property values (more on that later).

John Poerner, who heads up that office, figured total taxable property in the state at \$238 billion—up from old values of \$160 billion. So a \$1 effort statewide will still raise more money than the old limit of \$1.50 per \$100. But that's only part of the problem.

A rich district like Deer Park can raise significantly more money without approaching the limitation than can a poor district like North Forest. Thus, poorer districts could conceivably hit the ceiling and be unable to raise teachers' salaries and otherwise improve programs to the same extent as richer districts which never will approach the ceiling.

Says Craig Foster, educational finance expert for the property tax project of the Intercultural Development Research Association, "The tax cap will hit the rich, big districts last. If it ever hits anybody, it will hit those districts making the biggest [tax] effort"—the poor districts.

The \$1 cap would "allow all districts to move upward" in expenditures, according to David Thompson, a legislative aide working with Rep. Tom Massey (D-San Angelo) who heads up two House committees on education.

Massey and a number of other legislators have proposed that the state take over 100 percent of the costs of the minimum foundation program and set a limit on a district's capability for enrichment.

House Speaker Bill Clayton reportedly is leaning toward the Massey bill, because Briscoe's proposal "doesn't go far enough on reduction of property taxes," said a Clayton aide.


Tax reduction under the Massey plan would be mandatory, rather than simply possible, as in the governor's proposal.

Under the Massey plan, districts would be able to spend up to \$331 per student (\$90 above the state average) or spend 10 percent per year more than the previous year. Such a plan, according to Thompson, would "hold the top districts stable" and let the others rise to that level.

The governor's plan, on the other hand, would allow for more equalization dollars per student—about \$35 more per student, as a matter of fact, so it may turn out to be

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more in keeping with the Rodriguez decision than the Massey plan.

Both plans are aimed at property tax relief more than at equalization of educational opportunity, if you measure opportunity in terms of dollars. And, unfortunately, that seems to be the way it is measured at the moment.

As if things were not confused enough by these competing school finance schemes, there are other considerations. First, there is doubt about the validity of market values assigned by the Poerner researchers to property throughout the state. For example, utilities provided researchers with estimates of their taxable property. It is suspected that the utilities, as well as oil and gas lands, were treated more favorably than homeowners by the governor's tax office.

Also, the straight-out property tax reformers are not satisfied. Rep. Wayne Peveto (D-Orange) says he will try to get Briscoe to abandon his school finance plan in favor of Peveto's property tax revision proposal. Peveto, chairman of a Texas Legislative Council committee on tax reform, wants a complete revision of property taxes. He tried unsuccessfully for sweeping reform of the tax system in 1975.

And we mustn't forget teachers, with their continual (not to say unjustified) demands for higher pay. Briscoe chose not to include that issue in his proposal.

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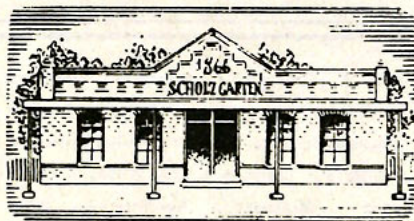
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Then there's the tough question of farmland assessment. Briscoe, as one of the state's largest agricultural landowners, could hardly suggest that farmland be valued at its "use rate" rather than at market value. However, the governor's office thoughtfully provided figures comparing market value to agricultural use value for all districts in the state, in case legislators see fit to make use of those figures.

Several reporters have noted that property values in the Uvalde Consolidated School District would fall—for taxation purposes—from \$402 million to \$187 million if the land were taxed at the agricultural rate rather than the market value rate. Farm-owners and ranchers in other rural areas could expect to pay far lower school taxes if the agricultural rate were used. But given the inequities of our school finance system, it hardly seems fair to pick on that particular one.

## A celebration

Austin

The victory of Carter and Mondale was a boon for the country and the world. They approximately represented humanism, and Ford and Dole approximately represented rapacity and cynicism. For me, the minutes of election day ticked by slowly, one by one, for like many of us I fear that time is running out for the democracy and for world peace, and the prospect of four years of Ford and Dole was depressing to the point of alarm. Those of us who, during the Democratic primaries, preferred candidates known to be progressive on the issues can nevertheless celebrate. Broadly compared to Ford and Dole, eight years of Carter and Mondale look good, and if we really want to get euphoric, we might even visualize sixteen years of reform since the liberal Mondale is only 50 years old.

Carter has consistently said his political philosophy is populist. "I think the word populist still fairly accurately describes my philosophy as well as any other word," he said after the election. Asked to define populism, he said it is "deriving one's political strength and one's philosophy directly from the people." Sometimes he has defined it so that it seems to encompass the conservative impulses, as well as the common interests of the people, but he is steadily associating himself with an historical political movement that, along with the Progressive one, sought more thoroughgoing reforms for the people's welfare than the Democrats customarily advocated.

Carter's is the first election of a president I have celebrated. The first nominee I was enthusiastically for, Adlai Stevenson, lost. Kennedy won with a campaign that was too militaristic and jingoistic to celebrate. I was so apprehensive about Johnson, I wrote a piece about him for the *Progressive* before the 1964 election entitled "Before We Shall Cheer." George McGovern would have

And we cannot complain that the rich get richer while the poor get poorer. It's simply that the rich get much richer and the poor gain too little. It's a question of fairness.

Whether you favor the governor's plan or not may simply boil down to whether you live in a rich-, poor-, or middle-income school district. Or, more generously, it may hinge on your feelings about the ideal—and the political reality—of making educational opportunity truly equal.

But regardless of your stand on the proposals, keep three things in mind: Dolph Briscoe wants to keep his job until at least 1982; increased spending depends on that elusive state revenue surplus (to be estimated again by Comptroller Bob Bullock on Nov. 23); and, most importantly, no matter what plans go before the Legislature, none will emerge whole and perfect.

So, tune in next May for the final results. It's bound to be another long fight. □

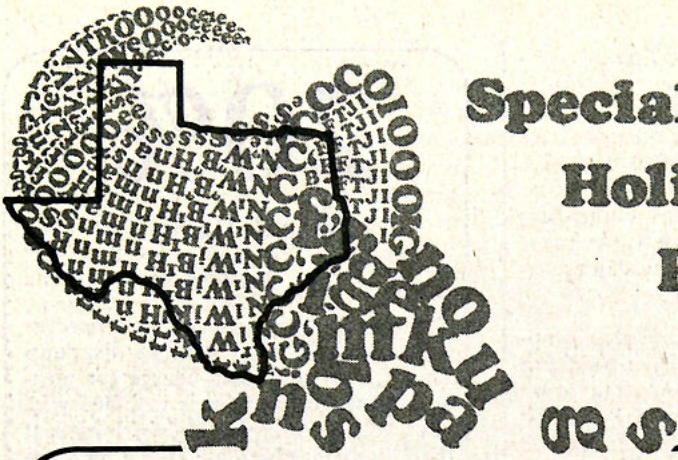
## Observations

been a great president, I don't give a damn what anybody says—he was the only other nominee whose election I was prepared to celebrate. Well, I don't know what we've got in Carter, and neither does anybody, but I found myself rejoicing as he won. Texas, the supposedly conservative Texas, "John Connally's state," Texas! When, on the telly, New York went for Carter, just about clinching it, I surprised myself shouting alone in the living room, cheering for everybody. I was surprised, I was surprised to celebrate.

In the morning, when, in Plains, Carter looked over the crowd of several hundred greeting him there and saw the sun rising over Georgia and spoke of a new day, I walked to the porch that overlooks the pasture behind my house and greeted the sun with him, here in Texas. After a little work, I took the rest of the day off, driving around the hills of Lake Travis in and under the fine fall day. I stopped at a cafe in the country for barbecue and beer. At an adjacent table two old guys were sipping beer in the middle of the day, and one of them, his clothes spotted white from the construction work he does, said to the other one, "It's a great day. It's a great day. It's a great day to be on earth." It was. As he left he said, "I voted for Mr. Carter, but something might happen along the way, we'll have to watch." That's right, too. It was a great day to be on earth because the election was an historic event with potential. Everybody's a skeptic now, so hope means all the more.

One thing that worries me a lot is some-

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thing Carter said about a nuclear first strike. (I did not read about it until, after the election, I was perusing the *Progressive* for October.) Everybody knows Carter says he wants to inject morality into foreign policy (such a simple thing, so oddly controversial, and so correct). He wants to stop the American trafficking in arms abroad, and he says various ways that he will not commit troops to foreign countries unless American national interests are directly involved. But interviewers from the Hearst newspapers asked him (the *Progressive* reported) whether he could foresee "any circumstances in which we would be justified in resorting to a first strike with nuclear weapons, strategic or tactical," and he replied that he *would* order a first strike "if I was convinced that the existence or the security of our nation is threatened." But a first strike is a surprise nuclear attack on another country. If Carter lets this position stand he puts us all at risk, those we might first-strike and we ourselves, for if we are now, under Carter, committed to a first-strike doctrine (as we never were under Johnson or Kennedy), then the leaders of some other nuclear nation may reason they have to first-strike *us* since we have said we might first-strike them.

Eugene McCarthy played an irresponsible role in the election. He advocated a national sales tax and opposed national health insurance, favoring the GOP platform on health; he was not left of Carter. Had McCarthy gotten on the ballot in New York, Carter would have lost, Ford would have won, yet when McCarthy was asked about the possibility his candidacy was going to elect Ford, he said he wouldn't mind it if it did. I do not think McCarthy should be forgiven for his performance this year. But he said one thing very much worth remembering when he condemned "bipartisan militarism." I do not know if Carter can find the courage and the resources within himself to reverse the trend toward a militarized America, but the people are ready for it, and if Carter is going to be a populist he has to be a populist about militarism.

Nearly all of the public conversation about Carter's domestic policies concerns the management of the economy. Reducing unemployment and inflation, reforming the tax system while never increasing the income taxes on working people who report all their income to the government—these are important things. But in my opinion Carter must also get in touch with the "reconstruction from below" that is emerging as the distilled wisdom of the Sixties. For brevity here I shall just call this the "small is beautiful" movement. A return to small business, family farms, co-ops; the development of small-unit energy technologies; tax policies to discourage bigness and encourage human-sized enterprises of all kinds—the ideas of this movement are people-concerned, democratic, populist, and have profound structural implications for the dominance of the giant corporations. Without economic populism, political populism quickly becomes meaningless. Since at first the Carter Administration will be trying to increase government revenues in order to be able to finance programs that will cost a lot of money, there will be a year or two when reforms on behalf of the people's economic independence, reforms that don't cost much in dollars, could be pushed with the Congress. What a waste of a great opportunity if all Carter seeks in his first hundred, his first thousand days, is the better management of the economy! We do not expect too much of Carter and Mondale when we expect them to think about America structurally, too.

R.D.

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