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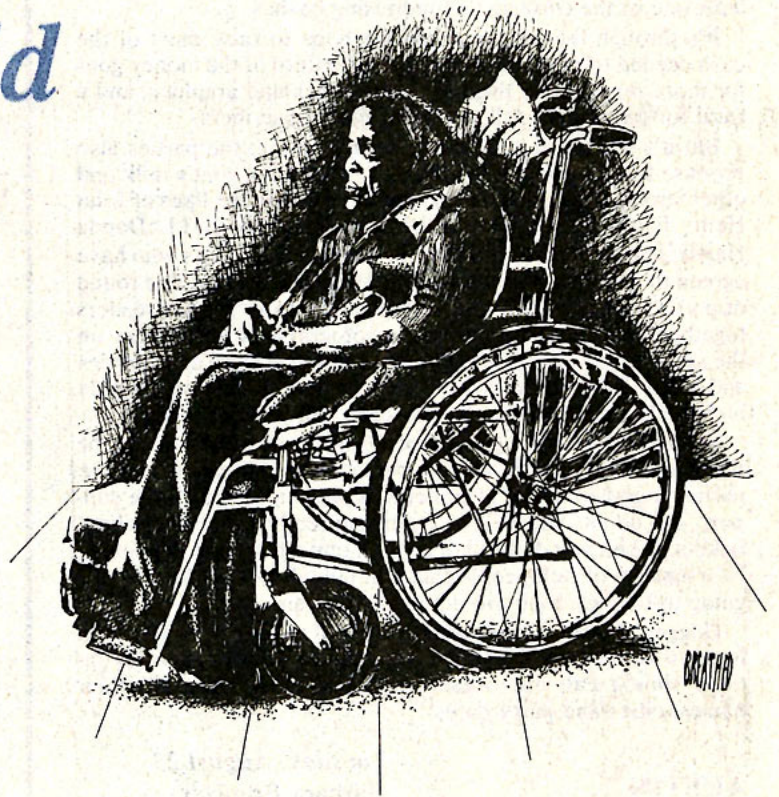
OBSERVER

August 12, 1977

A Journal of Free Voices

50c

Growing old in Texas



Buying in at UT-Austin

—AND—

John Henry Faulk

Ralph Yarborough

Archer Fullingim

Observer gatherings

Austin

You're invited to a party.

In fact, to six parties. One each in Austin, San Antonio, El Paso, Houston, Dallas and New York. If you are in or near any of these towns on the dates listed below, try to turn out for at least one of the *Observer's* fundraising bashes.

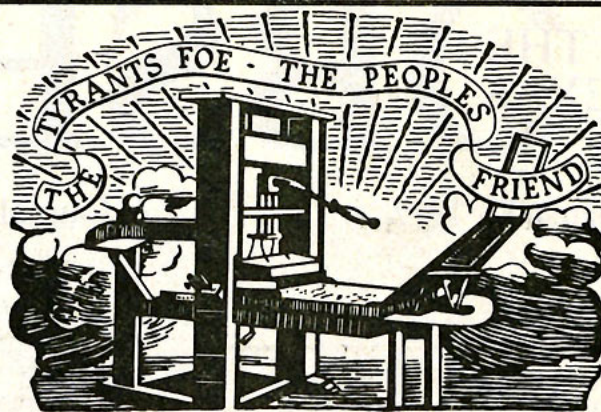
It's through these events that we hope to raise most of the cash needed to expand the magazine—a third of the money goes for more reporters, a third for more pages and graphics, and a third for direct-mail solicitation of new subscribers.

But it's not just a good cause we're touting: the parties also promise to be a good time. There'll be foaming goat's milk and other strong drink, plus the chance to visit with the likes of John Henry Faulk, Tom Wicker, Carl Bernstein, Fred and LaDonna Harris, Jules Witcover, Edward P. Morgan and others who have agreed to stand with us at one or more of the events. The round of parties will give us a long overdue chance to get our readers together with *Observer* writers, photographers and others on the staff. All this for just ten bucks a throw at the Texas parties and \$25 dollars a head in New York, where the cotton's a little higher. One more thing: the speeches will be kept short.

We have met with groups of *Observer* loyalists in all the cities, and they've gone on to form local committees to put the parties together; we're as grateful as we can be for all the support. No doubt, you will be hearing directly from them about tickets. When you do, we hope you'll buy a few. It isn't going to be a handful of rich people that will pull all this off for us—it's going to take each of you doing all you can.

Dugger, Walsh, Olofson and the rest of us here in Austin look forward to seeing you. Those who cannot wait for their invitations should call our organizers for details. Here are their names, cities and party dates:

AUSTIN	Tuesday, August 23 Barbara Brenizer (512) 474-1431
SAN ANTONIO	Sunday, August 28 Celeste Scalise (512) 699-8387, 826-2073
EL PASO	Tuesday, August 30 Michael Crowley (915) 533-3631
NEW YORK CITY	Wednesday, September 7 Molly Ivins (212) 662-8155
HOUSTON	Thursday, September 8 Sandra Talley (713) 528-2057
DALLAS	Friday, September 9 Barbara Lawther Stubbs (214) 350-1412



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A journal of free voices

We will serve no group or party but will hew hard to the truth as we find it and the right as we see it. We are dedicated to the whole truth, to human values above all interests, to the rights of humankind as the foundation of democracy; we will take orders from none but our own conscience, and never will we overlook or misrepresent the truth to serve the interests of the powerful or cater to the ignoble in the human spirit.

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BUSINESS MANAGER Cliff Olofson
OFFICE MANAGER Joe Espinosa Jr.
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IC²

By Roger Baker
and Laura Richardson

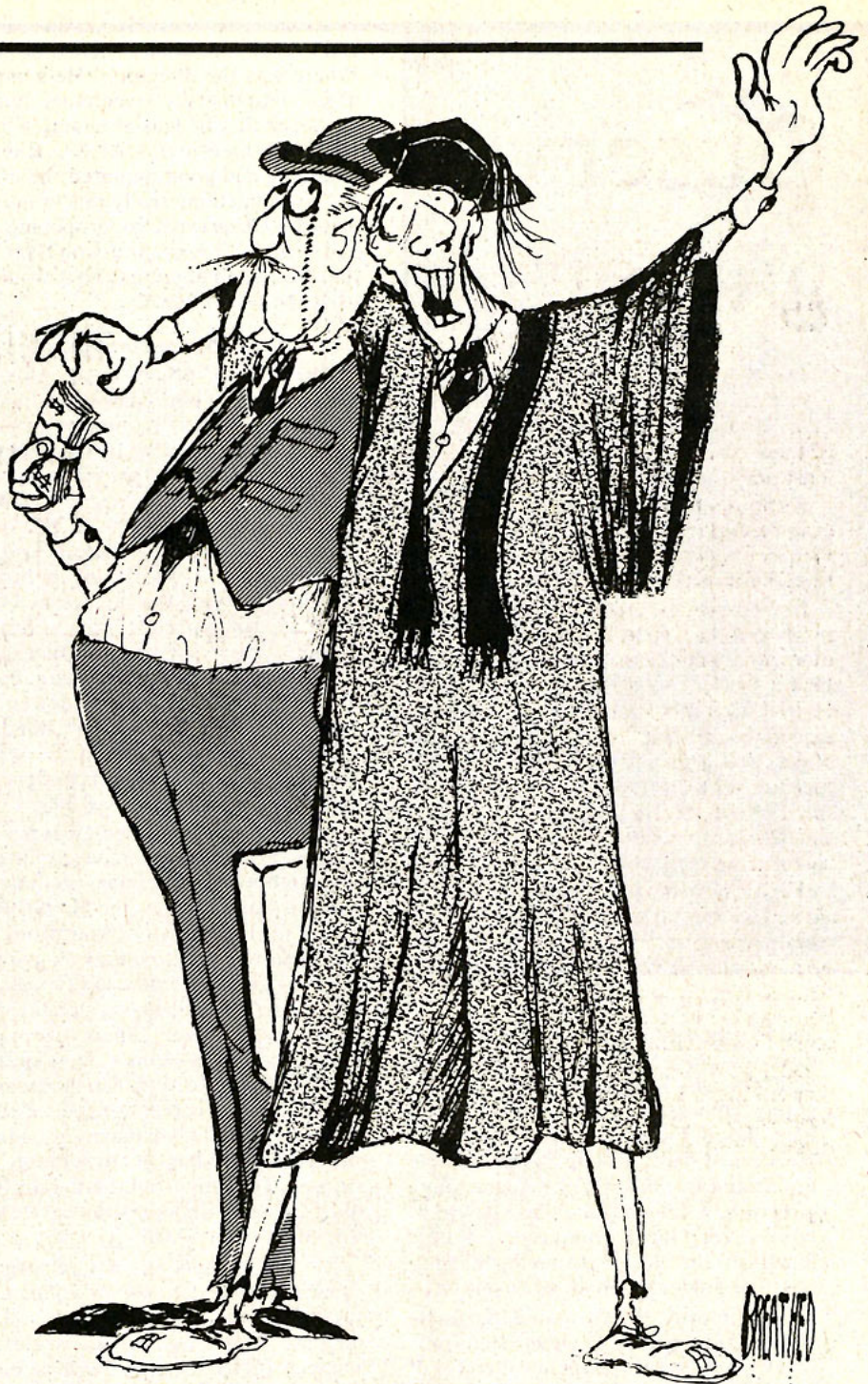
Austin

The UT-Austin business school may be many things, but shy about hustling corporate donations, it isn't. This fall, the B-school will put the touch on *Fortune's* 500, hoping to raise \$20 million for something called the Institute for Constructive Capitalism—or, as it's known to intimates, "Eye Cee Squared."

The ICC is another spawn from the fertile brain of George Kozmetsky, dean of UT-Austin's graduate school of business. According to its slick promo brochure—a booklet short on text and long on pictures—the ICC will "meet the needs of private sector businesses operating within a dynamic private enterprise system"—whatever that means.

What seems likely is that the ICC was established to do a little PR work for big business, as if corporations weren't able to do their own. One businessman close to the institute said, when asked why it's needed, "There's been a tendency in the last few years for big business to be under fire." Another responded: "We want to show that capitalism is constructive. After all, that's what made America a world power." Someone else said that big capitalists have, of late, been made society's "scapegoats" and have received an unwarranted amount of adverse publicity. The ICC, he said, will do much to correct the consumer's poor impression of big corporations. Those queried by the *Observer* said nothing about pure research; they're looking for something more practical.

What's good for big business is not necessarily good for a university. With corporate munificence pouring into UT-Austin, the "practical men" of the business world stand to gain access to the university's human and material resources that ordinarily would be denied to others. After a stroll through the graduate business school's new glass-and-chrome building, past all the lecture halls, laboratories, computer centers and lounges "endowed" by the likes of Texas Commerce Bancshares (*Obs.*, July 29), Ernst and Ernst, H.E. Butt Grocery Co., Datapoint Corp., and Price Waterhouse—after such an inspection, this would seem a sound conclusion.



George Kozmetsky, a man both practical and scholarly, was appointed director of the institute on Feb. 25, 1977, two weeks after the UT board of regents approved the charter for the new research endeavor, and three weeks after the regents accepted the business school's first endowed chair, the J. Marion West Chair for Constructive Capitalism. (An endowed chair costs its donor at least \$500,000; an endowed professorship goes for \$100,000.) As the ICC's director, Kozmetsky is the first to sit in the West seat. (The new furniture was donated by the nonprofit J. M. West Texas Corp. of Houston. Marion West, a lawyer, had interests in lumber, oil, ranching, real estate, banking and publishing. He died in 1941.) The \$25,000

stipend attached to the West chair is small potatoes to Kozmetsky, whose private fortune is estimated in the tens of millions.

Kozmetsky took a master's degree in business administration at Harvard in 1947 and stayed on to teach until 1950, when he moved to Carnegie Tech. In 1952, he left academic life to join the technical staff in the advanced electronics lab of Hughes Aircraft Co. Two years later, he went to Litton Industries' computer and controls laboratory, became a vice president, and then left—with another Litton man—to form Teledyne, Inc., in 1960. He also found time to complete a Ph.D. in commercial science (Harvard '57). (Teledyne is one of the Pentagon's major defense contractors,



George Kozmetsky

and Kozmetsky remains on the board of directors. He is also on the boards of Gulf Oil and Datapoint, and until this spring he was a board member of El Paso-based Farah Manufacturing Co.) He worked hard, leading *Business Week* to exclaim in 1964, "With [Kozmetsky], growth is a religion and [his] desire to boss a very large company is almost fanatical." In 1966, he came to Austin to boss the graduate school of business.

Dr. Timothy Ruefli joined Kozmetsky's faculty in 1968 as an assistant professor; now he's the associate director of the ICC. Like Kozmetsky—who's served as a consultant to NASA, the U.S. Air Force scientific advisory board, and the presidential advisory committee on the National Data Center—Ruefli has done his bit for what used to be called the military-industrial complex. He has been a consultant for the RAND Corp., NASA, and McDonnell-Douglas Co. Ruefli has held a top-secret security clearance since 1967 and helps evaluate the classified research at UT-Austin's Applied Research Laboratory. (According to Ruefli, UT-Austin has a number of Navy contracts, in acoustics and ordnance work.) He can keep a secret—he wouldn't let slip a hint of who ICC's new advisory board members would be, and when asked how Kozmetsky could be reached, he said, "You

can't reach him at all. There's no way." Where was the director? "He's unavailable." (Kozmetsky's secretary told the *Observer* that he was attending a month of board meetings.) At 34, Ruefli is charming and good-humored; he offered to "say something really reactionary" to give the *Observer* a good opening lead, and joshed, "I hope you won't say anything too good about us. That would kill us at the box office."

Giving at the office

Ruefli's box office, apparently, consists entirely of big business poobahs of a variety of stripes. A number of contributors to the fledgling ICC are corporations or individuals in the oil business. C. C. Pete Sublett, an independent oilman, gave the institute \$25,000. H. B. "Hank" Harkins, president of Harkins and Co., an independent oil-drilling contractor and producer in Alice, kicked in \$45,000 (with \$55,000 more pledged) to fund the Harkins Professorship in Constructive Capitalism. (Ruefli, as associate director of the ICC, is the newly endowed Harkins professor.) The Mobil Foundation donated a measly \$3,000, while William Kennedy, executive vice president of C and K Petroleum, gave \$10,000.

All kinds of well-heeled-types and corporate foundations have so far made tax-exempt contributions totaling \$1.7 million. For example, the Brown Foundation (of the Brown & Root firm) gave \$100,000; the Abell-Hanger Foundation, \$50,000; the Sid Richardson Foundation, \$500,000. "Miscellaneous" endowments come to \$328,000; Zapata Corp. gave \$20,000; Harte-Hanks Newspapers, \$10,000; Tenneco, \$10,000. A few of the biggest Texas corporations nicked and dimed it: Southland Paper Foundation, the state's 77th-largest corporation, gave only \$1,000; Great Southern Life Insurance Co., the 6th largest in Texas, came up with a mere \$4,000.

But the institute has not yet begun to fundraise. All the money collected so far, says Ruefli, has been unsolicited largesse from "the private sector." A number of the early individual donors are members of the College of Business Administration Foundation advisory council (the CBA Foundation is not part of the ICC; it has been around for years and is yet another conduit for business school money). Hank Harkins, who bankrolled Ruefli's endowed professorship, is a new foundation board member. William Kennedy and Pete Sublett are already on the board. Others of long standing are Jere Thompson, president of Southland Corp.; Ben Love of Texas Commerce Bancshares; Karl Butz of Mercantile National Bank; Rex Sebastian of Dresser Industries; Bill Kaplan of Foley's; Jimmy Farah of Farah Mfg. Co.; Fred Moore, former executive vice president of international Mobil and former president of American Mobil; and Jim Bayless of Rauscher Pierce Securi-

ties. Bayless has volunteered to head up ICC's real fundraising effort, which will take off this fall. Ruefli explained that the institute won't bother with small change. "All we need," he said, "is about forty grants of \$500,000 each. So we're going after the big money. It's more efficient. We'll probably write letters to the presidents of *Fortune's* 500 and ask them for a million each." He has no doubt the money will roll in; embattled capitalists are generous.

Ruefli insists that even though the biggest of big businesses will fund the ICC, they will affect not at all the policies and products of the institute. "Kozmetsky won't prostitute himself," Ruefli says of his unreachable boss. "He doesn't have to." Ruefli is quick to point out that the contributions the institute seeks must be completely unrestricted endowments.

ICC's vision will be determined by an executive committee of five faculty members from the UT-Austin business school, besides Ruefli and Kozmetsky. But the moneymen won't be left out in the cold. A board composed of "five distinguished businessmen representatives from the private sector," at least two of whom must be from the CBA Foundation advisory council, will provide Kozmetsky with "advice and counsel." Ruefli has made nominations for the advisory board, but Kozmetsky has not yet forwarded the names to UT-Austin president Lorene Rogers. It's a good bet that the ICC defines a "distinguished" businessman as a captain of industry, and not merely some ablebodied deckhand on the ship of free enterprise.

'No free lunches'

It's difficult to figure out exactly what the ICC intends to do. The institute has four programs—dynamic small business and entrepreneurship; cultural, ethical and institutional studies; policy issues and analysis; and private enterprise education. Some of the thumbnail descriptions of proposed programs sound reasonable—the dynamic small business division plans to "provide advisory and information services to small establishments and entrepreneurs"—but most are hopelessly vague. The cultural, ethical division says that, under its auspices, "An ethical basis of capitalism will be outlined and the leadership role of capitalist institutions will be investigated." The policy issues and analysis division will "formulate managerial initiatives for policy determination and implementation." Those mired in this mumbo-jumbo may turn for an explanation to some of the distinguished businessmen from the private sector who are involved in getting the ICC launched. When the *Observer* asked Jim Bayless for his idea of what the ICC would do, he responded tersely, "My views are

(Continued on page 22)

Mixing energy and ink at UT



By Jim Hightower
and Bruce Selcraig

"The American businessman is generous to a fault, but one thing he does demand of all teachers and lecturers and journalists: if we're going to pay them our good money, they've got to help us by selling efficiency and whooping it up for national prosperity!"

*George Babbitt's speech to the
Zenith Board of Realtors in Sinclair
Lewis' Babbitt*

Austin

It's too early to say for sure that the University of Texas journalism school is going to whoop it up for big business, but the faculty has taken the first step toward Babbitry by agreeing in principle to take money from the American businessman. What's the money for? Energy reporting. A department committee has voted unanimously to add an upper-level course to instruct budding journalists on the basics of the energy industry. Who's picking up the tab? The very folks who claim they've been maligned by an ill-informed, myopic news media: the energy companies.

No one argues against offering a primer-course on energy, and it isn't likely that everyone who enrolls will become a corporate shill. The professors and researchers pushing the course have their academic credentials in order and at least in interviews deny proindustry biases. It's just that they're not real particular about where their financial backing comes from.

The course was "99 percent initiated" by John Gordon, an energy systems analyst at UT-Austin's Center for Energy Studies, who, like many of his colleagues, thinks most journalists are ignorant beyond redemption when it comes to energy economics and technology. So, where better to educate future reporters and editors than at journalism school? Sounds reasonable, said the faculty, and those present at a special meeting voted 12-0 to adopt the course. According to Gordon, the faculty knew at the time of the vote that energy firms would be asked to underwrite the course, which has a \$45,000 price tag.

Gordon initially submitted his proposal to the federal Energy Research and

Development Administration, but officials replied that ERDA no longer funded such endeavors. He next hit up the state's largest privately owned utility, Texas Utilities, Inc., the \$3.9 billion electric company that services about four million Texans across a third of the state. TU was a sensible choice, since it had helped to establish CES in 1974 and had just recently renewed its annual financial support for some of the center's research programs. Jim Ghiotto, vice president of TU, personally thinks Gordon's proposal is a great idea, but he's not sure the company's management will buy in, and if they do it will be for only a portion of the budget. After he hears from Texas Utilities, Gordon says he will go to Houston's largest oil and gas firms to make up the difference. The solicitation of big energy firms is normal procedure at CES (*Obs.*, Jan. 28), so Gordon sees no problem in doing the same for the J-school. (CES' own newsletter is funded by grants from the General Electric Foundation.)

Who is Gordon? An electrical engineer by training, with a B.S. and M.S. from UT-Austin and expertise in nuclear energy. He worked for Westinghouse Corp. on nuclear systems for two years and then in 1975 was sent by the company to Washington to help set up a public relations/lobbying coalition called Americans for Energy Independence. (AEI is funded by labor organizations, electrical utilities, banks, various manufacturing concerns, independent oil producers, and a few individuals; its apparent purpose is to reach a consensus on energy issues and lobby on behalf of common interests—the accelerated development of the breeder reactor, for one.) Gordon was assistant executive director of AEI for a short while before coming to CES in 1976. He is president of AEI's local chapter.

Gordon and his colleagues are not out to pervert young journalists' minds with corporate cant, but it isn't likely that their formal instruction will offend those putting up the money.

The heart of the course as proposed is instruction in communicating energy information. Richard Vansteenkiste, an untenured assistant professor of journalism with a doctorate in geography, is

to be given the job. Vansteenkiste has worked with UT-Austin's ex-students association and currently has research underway on "the relative importance of weather and environmental news in drawing audiences to local TV news broadcasts." He will stand between the CES-corporate backers of the course and the journalism students themselves, and he's a little defensive about his role. At first, he refused to discuss the course over the phone and insisted on a tape-recorded personal interview. In the recorded interview, Vansteenkiste said he would be suspicious if the energy course were funded by only one company, but he sees nothing wrong with support from a consortium. "It is first a journalism course," he says, "completely under the control of the journalism department."

Well, not quite. CES is raising the money, not the journalists. For his part, Gordon seems mindful of the journalism faculty's independence, saying "I'm sure Vansteenkiste wouldn't allow me to subvert his class." Probably so, but the class appears to belong more to Gordon than to Vansteenkiste. It was initiated and designed by Gordon and his team, and CES' deputy director, John Vanston, is the overall director of the project. Gordon and Vanston developed the course's lesson plans and syllabus, and Gordon, who is to lecture regularly, will coordinate the participation of other CES researchers. He will also arrange the field trips, help students locate research materials, and assist Vansteenkiste in evaluating student performance.

Ben Bagdikian, a visiting professor at the University of California at Berkeley and one of the nation's foremost critics and teachers of journalism, gave the *Observer* this opinion of the J-school's proposed alliance with corporate interests: "I don't think you need to question the honesty and sincerity of the people teaching it, but what should be questioned is the propriety and journalistic integrity of a teaching program that depends entirely on someone who has a selfish interest in what is being taught. If they don't like the way it's being taught, they can cut off the funds, right?" Right.

Though everyone stresses the autonomy of those involved with the course ("It won't be taught by Exxon," one chuckled), its addition to the curriculum tangles the entwined relationship between education and big business at the University of Texas. And the journalism faculty's unanimous endorsement of the course, apparently given without so much as an extended discussion, is troubling and, well, wrong. □

POLITICAL INTELLIGENCE

• To avoid embarrassment for Austin mayor Carole McClellan when Southern Union Gas presses the city council for a rate increase, husband Barr McClellan has left his lawyering job at Clark, Winters, Thomas & Shapiro, the Austin firm that represents half the utility companies in Texas, including Southern Union. (Last year Southern Union paid Clark, Winters \$39,238 in legal fees.) But Barr isn't standing in the unemployment line, *Southwest Utility Watch* reports. He's just been given a \$40,000-a-year job at the University of Texas Office of Legal Services, courtesy of UT regent Ed Clark, a senior partner in Barr's old firm.

• Congressman Bob Eckhardt is having a time of it with his HR 3816, which will allow consumers wronged by violators of Federal Trade Commission regulations to go to court—either as individual consumers or as a class—and get their money back. Eckhardt has discovered that all of a sudden lobbyists for Sears, Penney's and other large retail chains are concerned about the extra burdens that would befall the courts if consumer litigation were made easier. Judges would be overworked, say the mammoth retailers. "They make this argument without offering any evidence to support it," says Eckhardt, noting that states with liberal class-action laws have not had their courts flooded with suits.

Ironically, when Eckhardt worked with the Sears and Penney's people dur-

ing the 93rd Congress on revision of the Magnuson-Moss FTC Improvements Act, the retailers had nothing to say about clogged dockets. The Magnuson-Moss act as amended gave companies extensive opportunities to challenge FTC decisions. "I am discovering," Eckhardt said, "that when it comes to other people's rights, Sears and Penney's purport to be much more concerned about the burden on the courts."

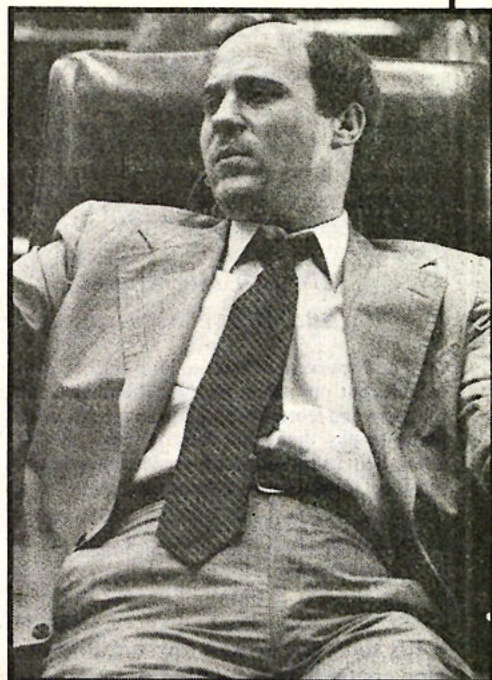
• Dr. Joe Frantz, *Observer* contributing editor, has been appointed to the new Walter Prescott Webb professorship in history at the University of Texas at Austin. The Webb chair was established this spring by the UT regents and endowed by Austin developer and former Webb student C. B. Smith in memory of the late historian whose works on the American frontier won him international fame.

Frantz wrote his dissertation under Webb's supervision in 1948 and joined the UT-Austin faculty the following year. Like Webb, Frantz has specialized in the history of the American West. He is the director of the Texas State Historical Assn., editor of the *Southwest Historical Quarterly* and head of UT-Austin's Research in Texas History project. Frantz will resign these posts on August 31.

• A beef research and promotion scheme which got heavy lobbying help from several of Texas' biggest cattlemen has been defeated by cattle producers voting in a national referendum. Only 56.5 percent favored the thirty-cent assessment on each \$100 of slaughter stock marketed. A two-thirds majority was needed for passage. In Texas the proposal nearly carried, drawing a 62 percent vote.

The Texas Farmers Union opposed the program because producers would be given no second say on it after adoption. Passage of the referendum would have put the control of research and promotional activities firmly in the hands of a 68-member Beef Board appointed by the secretary of agriculture. The TFU feared that big producers would dominate the board.

Some referendum supporters had claimed that Americans were eating less beef and that a centralized ad campaign would help reverse the trend. But the latest USDA figures put per-capita meat consumption at 231 pounds in 1974, up from 208 pounds in 1964. Over the past two decades, Americans have spent about 4.6 percent of their disposable income on meat, with producers getting 64 percent of the retail dollar and middlemen 36 percent.



Bruce Seltraig

Olson on the run?

• State Rep. Lyndon Olson, who is quietly gearing up to run for Bob Poage's congressional seat next year, has got a leg up on his declared and potential opponents by hiring on as a political analyst at KWTX-TV, the most widely viewed station in Waco.

Olson hasn't announced his candidacy, but his father, Lyndon Sr., a prominent Waco lawyer and former school board member, has said his boy will be in the race. Meanwhile, Olson's TV stint, which began shortly before July's special legislative session, is putting both his name and face before Central Texas viewers twice weekly. He denies the air time will give him an unfair advantage in a contest for Poage's eleventh district seat, which the 77-year-old Democrat almost certainly will vacate after this term. But former Democratic state Rep. Lane Denton, the only declared candidate in the congressional race, thinks differently and has filed a complaint with Nicholas Johnson's communications watchdog group in Washington.

Olson has received special attention from KWTX before. During the regular legislative session this spring, particularly in its frantic days, Olson appeared as a regular news commentator via a telephone hookup from Austin. There is nothing unusual or wrong with a legislator moonlighting for a local station, but Olson is not Waco's only House member. Betty Denton, married to Lane, also represents the city in the Legislature, but KWTX never gave her a ring to ask what was happening.



Sherry Valentine

Why Lyndon Olson? Because several bankers and other Waco establishmentarians consider his father (if not Olson himself) one of their own and have no time for Denton's populist candidacy. These same people, directors of KWTX (a subsidiary of the LBJ Company), sit on the boards of Waco's two main banks—American and First National. M.N. "Buddy" Bostick, the station manager who signed Olson, is a vice president at American Bank. Other ties: Olson headquartered his campaign for the Texas House at First National, and Tom Oliver Jr., a First National vice president, managed the campaign. Oliver is said to be a close advisor now as Olson takes soundings for the congressional race.

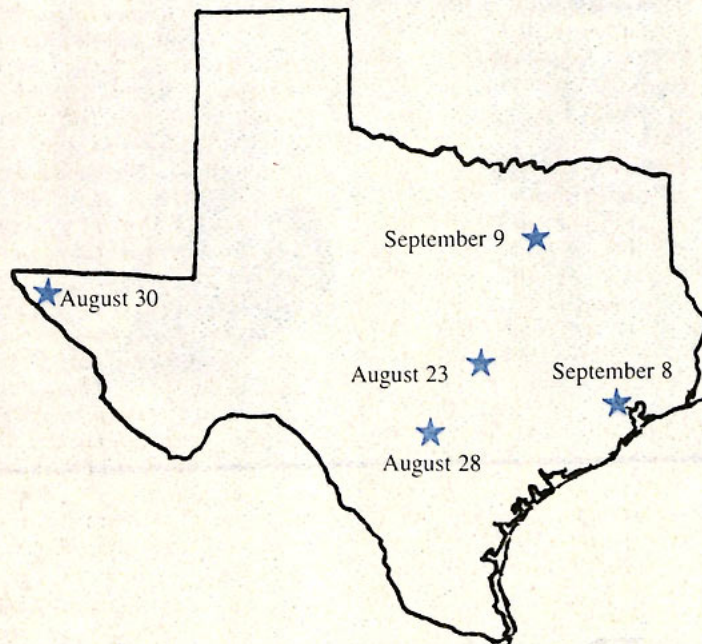
Denton is not the only one complaining about Olson's free television exposure. Walter Smith, chairman of McLennan County Republicans, wrote to Bostick last month charging the Democrat's TV work would "force other candidates to play catch-up by purchasing more time from KWTX when the campaign actually begins." Smith checked with the Federal Election Commission, but concluded that Olson's spots were not illegal, just unfair.

- The 1978 elections are still at the wet-finger-in-the-wind stage, but Ralph Yarborough, who is considering a run at John Tower's U.S. Senate seat, already has gotten off a one liner that's going to be hard to beat. Speaking at the state AFL-CIO convention in Austin on July 21, the 74-year-old champion stump speaker boomed out to the labor delegates: "Some say I'm too old. They're not concerned that I will die. They're afraid I won't."

- "Good Job, John Hill" is the name of the fundraising committee for Texas' attorney general and soon-to-be gubernatorial candidate. Headed by Austin book publisher John Jenkins, the committee is sponsoring a fifty-bucks-a-head party for Hill on Sept. 15 in Austin, at which time he is expected to announce his candidacy. About 15,000 Texans were mailed a letter of invitation signed by such progressives as former Dallas school board member Emmett Conrad and independent oil producer J.R. Parten of Madisonville, and such nonprogressives as former Gov. Allan Shivers of Austin and Texas Commerce Bancshares chairman Ben Love of Houston. □

This issue's Political Intelligence was gathered and written with the help of Teresa Acosta, Steve Russell, Tim Mahoney, Laura Richardson and Bruce Selcraig.

Build a better Texas Build a better *Texas* *Observer*

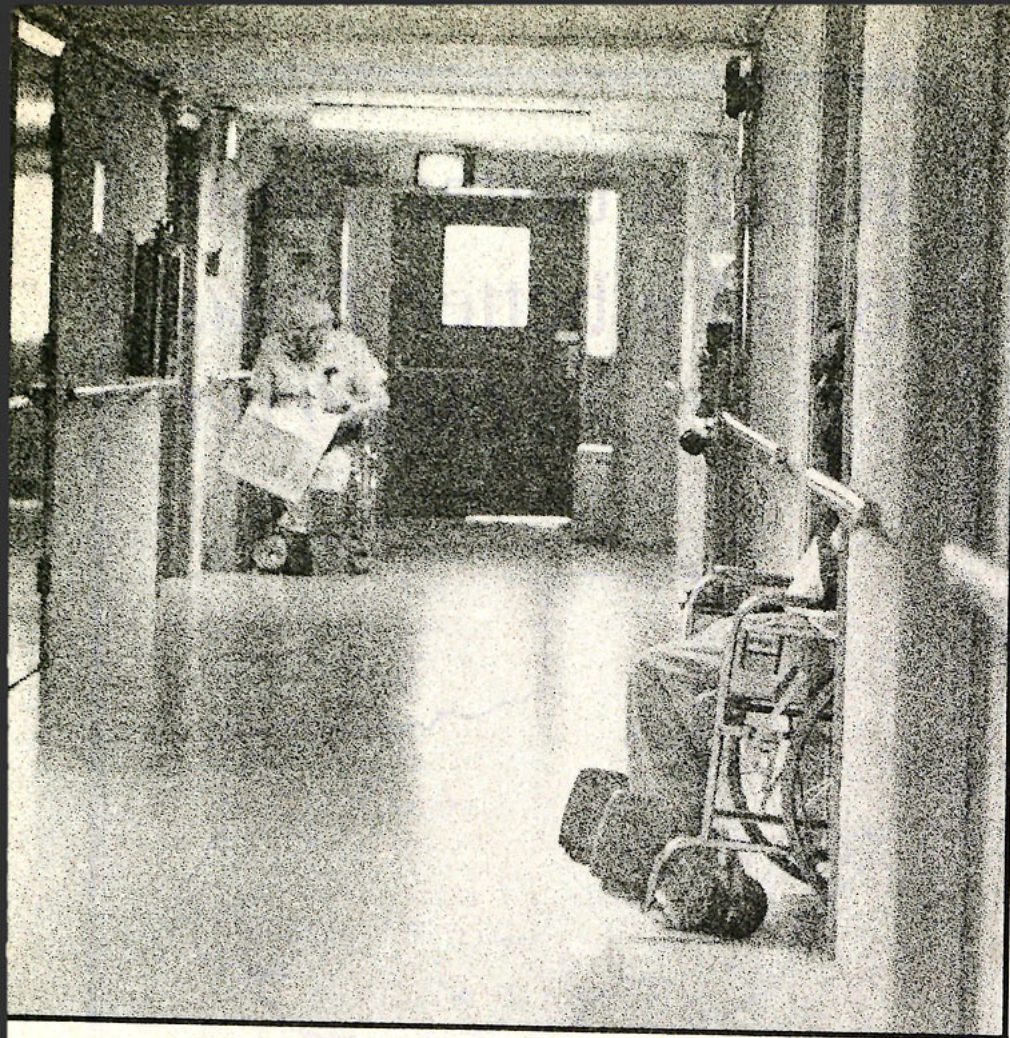


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The Observer staff invites you to join an eclectic band of airborne riff-raff for the New York Observer party. We fly to New York City Tuesday morning and return Thursday afternoon. The total price is \$200 for airfare and party admission. But we must know by August 15. Please join us. Call for details: (512) 477-0746.



Seth Lubin

Don't grow old in Texas

By Paul Sweeney

"It is clear that the nursing home situation in Texas is not only bad, but is critical. It is apparently allowed to continue because of a lack of effective enforcement efforts in a climate of bureaucratic disputes and official permissiveness."

—David Holton, chief investigator,
House select committee on aging

Austin

The Texas Nursing Home Scandal of 1977, which graced the front pages of the state's newspapers this summer and got some national play when syndicated columnist Jack Anderson latched on to the story, might never have come to light had it not been for the aggressive, Pulitzer Prizewinning *Lufkin News*.

In June, the *News'* Lynn Dunlap reported that a resident of Lufkin's Pine

Haven nursing home was beaten with belts, coathangers and shoes by four nurses' aides and that the victim, a 76-year-old woman, suffered welts and bruises across her lower body. Backed up by documents obtained sub rosa from the Texas Department of Welfare, Dunlap, in a three-part series on nursing home care in East Texas, went on to cite numerous incidents of patient abuse, substandard living conditions, improper handling of prescription drugs, and sloppy medical and financial recordkeeping on the part of nursing home administrators.

Among his findings: an aged amputee was forgotten by attendants and left alone in the dark in a whirlpool bath; a woman in her seventies went three weeks without medical attention for a

hip she had broken in a nursing home fall; a home in Center often cooked only six or seven chickens to feed 100 residents; large quantities of narcotics disappeared from a Lufkin home; most of the facilities examined were staffed by overworked nurses' aides (in one home, a single aide was supposed to distribute medication to sixty patients; in another, one worker was responsible for feeding thirty residents).

The stories prompted Lufkin congressman Charles Wilson to call for an investigation. At Wilson's urging, Florida's Rep. Claude Pepper, chairman of the House select committee on aging, sent the committee's chief investigator, David Holton, to Texas to make a report.

Holton found the *News* reports to be on the mark. He also discovered that information about nursing homes is hard to come by. According to Holton, DPW officials wouldn't let him inspect nursing home compliance records until he threatened a congressional subpoena. State agencies, he charged, deliberately withheld information.

Holton found that, from year to year, the number of Texas nursing homes' violations of federal standards for sanitation, safety, health, nutrition and administration was two to five times greater than the national average.

By way of remedy, Holton proposed an end to "the confusing and often overlapping roles" that resulted from the sharing of responsibilities by DPW, which administered Medicaid payments, and the Texas Department of Health Resources, which licenses nursing homes. He suggested that TDHR be designated "the single state agency responsible for certification and enforcement."

Holton urged that authorization be given to the state attorney general (instead of county prosecutors) to investigate nursing home violations of criminal law, and he sharply criticized the enforcement tools available to state agencies overseeing nursing homes. Stiff fines for inadequate care, coupled with financial bonuses for good performance would, he wrote, improve things.

Under the current penalty system of withholding Medicaid payments ("vendor hold") he noted, "if a violation is found in a nursing home today and that violation is corrected tomorrow, no sanction is incurred."

To counter the physical abuse of residents, Holton urged passage of a statute (similar to a provision in the child abuse law) making it illegal to withhold knowledge of a criminal assault on a nursing home patient.

Finally, Holton called for upgrading the standards required of nurses' aides who, he noted, are not licensed in Texas. "It is an inherent weakness of the current nursing home situation," he reported, "that those least trained are those who have the responsibility of

providing the bulk of direct patient care services. This weakness can and should be corrected."

In the legislative hopper

In late June, as the special legislative session approached, Texas politicians began pressing for action. Sen. Walter "Mad Dog" Mengden (R-Houston)

Health, sanitation and safety violations in Texas nursing homes number two to five times the national average. But the governor had to be pressured to act; the bureaucracy has been hopelessly inadequate; and home operators have opposed reforms which raise costs.

whose bill requiring at least two open hearings a year at all nursing homes passed the Senate only to be idled away in the House during the regular session, asked Gov. Dolph Briscoe to include nursing home reform in his legislative agenda for the special session. And Sen. Don Adams (D-Jasper) called for laws making abuse of nursing home patients a felony.

At first, Briscoe was cool to the addition of the nursing home issue to the special session calendar; he preferred limiting it strictly to school finance. But he finally gave in and threw nursing homes, Seadock, and a few other items into the legislative hopper. Legislators said privately that the governor's eventual support of tougher laws for nursing homes was prompted more by his 1978 reelection hopes—and Atty. Gen. John Hill's announcement that he would send a special investigating panel around the state to hold hearings on nursing home conditions—than to any sudden surge of compassion for the elderly.*

With the governor's acquiescence, the Legislature began hearings on nursing

* That Briscoe's commitment to nursing home reform is less than ardent seems borne out by Nadeane Walker's July 22 story in the *The Dallas Times Herald*. According to Walker's report, the nursing home patients in Texas are entitled to the services of an ombudsman empowered to field and act on nursing home complaints and organize community advocate groups for improved patient care.

The money for the ombudsman—\$30,000 yearly from HEW—goes to Douglas Richnow of the Governor's Committee on Aging. Richnow says, however, that his job is to study the legal needs of the elderly, and that's where the \$30,000 goes.

"I'm not interested in setting up local groups of goody-two-shoes people to walk around nursing homes," he told the *Times Herald* reporter.

home conditions in July. The testimony before the Senate human resources committee was devastating and supported everything federal investigator Holton had said in his report.

Mrs. Freddie Mader of Houston showed slides of her grandmother's pus-tulated 3-inch-wide bed sore. Vance Ferguson, of Austin, told the panel that all of his mother-in-law's belongings had been stolen several times and that once he'd found her tied up and displaying "what is commonly known as a fat lip." And a San Antonio man told of being intimidated by nursing home administrators when he complained to them of the treatment his wife was receiving.

Nonetheless, there were forces opposed to serious reform. Committee member Ron Coleman (D-El Paso) released to the *Observer* a letter from a banker in Wichita Falls who had written to urge that the state's nursing homes not be treated too harshly.

"One unfortunate incident [the Pine Haven beating] apparently has caused legislation to be considered which would be very hard on the nursing home industry," wrote George Adams, president of the Parker Square Savings and Loan Association.

Adams, whose savings and loan finances more nursing homes than any other S&L or bank in the state, warned against requirements "that are not needed and will raise the cost of operation."

Meanwhile, Hilmar G. Moore, chairman of the State Board of Welfare, denounced the "sudden crusade" spawned by the *Lufkin News* and David Holton and declared, "I believe the quality of care [in the homes] to be excellent."

Moore downplayed the need for reform. "Panic or hasty action is not warranted," he said in a letter to Senate and House committee chairmen, adding "I will not be silent while the Department of Public Welfare is used as a whipping boy."

'Official permissiveness'

The legislative hearings revealed a bureaucratic labyrinth hampering the regulation of nursing homes. Holton apparently was not far off when he said that a climate of "official permissiveness" contributed to lax operating standards. And Dr. Fratis Duff, director of the state Health Department, told the House health and welfare committee he could remember only one instance when a Texas nursing home had its license revoked.

The law passed last month mandated the reorganization of the appropriate regulatory agencies and established tougher sanctions against unsafe nursing homes that violate health standards. However, the new statute is shot full of holes and many who had hoped for true reform are pessimistic.

The core of the nursing home bill, which passed the House and Senate by huge margins, is a provision that places the various state regulatory activities under the direction of the licensing agency, i.e. the Health Dept. Holton had recommended the consolidation of certification and enforcement functions, but not everyone liked the department chosen to do the job.

Some say the Health Department's broader authority is just a cosmetic alteration, no guarantee that conditions in nursing homes will improve.

And, in late July, Health Dept. officials admitted to *Austin American-Statesman* reporter Jim Baker that the department had not processed some nine-month-old complaints.

Rep. Frank Madla (D-San Antonio), the committee's vice chairman, and others unhappy with the Health Department's past performance opposed this provision in committee. Madla, who wanted the Welfare Dept. to be given the job of regulating nursing homes—his amendment failed 6 to 4—did not vote for the bill in committee and almost succeeded in holding it up.

The bill also sets civil and criminal penalties for operators who run facilities where patients are abused, and where DPW standards are not met. The Health Dept. now has the authority to levy fines of \$25 to \$1,000 against nursing homes; the penalty for assaulting a nursing home patient has been made a felony punishable by two to ten years in prison and a \$5,000 fine. In addition, it is now a Class A misdemeanor to fail to report to law enforcement officials any instance of patient abuse.

NURSING HOME CHAINS

NAME AND CORPORATE HEADQUARTERS	HOMES IN TEXAS	BEDS IN TEXAS
ARA Services		
National Living Centers Houston	88	8,884
Geriatrics, Inc. (was Retama Manor) Greeley, Colo.	22	2,646
Leisure Lodges Fort Smith, Ark.	52	5,378
Challenge Homes Dallas	25	2,850
National Health Enterprises, Santa Monica	15	1,947
ANTA Corp. Oklahoma City	11	1,864
Autumn Hills and Convalescent, Inc.	13	1,405
Truco Properties	8	1,003
Monterey Life Systems Columbus, Ohio	11	940
Hillhaven Tacoma, Wash.	8	886
Carex Int'l Los Angeles	10	784



Keith Dannemiller

The new law requires the Health Dept. to make annually at least one unannounced inspection of every nursing home in the state and to hold at least one public meeting yearly at each facility to allow patients and their relatives to register complaints about home management.

The bill also included an amendment that established a grading system for nursing homes and allows superior institutions to cite their ratings in ads.

But one whole section of the bill—a chapter providing broad protective services for all the state's elderly—was completely scuttled. This provision would have required the DPW to look out for everyone over 65 who might suffer abuse, neglect or financial exploitation. House parliamentarian Bob Johnson said that consideration of protective services exceeded the governor's call for regulatory legislation.

When El Paso Rep. Jim Kaster cited

Johnson's demurral and threatened a point-of-order challenge to the bill, sponsor Rep. Michael Ezzell (D-Snyder) agreed to junk the protective services clause rather than see the bill sent back to committee and delayed. Loss of protective services, protested Sen. Carlos Truan (D-Corpus Christi), meant that only 5 percent of the state's elderly would be covered by the new legislation. "That's the percentage [some 60,000 out of 1.1 million elderly] of older people confined in nursing homes," he said.

Aside from a provision that the Health Department require nurses aides to get in-service training, nothing was done to improve the lot of the poorly paid workers who perform the tedious but sensitive jobs of washing, dressing and caring for patients.

"The situation is that many of the staff who provide direct services are those who are the least well paid," David Holton told the *Observer*. "We need to up-

'A booming industry'

By William Cabin

New York

The nursing home story in Texas is one of a booming industry with growing wealth and power. It is not necessarily a pretty tale. The concentration of nursing home ownership in the hands of a few corporate bigtimers, regulatory complacency, and a political establishment closely allied with the state's nursing home industry are ingredients for generally lousy geriatric care.

Texas, with 1.1 million elderly, ranks fifth among the states in the size of its over-65 population. That's a big market, but what makes Texas really alluring to corporate chains who have moved in to operate long-term care facilities is the availability of state and federal money for care of the aged. Despite all the talk about holding down welfare costs, Texas places fourth in the country in the size of Medicaid payments made to its 1,000 nursing homes.

Nationwide, nursing homes draw off an average of 37.7 percent of all Medicaid payments funneled into individual states; but in Texas the figure is 50 percent. The state welfare department reports that for fiscal 1978, \$391.7 million has been budgeted for state and federal welfare payments to private nursing homes that care for 60,000 of the state's elderly and mentally retarded. And the state has another \$30 million in reserve should the minimum wage be boosted and nursing home costs rise accordingly.

A reading of the 1977 Texas Directory

of Nursing Homes shows that eleven corporations now control 254 of Texas' 850 proprietary (profitmaking) long-term care facilities. The four biggest chains have staked out more than a fifth of the entire state market.

Consider ARA Services, the Philadelphia-based colossus with 1976 sales of \$1.2 billion from subsidiary interests in the vending machine business, food concessionaire, transportation, and several other enterprises, including nursing home ownership.

(ARA was recently on the wrong side of a hefty judgment in a federal suit brought by S&S News Agency of Fort Smith, Ark. S&S had charged that ARA violated antitrust laws in magazine distribution operations in Oklahoma. On another front, ARA is currently under fire from the Federal Trade Commission, which is looking into possible price-fixing in the company's vending-machine dealings.)

In the long-term care field, ARA is the parent concern of two enormous nursing home chains doing business in Texas—the Houston-based National Living Centers and Geriatrics, Inc., of Greeley, Colo., which recently took over the Retama Manor chain. ARA is the third biggest nursing home operator in the country, behind only Hillhaven, Inc., of Tacoma, Wash. (eight homes in Texas), and Beverly Enterprises, of Pasadena, Calif.

In Texas, the two ARA chains operate 110 homes—NLC has 88 and Geriatrics-Retama Manor 22—and more than 11,700 beds.

In the nursing home business, such bigness is hardly better. It can and does lead to less attention for residents, and administrators often have more to do than they can possibly handle. Nine of NLC's administrators, for example, have two or more homes each to keep track of, and in some cases the homes are at opposite ends of the state. One NLC man has 34 institutions under his supervision, and two others have ten each.

Texas Welfare Dept. officials acknowledge that nursing home care is generally better at family-owned or individually run establishments—especially in smaller communities—than it is at homes owned by the big chains. The single-home operator in a small town, DPW officials say, is more likely to worry about the censure of neighbors upset by conditions at a local nursing home. For the chains, however, the fear of community disapproval isn't of consequence.

The sanction most commonly applied to nursing home operators who fall short of DPW standards has been the suspension of Medicaid payments—"vendor hold" it is called. Vendor hold may be effective against the smalltimer running a hand-to-mouth business, but against the likes of ARA and other giants for whom cash flow is no problem, the practice accomplishes little. In most instances, withheld payments are resumed with no loss to management when the cited deficiencies have been corrected. The hidden effect of vendor hold may actually be to run the small outfits out of business and increase the market share of the giants.

grade the staff and give them a chance to treat their jobs as career positions."

While the state is solicitous about guaranteeing nursing home operators a 6 percent profit margin when negotiating Medicaid contracts, no effort has ever been made to give monetary incentives to the people who do the actual hands-on labor in nursing homes. Nurses' aides, who aren't organized anywhere in Texas, earn rock-bottom wages. "We obey the minimum wage law," says Sid Rich, head lobbyist for the Texas Nursing Home Assn. He rarely adds that his group actively opposes any hike in Texas' minimum wage.

"It [a raise in the minimum wage] would cost us \$157 million, ol' buddy," Rich complained to the *Observer*. "We've told our congressman we're for moderation. A raise would be unrealistic and inflationary and not good for the United States of America."

(Rich notices everything, however,

Meanwhile, the state isn't keeping tabs on the financial management of its nursing homes, large or small. Texas conducted only 375 nursing home audits between 1967 and 1975, according to HEW data submitted to the House subcommittee on health and long-term care in January, 1976. Supposing an average count of 750 licensed facilities open for business every year from 1967 to 1975 (a conservative figure), the arithmetic comes down to 47 field audits a year: fewer than 6 out of every 100 Texas institutions get an annual once-over.

Under HEW guidelines that will go into effect in July, 1978, all nursing homes receiving Medicaid disbursements must be audited at least once every three years. In Texas, this will mean more than 300 inspections annually—a 700 percent increase over the 1967-to-1975 rate. (In New York state, where the audit rate in the 1967-to-1975 period was about as low as Texas', it's been estimated by the state special prosecutor's office for health and social services that at least \$70 million in Medicaid overcharges went unnoticed.)

Circle game

The big nursing home chains have used their wealth—and the power derived from it—to secure greater influence for their institutions.

Since their business is dependent on a steady flow of governmental payments, nursing home operators are attentive to politics and legislation. Through the Nursing Home Administrators Political Action Committee of Texas, which between January, 1975, and November, 1976, received 233 member contributions totaling \$94,288, the long-term care industry has sought political favor in Au-

that would be good for his employers. When Sen. Carl Parker (D-Port Arthur) encouraged his colleagues to give future thought to guaranteeing elderly Texans some financial security, Rich was ecstatic. "I think Senator Parker was on the right track," said Rich, who foresees in such a move a greater bonanza for the nursing home industry.)

The battle over nursing homes may be just beginning. After much prodding by Senator Mengden, the Senate human resources committee will make an interim study on nursing home conditions and list legislative remedies for the 1979 Legislature.

Atty. Gen. John Hill, who has impaneled a 25-member task force to hold hearings on nursing homes over the next eighteen months, has said he will

Ingredients for lousy geriatric care: the concentration of nursing home ownership in the hands of corporate bigtimers, regulatory complacency, and a political establishment closely allied with the state's nursing home operators, generous men come campaign time.

stin and around the state. In 1976 alone, NAPACT contributed \$62,250 to candidates in local, state and national campaigns, according to records on file with the Federal Elections Commission.

Last year, the lobby parceled out \$34,500 to 82 candidates for the Legislature. Of particular concern to NAPACT were the election-day fortunes of a small group of incumbents, including seven state senators, whose names are listed below alongside the contributions they received:

Senator	Amount
Tom Creighton	\$3,500
Bill Moore	\$3,000
Gene Jones	\$2,000
Ron Clower	\$2,000
Bill Braecklein	\$2,000
Jack Ogg	\$2,000
A. R. "Babe" Schwartz	\$1,500

All these men serve on three Senate committees important to Texas' nursing home operators—finance, state affairs, and human resources—as well as the Legislative Budget Board. The finance committee and the LBB approve the state's reimbursement rates for Medicaid. The finance committee's vice chairman is Senator Creighton. (The

bring court action against institutions that fail to live up to their advertising.

On the other side, the nursing home lobby has already stocked its war chest for the upcoming fights. According to information passed on to the *Observer* by Senator Mengden, the Texas lobby, which in 1977 will pay more than \$287,000 in salaries, now has \$145,000 in certificates of deposit for future, high-powered political efforts.

The economic power of the Texas nursing home industry translates into political power. TANH ranked sixth among the state's special-interest groups in political contributions to candidates during 1976.

While this system holds sway, profits for the industry will continue to come first and the care and safety of the elderly second. □

Contributing editor Paul Sweeney lives and freelances in Austin.

LBB's chairman is Lt. Gov. Bill Hobby, who received \$5,500 from NAPACT between 1972 and 1976.) State affairs, which oversees all governmental agencies, including the Department of Public Welfare and the Department of Health Resources, is chaired by Bill Moore, who is in the nursing home business himself. The Sherwood Nursing Home in Bryan—of which Moore is half-owner—has been cited for numerous violations of DPW standards in the last two years.

Of the twelve senators on the human resources committee, the committee with investigatory power over the nursing home industry, seven—including Ron Clower, Bill Braecklein and Gene Jones—received NAPACT contributions totaling \$9,500 for their 1976 campaigns.

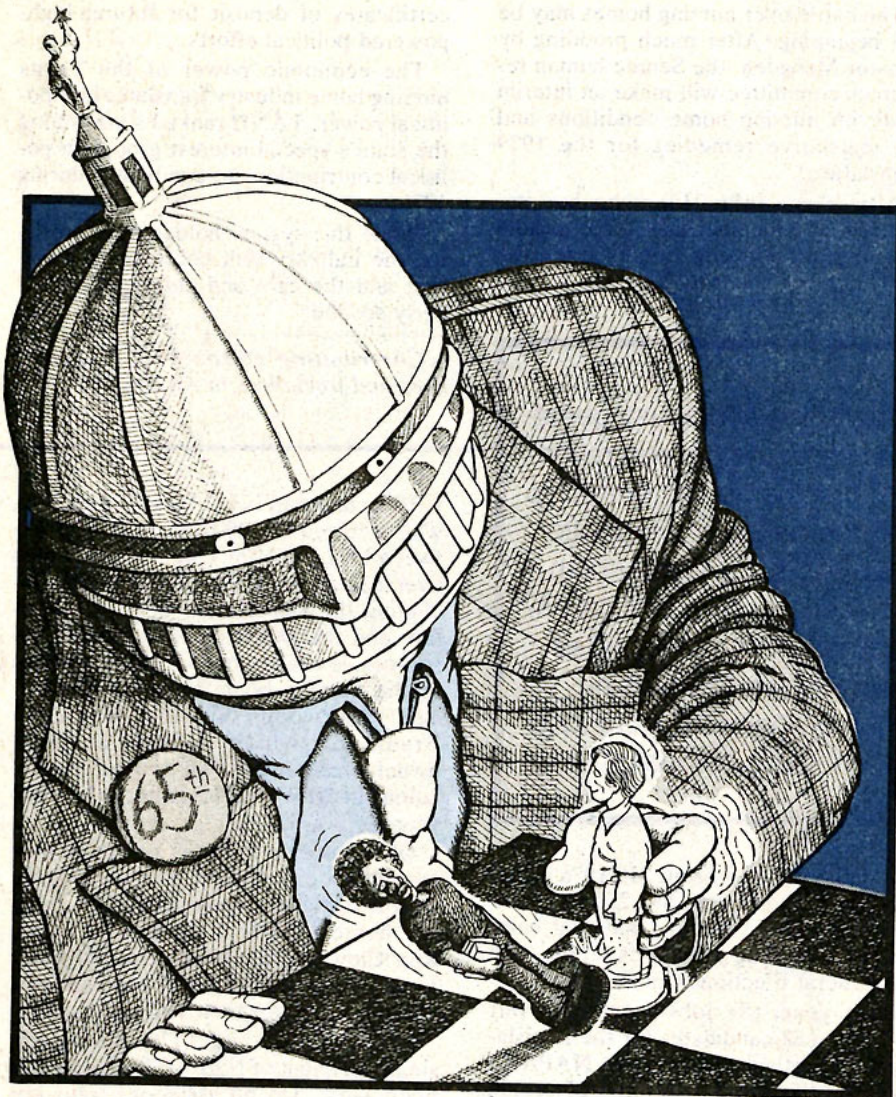
Between 1972 and 1976, the biggest single recipient of NAPACT largesse has been Gov. Dolph Briscoe, who got \$13,000 over the four-year period. Atty. Gen. John Hill, Briscoe's likely opponent in next year's gubernatorial primary, got a \$1,000 NAPACT contribution in 1972.

Last year, the Texas nursing home lobby gave \$10,000 to U.S. Sen Lloyd Bentsen, \$5,000 to Pres. Gerald Ford, \$1,000 to candidate Jimmy Carter, and \$2,000 apiece to Texas congressmen Olin Teague, Omar Burleson and Jake Pickle.

With these contributions, public funds for nursing home care come almost full circle—from taxpayers to the government to nursing home proprietors to NAPACT to politicians. The only ones left out are taxpayers and nursing home patients. □

William Cabin is a former assistant inspector general for the New York state welfare department.

School days—who pays?



By Ken Shepardson

Austin

The Texas Legislature's attitude toward state support of public schools has traditionally been one of grudging tolerance. Somehow all the little buggers have to be taught something, but if there's a cheap way out let's find it. This line of thought runs through the next biennium's school finance bill, the document that—discounting the probability of federal court action—will go a long way to determine how the state's children will be taught and who will teach them. It is significant that such an important piece of legislation (final cost: \$4.4 billion) was shunted aside and allowed to die at the end of the regular session, gaining final approval only after a special session that resembled nothing so much as the creation of a school bus

at a convention of junkyard dealers. That the resulting vehicle moves at all is a wonder. Considering the massive waste of time and money that produced it, the governor and every member of the Legislature ought to be required to live out their days behind the wheel, driving through the ghettos of Dallas, Houston and San Antonio, where the bus will surely stall.

Texas' school financing troubles are not new: the current difficulties began in 1949, when the Legislature set up the Minimum Foundation School program guaranteeing certain basic expenditures for the education of every schoolchild in the state. MFS was a good idea at the time, but the plan has become a great deal less serviceable because of population growth, increasingly complicated questions of taxation and assessment,

and eternal friction between urban and rural school districts.

The MFS program now involves a sort of formula, vastly simplified here, used to compute the share of the school bill paid by local districts (the Local Fund Assignment) and by the state. Or, LFA + state contribution = Minimum Foundation. Everything involved in the 1977 school finance battle revolves around the size of the LFA and, by extension, the size of the state's contribution. The current plan burdens the state with about 55 percent of school costs.

Passage of the final school finance bill entailed endless permutations of the basic formula. A good way to make sense of the political maneuverings is to remember that conservatives with statewide offices (such as Gov. Dolph Briscoe and House Speaker Bill Clayton) have been interested in a no-new-taxes masquerade and want to keep the state contribution as low as possible. Local politicians naturally took a different view—in fact, the opposite one.

Other relevant factors in the muddle are taxation, equalization payments, and land evaluation. The LFA is figured on the property valuation of a school district. A rich district is able to set a proportionately lower tax rate and produce the same local share that a poor district provides. In practice this means districts with high land valuations have better schools, even though in theory every district has the same *minimum* standards for public education.

How to deal with this discrepancy? Equalization payments made by the state to poorer districts (rich districts can put up a larger LFA, and thus need less state aid) hold some promise, as does an across-the-board hike in property valuations (resulting in a greater tax base). This second solution usually generates an argument all its own: should rural land be assessed at market value or at its productive agricultural value, the latter almost invariably lower?

Varying methods for resolving these issues turned up in the sundry school finance bills that wormed their way through the Legislature this year. Wormed is the operative word. Despite the importance of the issues involved,

and the prospect of court action if Texas didn't do a better job of equalizing school district funding, the House dallied for two months on a bill which, when it reached the Senate, was rejected for that chamber's own bill. The impasse led to one of those infamous end-of-session conference committees, an enterprise doomed from the start. The House bill reflected the conservative influence of Speaker Clayton and the Senate measure the somewhat more equality-minded plan of longtime teacher's friend Sen. A. M. Aikin of Paris. On the conference committee were Reps. Tom Massey, Hamp Atkinson, DeWitt Hale, Jim Kaster and Jim Nugent, and Sens. Aikin, Oscar Mauzy, Grant Jones, Chet Brooks and Max Sherman. It may be said that the two sides started far apart on the issues and stayed that way.

With three days left in the regular session, the House delegation tried frantically to come up with a new plan, rejecting a Senate compromise in the meantime. Massey, a Clayton lieutenant, managed to put out a final House proposal eight hours before adjournment.

There wasn't much time left for analysis, but it was clear that in addition to incorporating some minor changes previously agreed to by the conferees, Massey slipped in some substantial changes *not* agreed to. Some may have come from Massey himself, others seemed like the handiwork of the governor's office.

Still, there might have been time for limited discussion, as Senator Mauzy argued. But the House needed quick action and, with the clock running, ramrodding was suddenly in vogue. Some of the alterations (for instance, a reduction in pay for some teachers) might have been acceptable, but what about the big item: a surprise section permitting districts to *assess any tract of open land at agricultural value?*

Speaker Clayton and the House prevailed over the Senate, rich and rural districts over poor and urban. Administrators won, teachers lost, and the state's taxpayers and schoolchildren rarely figured in the reckoning over school finance.

It was as if the United States insisted on a last-minute change in a SALT agreement permitting low-altitude surveillance flights over Moscow. If the assessment option on open land wasn't the low point of Clayton's "leadership," it was at least the sneakiest. And it killed school finance for the regular session.

In the House, Rep. John Bryant of Dallas led an assault on the Massey-inspired conference bill. (Technically, the bill died when members of the House, disgusted or confused, refused to suspend a rule which requires a bill to lay on members' desks two hours before it can be taken up.)

In the Senate, Mauzy announced a filibuster against the bill with only about half an hour until adjournment. He said he'd talk the bill to death as a matter of principle.

Principle or no, the state of Texas looked a little silly having labored in legislative session so long without writing a bill to pay for the education of its children. With no alternative, Governor Briscoe called a special session for mid-July. At a June 30 press conference, Clayton explained the major features of a revised school finance plan, one that he

took to be essentially agreeable to the House, Senate and governor.

The House began public hearings on the bill a week early, while Clayton blamed the Senate for the failure to pass a bill during the regular session. During the hearings the Speaker tried to put the Senate on the defensive again.

In the meantime, the Senate was working out its own compromise bill. Senators Mauzy, Grant Jones, Aikin, Sherman and Brooks met and after some unusually hard work drafted a bill suitable to most of their 26 colleagues. With minor changes, it was introduced as Senate Bill 1 on the first day of the special session.

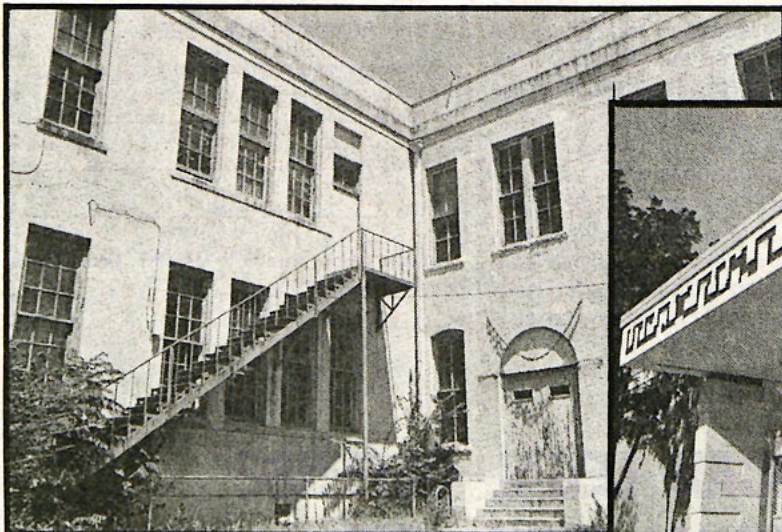
SB 1 would have spent \$210 million on equalization and \$238.6 million on LFA reduction. Most of the equalization payments would have gone to poorer districts, but everyone would have been helped a little, too.

House Bill 1, meanwhile, was introduced across the Capitol corridor. It would have spent \$120 million for equalization and \$310 million for LFA reduction, significantly different figures. So, the special session's line-up: rural vs. urban districts, rich vs. poor.

Everyone wanted to be somewhere else. Nevertheless, the two bills went to respective committees in each chamber.

"Public testimony," a euphemism for intense lobbying, followed. The Texas State Teachers Assn., the Council of Urban Schools, the Texas Assn. of School Administrators, and the Texas Assn. of School Boards were all present, as were representatives from several individual districts, lobbyists for small farmers, special-education groups, property owners, and professional educators. Among the cherished sights was the spectacle of people from TSTA and TASA testifying one day in favor of the Senate bill and the next day in the House in favor of HB 1.

Will van Overbeek



An Equal Opportunity to Learn

Nothing is so important to succeeding in American society as an education. Today, an education means a job, higher earnings, higher status.

For Mexican Americans, an education has a special meaning. It represents a chance to break through the patterns of poverty and deprivation. It is a means by which we can understand our past and shape the present. It is, in the end, our hope for a better future.

Yet the statistics on the educational attainment of Chicanos show that we are not getting our educational entitlement. On a national scale, more than 40 percent of the Chicanos who enter first grade never complete high school. The median number of school years completed by Chicanos is 8.1—lower than any other group in America. In Texas, the number of Chicanos who never complete high school reaches alarming proportions—in some school districts, over 70 percent.

Studies conducted to understand this problem bear out what every student from a Spanish-speaking community already knows: that you can't take Spanish-speaking children, put them in English-speaking schools and expect them to learn and to grow. Chicano students learn the lessons of failure rather than the basic skills necessary to advance educationally. Public schools continue to classify many Chicano children as "educably mentally retarded" because of a failure to recognize and respond to the linguistic needs of Spanish-speaking students. It is little wonder that after nine or ten years of this sort of experience, vast numbers of Chicano students feel that there is no place for them in the schools or in American society generally.

MALDEF's Challenge

The Mexican American Legal Defense and Educational Fund, Inc. (MALDEF), has been fighting to secure an equal opportunity to learn for Chicano children since MALDEF's founding in San Antonio in 1968. Focusing on discrimination against Spanish-

speaking students, MALDEF participated in the California lawsuit, *Lau v. Nichols*, where the U.S. Supreme Court ruled in 1973 that language minority students have the right to "adequate instructional procedures" to enable them to participate meaningfully in public education. Yet the Court specified no



remedy to end discrimination against language minority students.

MALDEF has pressed forward in subsequent cases to secure the best remedy. In 1974, MALDEF won a landmark decision in the New Mexico case, *Serna v. Portales*, where the court held that bilingual/bicultural education was required by law to provide equal educational opportunity to non-English-speaking students. Here the court recognized the sad truth about the experience of Chicano children in today's schools:

—that when Spanish-surnamed children come to school and find that their language and culture are totally rejected and that only English is acceptable, feelings of inadequacy develop;

—that a child withdraws from a school where he finds no evidence of his language and culture; and

—that until a Spanish-speaking student develops a positive self-image, teaching him English as a second language will not be successful.

For these reasons, the court, for the first time in American history, ordered that non-English-speaking students were entitled to some instruction in their native language and culture until their English language skills were sufficiently developed.

A Misunderstood Concept

Yet despite *Serna*, the court struck down the remedy of bilingual education in a recent Colorado case, arguing that Chicano students were not entitled to "an educational experience tailored to their unique cultural and developmental needs." This case underscores the fact that Americans in general, and courts in particular, have misunderstood the goals of bilingual education. It is *not* to preserve ethnic or linguistic separateness. Its aim is to accelerate the integration of non-English-speaking children into the English-speaking schools.

Equal treatment cannot be achieved merely by providing all students with the same facilities, textbooks, teachers and curriculum; for students who do not understand English are in effect denied a meaningful education.

In Texas, and throughout the Southwest, Chicano children are sitting in classrooms, being taught in a language that they do not understand. MALDEF is trying to do something about it. We ask for your help.

MALDEF

501 Petroleum Commerce Building
201 N. St. Mary's Street
San Antonio, Texas 78205

Enclosed is my contribution of \$ _____

Name _____

Address _____

City _____ State _____ Zip _____

Make checks payable to MALDEF. Contributions are tax deductible.

MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND, INC.

While the Senate, as a committee of the whole, was debating its bill, the House education committee tried to decide between Clayton's HB 1 and a newly introduced rival measure. Rep. Ronald Coleman's HB 3 concentrated heavily on equalization instead of LFA reduction and was considered the more liberal of the two bills before the House.

SB 1 fell roughly between the two House bills, and senators were hoping the House would deadlock on its own plans and accept the Senate proposal. (There is some feeling that the House could have passed the Coleman bill with just a little more arm-twisting from the Senate.) The House committee, however, voted out the Clayton proposal with the swing votes of Reps. Wilhelmina Delco and T. H. McDonald. Delco later said she voted for HB 1 because it cost less.

The Senate, meanwhile—and predictably enough—passed SB 1, retaining the emphasis on equalization and aid to poorer districts.

HB 1, out of committee, reached the floor of the House, where it faced eleven hours of attempted amendments.

First, Rep. Luther Jones of El Paso proposed the substitution of the LFA and equalization formulas in the Senate bill for those in HB 1. If Jones' amendment had passed—it didn't—the House bill would have essentially become the Senate bill.

Rep. Carlyle Smith of Dallas then pushed through an amendment requiring school districts to lower property taxes.

The attempts to change the bill kept coming. Dallas' Rep. John Bryant offered an amendment to increase teachers' salaries. Massey moved to table, and his motion passed. Bryant asked for a vote verification; it was obvious that some members had voted for absent colleagues. The tallies were called for both sides, and each ended up having four votes struck. The teachers, whose lobbying organization had already agreed to accept a lower salary increase than they could have gotten (and than they had been given in the bill that died in the regular session), lost out again.

The next and perhaps most crucial motion was one to amend HB 1 by substituting, in toto, HB 3. The amendment was offered by Reps. Coleman, Frank Madla, Ruben Torres and Jones—the "liberals." Coleman, speaking in favor of his amendment, looked up from his text to score the school-district superintendents and administrators who had been calling members off the floor for a little coaching, telling the representatives that HB 1 was okay. The administrators whispered that the bill was a step toward equalization and would keep Texas out of the courts. Coleman reminded his colleagues that suits challenging public school finance plans in other states had been filed

in various federal courts, and HB 1, then technically Committee Substitute Senate Bill 1, would only invite a Texas suit.

Coleman's time ran out, and his request for an extension was met with shouts of "No, no." A record vote was taken, ending in a tie—60 to 60. Speaker Clayton blushed before smiling broadly. He savored the moment a long thirty seconds, then voted "aye."

It was less a noble gesture on Clayton's part than a patronizing indulgence of the opposition. He had the votes he needed no matter how long Coleman held the floor a little longer, but the cause was lost and the actual vote to table his amendment, 95-46, was something of a *coup de grace*.

CSSB 1 (HB 1) was sent to the Senate, where it was referred to the committee of the whole, which had only two choices: to recommend that the Senate concur in the House amendments (i.e., with all of HB 1) or to recommend that the Senate not concur and request a conference committee.

Conference committee! Those two words hung in the chamber like a cloud. A conference committee meant staying around, waiting for the House to give in on something. The aged Senator Aikin, clearly in no mood to wait out the House, moved to recommend concurrence. He had heard from cronies that the

House bill was a good one, and that any technical errors would be seen to. Sen. Carlos Truan wanted to go to conference because he thought the House version didn't do enough for the state's school children. (Remember the children?) He called for better teacher salaries and more equalization, but his colleagues were unmoved. The Senate was ready to quit and voted to recommend concurrence, 23-7. The Senate had passed the House version of the public school finance bill with its final allotments of a puny \$142 million for equalization and \$341 million for LFA reduction—Clayton's original figures; their adoption represented a significant victory by the House over the Senate.

Other winners were the rural districts and richer districts, the superintendents and the administrators. Losers included the "liberals," the taxpayers, the poor districts, and ultimately the children about whom so little was said. The next two years may find some school districts in court. Or we may just have to wait for the 66th Legislature in 1979. More likely, we may have to wait until 1983, and redistricting, until a real difference in Texas school financing is apparent. □

Ken Shepardson served on the staff of the state Senate's education committee this year.



JOHN HENRY FAULK ...

The Texas Legislature, long distinguished for short-sightedness, outdid itself in that department a couple of years ago. It fooled around and made Jake Howard mad. If the legislators had known Jake as well as I do, they would have avoided that kind of mistake, no matter what bait the lobby boys waved at them.

In 1975 they ran a bill through their well-oiled machinery which led directly to the birth of a spanking new breed of cat in the state bureaucracy line, the Texas Municipal Power Agency (*Obs.*, March 11).

The TMPA is a novel sort of public power corporation designed to help the four cities of Greenville, Garland, Bryan and Denton get all the energy they need for years to come. The old "progress" bit, you know.

The Legislature thoughtfully decked the TMPA out in all sorts of flashy new raiment fresh out of the Government Powers Department Store's latest fashion line. TMPA doesn't have to pay taxes. TMPA can go prowling around anywhere in Texas, smell out any location it likes, and set up its energy-

producing shop wherever it pleases. It wasn't given taxing power, but it's got something better: eminent domain—the power to condemn and seize property, whether owners want to sell or not. All in all, it's about the independentest bureaucracy to come over the horizon in quite a spell.

Last year the TMPA decided to locate its first big energy-producing operation, the Gibbons Creek Power Station, down in Grimes County. Never mind that not one of the four cities that would benefit from the proposed power is in Grimes County. Never mind that Grimes County will not get a cent of county taxes from the TMPA, although the county will have thousands of acres of its land taken off its tax rolls. Never mind that Grimes County will not receive a kilowatt of power from the plant.

Never mind any of the other hardships TMPA will visit on Grimes County, where tons and tons of good lignite coal lie beneath fertile rolling ranch lands, just waiting to be stripmined to fuel the TMPA plant. And TMPA allowed as how all it had to do to get water for the plant's steam boilers was dam Gibbons

Creek and draw from the resulting five- or six-thousand-acre lake.

But what neither the TMPA nor the Texas legislators who midwived it into being reckoned with was Jake Howard. Jake Howard's ranch sits on top of all that lignite and free water. Right near TMPA's plant site.

Jake and his parents have spent their lives putting that ranch together. Living on it, working it from daylight till dark, long, sweaty days, and living off what it produces. Working cattle, mending fences, riding tractors, cutting, bailing and hauling hay. Jake cares for his land with the tender concern of a thoughtful lover.

The TMPA announced that it wanted a good part of Jake's land. Jake announced back that he wasn't interested in selling. The TMPA announced they would condemn it and take it anyhow. Jake started getting mad.

Word got around Grimes County that TMPA was not exactly a blessing. There was lots of grumbling and folks began to say unkind things about TMPA. Said something ought to be done.

Soon, the TMPA was about as popular as a tick epidemic, but the consensus

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Letter from Madisonville

among the ranchers and landowners seemed to be that the TMPA, bristling with all its official tax exemptions, eminent-domain powers and financial clout, was unstoppable. The TMPA let it be known that it agreed with this judgment.

Last fall Jake came up here to my place, which is about twenty miles from his ranch. Somebody had told him that I might have some suggestions as to how to hold off TMPA. It was the first that I had heard that anything like the TMPA was running loose in Texas. I was sympathetic with Jake. We agreed that he was going to have to get the Grimes County citizenry together to really get anything worthwhile done.

A couple of weeks later, Jake came by to tell me that they had gotten a meeting together in Anderson, the county seat. He asked if I'd come down and say a word. I went down to the meeting and found a courthouse-room-full of upset ranchers and landowners.

A couple of Jake's neighbors, Russell Butaud and Ray Trant, both working ranchers whose land was threatened by TMPA, had taken their stand with Jake, and wanted a head-on legal confronta-

tion with TMPA. However, that was a little too strong for most of those present. TMPA was too big and powerful to be stopped head-on, they felt. The best they could hope for was to try to persuade the 1977 Legislature to amend TMPA's tax-exempt status and make it pay at least a measly 2 percent tax to the county to ease the burden the power authority would impose on county taxpayers.

Jake and his cohorts didn't buy that. "Ain't no use trying to git that crowd of pussy-footers in the Legislature to do nothing that makes sense. It ain't their nature," he declared. "They're the ones that set up the mischief in the first place. It's going to be up to us to bring it down."

Nevertheless, the group decided to give it a try. They formed the Grimes County Taxpayers Association and sent a delegation to Austin. A futile gesture. Jake's prediction was a bulls-eye.

The TMPA went merrily along with its plans, smiling smugly the while. It didn't need friends in Grimes County. Or at least it acted that way as it went forging ahead.

Then it happened. Jake, all excited,

came up to see me this June. Wayne Baker, a sharp, articulate rancher over in Bedia, took a long look at the TMPA and declared it a menace not only to Grimes County but to our whole system of free enterprise and justice. He had joined with Jake, Russell Butaud and others and pushed through a decision to hire the best lawyers they could find in Texas and go after TMPA's jugular vein: its constitutional right to exist. Forget trying to get the Legislature to reform its offspring.

A week later, the prestigious Houston law firm of Sears and Burns, experts at such litigation, were hired. I went to a meeting at the Grimes County courthouse and watched as more than ten thousand dollars was raised in less than ten minutes from about two dozen nonaffluent but very angry and determined Grimes County ranchers.

I can't say for sure, of course, how the suit is going to come out. I *can* say a couple of other things for sure: TMPA's going to know it's been to court before the case is over, and the Texas Legislature better think a long time before it fools around and makes Jake Howard mad again. □

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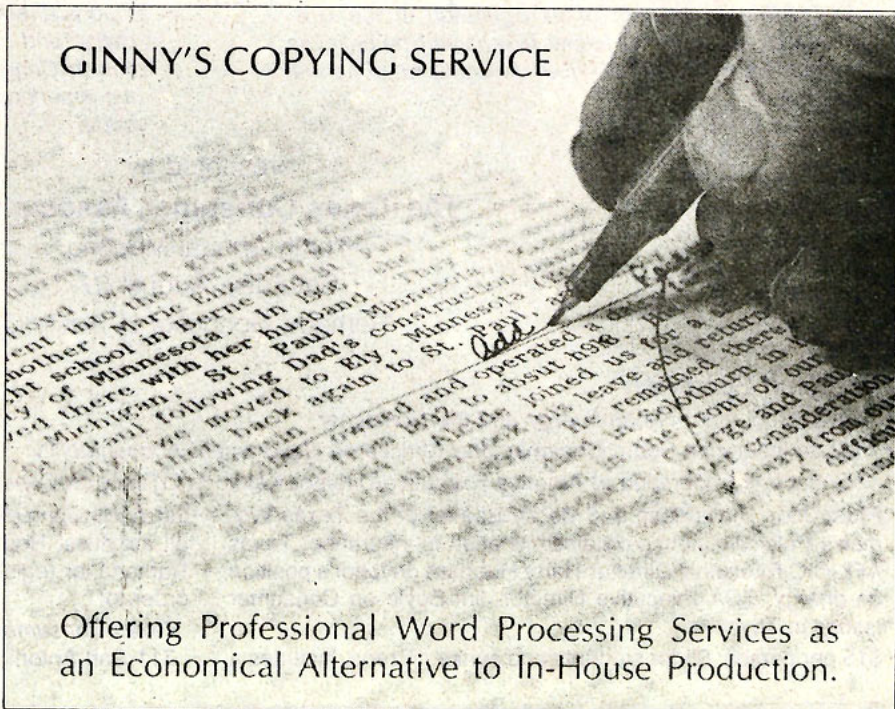
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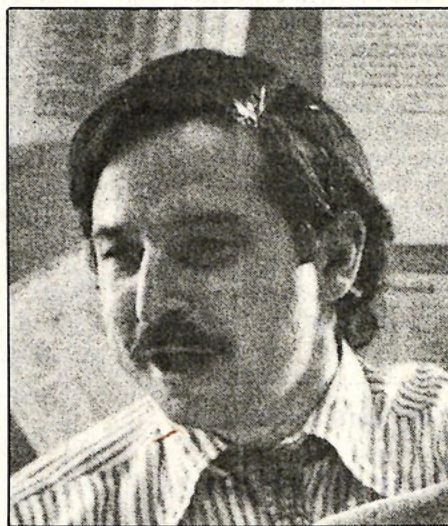
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THE STOLEN STEERS:
A TALE OF THE BIG THICKET

Bill Brett
Texas A&M Press. 116 pages. \$6.75

By Archer Fullingim

Kountze

Bill Brett's Thicket is not my Big Thicket. Mine is the Holy Ghost Thicket, and I feel that it is exclusively mine. Mine is the canopied depths of the Lance Rosier Unit (Big Thicket National Preserve) and the surrounding terrain. Mine is the cool woods where one sits and hears eternal voices, the insects, the birds, the animals, the worms. I don't talk in tongues in my Thicket, but I know the Holy Ghost is with me and the silence and the racket of nature are so beautiful that sometimes I start crying. Sitting all alone in the depths is a religious experience, just as communion with nature has always been a spiritual adventure.

Bill Brett's Thicket in *The Stolen Steers* is in Liberty County, along the Trinity River and its haunting bottoms. Brett understands the Liberty County Thicket, and his understanding shines through in his book.

The plot is simple. The narrator, whose name is never given, is in the bottoms during flood season when he comes upon a herd of cattle, no figure given, but I got the idea it was about thirty. He appropriates the cattle and starts driving them away. Then he takes malaria with its bone-freezing chills and scorching fevers. Two black travelers he meets on the road take care of him and his cattle. Not until the story ends is he able to get away from these people who have saved his life, but he pays them back. I'm not going to tell you how because the story has a surprise ending—a sort of O. Henry ending, but a good ending. You will be both appalled and warmed by what happens to the narrator and how he rewards the black couple.

You will wonder if Bill Brett can write any other way than in the style of this book. His narrator speaks the illiterate but true speech of the uneducated pioneers of the Big Thicket. (While recovering from malaria, he "drug around all day"—that's more expressive than a hundred-word explanation. Brett has applied for residence at J. Frank Dobie's Paisano ranch, where he may learn to write in a different style, but he will not be able to improve on *The Stolen Steers*.)

True Thicket folklore

The creation of the Big Thicket National Preserve and the long fight to get it

approved by Congress have given East Texas writers a field day. In the last ten years, nearly a dozen books have been written about the area described in this book, but Brett's is the first true work of Big Thicket folklore.

As I read *The Stolen Steers* I remembered bits and pieces of true stories. Like the one about the black mother and father in San Jacinto County (the only county in Texas where blacks outnumber whites), who sent all their sons and daughters to college but left land and money to black colleges on their death. And I remembered the cattleman who shipped a train load of cattle from the Junction area in West Texas during the great drouth of 1917; he turned them loose in the Thicket and never saw them again, except in small bunches. Out of 300 head, he finally rounded up 30 fat steers.

The only thing that hit me wrong in *The Stolen Steers* was the tolerance blacks enjoyed. No black people I ever knew in the Thicket ever got off as light as Brett's blacks.

There is violence in *The Stolen Steers* from beginning to end, but the Thicket has been a violent place. Every older person I have known has always believed in his own heart that it's better to take the law in your own hands than to call on the high sheriff, and they have done that. That's why the sheriff has little to do except train bloodhounds and track down escapees from prison.

Stylistic advances

The first publication by Bill Brett was *Well, He Wanted to Know and I Knewed So I Told Him*, printed by hand on a job press by a doctoral student in English at the University of Nebraska four years ago. More of a booklet than a book, it had several short stories, all of them folklore oriented and eagerly read in this area. However, they lacked the stylistic advances seen in this later book. I will admit that I did not think Bill Brett had it in him to write *The Stolen Steers*, so superior is it to his first little book of stories. If Bill improves as much in his next book as he did in his last one, we will have another William A. Owens to applaud.

Speaking of Bill Owens, you will learn more about folklore from his three-page foreword to *The Stolen Steers* than you would in a five-hour course at any university you can name. Read Owens carefully. He knows his folklore—what it is and how it's written.

Just one more thing: I feel that Bill Brett wrote this book out of a sense of gratitude for the creation of the Big

Thicket National Preserve by the Congress. He worked diligently with the Big Thicket Association for the preserve, unlike a few who have published books on the Thicket but never put themselves out in front to save it for the people. □

Archer Fullingim founded *The Kountze News* in 1950 and edited the weekly paper until his retirement in 1975.

BIG THICKET LEGACY

Campbell and Lynn Loughmiller, eds.
Texas Press. 224 pages. \$12.95

By Ralph Yarborough

Austin

Campbell and Lynn Loughmiller, husband and wife, traversed the Big Thicket of East Texas for nine years by canoe and car, camping for extended stays to photograph the exotic plant life at this biological crossroads formed by the convergence of eight ecosystems, the warm Gulf of Mexico air, and sixty inches of annual rainfall. Eventually, the people living in the Thicket's cleared islands became the Loughmillers' chief interest. Having won the confidence of these people, the Loughmillers switched on their tape recorders.

This oral history tells of semiprimitive living conditions in a tangle of dense forest, clinging vines, flowering shrubs and bloom-covered trees interlaced with creeks, sloughs, bayous, rivers and ponds, all of it blessed with a varied population of birds, reptiles and mammals.

This is no book of legends of cruel murders, bloody feuds, nightly visitations of ghosts, wailing banshees or filmy haunts vanishing into the woods, though the Thicket is rich with legends of all of these, ably chronicled in numerous volumes.

Instead, the Loughmillers have caught on tape and set in type the people who created those legends. Most of the score of recorded narrations were given by people in their nineties, people who remember when survival in the Thicket was based on wood, fur and meat. Wild meat was the staff of life: wild deer, razorback hogs, black bear, wild cattle, wild turkeys, ducks, squirrels, quail (no ammunition wasted on such small birds; these were trapped a hundred at a time), geese and fish. The narrations are rich in hunting lore.

To one who grew up in the Neches River watershed, as I did, though upriver from the storied Thicket, the Loughmillers' book is intensely interesting read-

ing. But on one score, the book makes me sad. It is written as though the Thicket would last forever. There is no voice protesting the destruction of the Thicket by the giant, out-of-state lumbering interests that are bulldozing their way through an ecological gem. The debris is chemically burned and the ground poisoned with compounds so that no plant life will grow save the vast stands of plantation pines that feed the pulp paper mills and create a virtual biological desert.

Thicket vandalism

Of the Big Thicket's original 3.5 million acres, something less than 300,000 acres survive, and the cutting and destruction continues today. University presses have printed beautiful art books, legend books, and novels about the Big Thicket, but they seldom take notice of the vandalism that has been going on for decades and which has quickened to a frantic pace as the spoilers and destroyers see the people of the Big Thicket fighting to save a small part of their heritage.

The Big Thicket Association was formed forty years ago, principally by local people, to work for the establishment of a park of more than 300,000 acres, an area just large enough to give future generations a true view of the Big

Thicket. Success seemed possible but World War II intervened. Then came the postwar boom, a rapidly changing economy, and absentee corporate ownership of Thicket timberland. The prospects for a preserve dimmed.

Alarmed at the rate of destruction, the Big Thicket Association was reactivated in the 1960s with some of its original members. Gov. Price Daniel tried to persuade the Texas Legislature to consider a Big Thicket state park, but no House or Senate committee moved so far as an inch on the proposal.

In 1966, a Big Thicket National Park bill was introduced in the U.S. Senate. The timber lobby was so well organized that hearings were delayed until 1970, when the Big Thicket bill finally passed the Senate, but died in the House. Congressman Bob Eckhardt kept the issue alive until Charles Wilson was elected in the U.S. House district that included the Big Thicket and began to push for a park on his own. The Big Thicket Association, less than a thousand strong and with little money, continued to fight some of the strongest economic and political powers in Texas with energy, sacrifice, high intelligence and ever-increasing militancy. Finally, on Oct. 12, 1974, President Ford signed a bill authorizing a Big Thicket National Preserve of 84,550 acres.

'Save the Thicket'

The battle goes on. Only about one-fourth of the area set apart by Congress for preservation has been bought by the Park Service. Cutting continues in those portions of the preserve still in private hands. The lumbermen have shown no mercy, either to the land or the people whose heritage is being destroyed. Meanwhile, the Park Service seems slow to act to those whose plea is "Save the Thicket."

Pete Gunter of North Texas State University's philosophy department has documented the inexcusable extent of the cutting and destruction in *The Big Thicket: a Challenge for Conservation*. Several firms rejected the book before the Jenkins Publishing Co. of Austin printed it. It was an act of great courage for John Jenkins to publish Pete Gunter in the face of threats from powerful economic forces interested in suppressing information about the Thicket. Jenkins is descended from men who fought in the Texas revolution, and the threats ironed his will. The book is in print, and its textual and photographic account of the ravishing of the land is as sorrowful as it is eloquent.

More Big Thicket books are coming off the presses, but one manuscript in particular, a recounting of the long, hard fight to save the Thicket and block the

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destroyers, cries out for a publisher. Written as a Texas A&M dissertation, *Assault on a Wilderness: the Big Thicket of East Texas* earned James Joseph Cozine Jr. his doctorate. If ever printed, it would help the Thicket partisans bring more acres into salvation.

Heroes

Most of the real heroes in the fight to save the Thicket live in or near its piney woods. Any list of those who have worked longest and suffered the most for their efforts would include Maxine Johnston, Geraldine Watson, Mrs. Ethel Hill (99-year-old "Ma Thicket"), Lois Williams Parker, Pete Gunter, Alice Cashen, Houston Thompson, Laura Mitchell, the Rev. E. S. Unger, Mrs. James Talley and the late Lance Rosier.

These and hundreds of other people, the \$5-a-year members of the Big Thicket Association, led primarily by a group of college teachers and librarians, are the hope for preservation. Regrettably, their ranks include no one with ties to any of the large or small fortunes in Texas.

One or two examples will illustrate the type of people who have fought for the Thicket.

Ethel Hill, "Ma Thicket," a member of the Big Thicket Association in the 1930s and again in the 1960s, has been writing newspaper articles advocating Thicket

preservation for more than four decades.

More typical of sacrifices made are those of Geraldine Watson, a Big Thicket native, botanist and naturalist. For fourteen years she has given her time and energy without complaint to answer every call for the cause, lecture, lead field trips, and furnish information to scientists. Members of the Watson family have shared her burden, despite troublesome interruptions in their lives. Geraldine has been harassed by anonymous phone callers and by hunting club (timber company) "wardens" and confronted on public roads and in public places by irate opponents of a Big Thicket park; she has been hurt by former friends who have turned against her after being "talked to" by representatives and employees of the local timber industry. Geraldine Watson has been threatened with arrest if she entered a nature preserve that she personally reclaimed from a garbage dump—all of this because of her dedication to the Big Thicket.

There is no state park in the Thicket, though one is sorely needed. Texas bought and gave the Big Bend National Park to the federal government, more than 700,000 acres. The state did the same thing with 38,304 acres on Padre Island for a national seashore park. As well, the state bought the mineral rights to a 45,171-acre tract and made a dona-

tion of the interest to the U.S. government so that the Guadalupe Mountain National Park could be established in 1966. In the creation of Texas' other national parks and seashores, state-federal cooperation has proved indispensable. In the case of a fourth, the Big Thicket, Austin's position has seemed to be, "If anybody there saves a tree, it is certain it won't be us."

To save what is left of the region that inspired the Loughmiller book we need immediate acquisition of the Big Thicket Preserve by the National Park Service. We need state action to save the Giant Palmetto Unit; a state park on Village Creek; and purchase of several other critical areas left out of the plan for the national preserve. A serious effort to protect what is left of the Thicket is underway, but the Big Thicket Association (headquartered in Saratoga) needs more help and more members (dues are only \$5 a year; see membership blank below.) A reading of the Loughmiller book should convince Texans that the association is worth joining, and the Big Thicket worth saving. □

Ralph Yarborough represented Texas in the United States Senate from 1957 to 1971. He is president of the Big Thicket Association and a practicing lawyer in Austin.

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exactly identical to those expressed in the brochure."

Fred Moore, the former Mobil executive who is a member of both the CBA Foundation board and the UT System College Coordinating Board, is more helpful. He picked up and read aloud—word for word—the ICC booklet, but he also supplied commentary on the text. After reciting that the institute planned to "improve relations between business and . . . government," Moore noted: "There's been a loss of confidence on both sides. Big business has lost confidence in government—certainly, in the government's ability to come up with an energy program." He explained that the private enterprise education division would develop materials and methods for use in secondary schools because, "If you don't teach children something about economics when they're young, they'll never learn it later. Children have to learn early that everything has its price. There are no free lunches."

Perhaps more indicative of what the ICC will do is what it already has done. The institute—and Kozmetsky—played a big part in rushing out the UT-Austin

response to Carter's national energy plan (*Obs.*, June 3). Kozmetsky not only contributed an article to the quickie report, but also accompanied Dolph Briscoe to Washington and, with the help of UT-Austin prof Walt Rostow, drafted the governor's testimony for him, so Briscoe could ignore the report his own energy-advisory committee had prepared. Rostow promises to be an ICC principal in the future: Ruefli says the institute will be working with Lyndon Johnson's former advisor on something that is no less than a complete reformulation of economic theory.

The ICC has another energy-related study to its credit: the 85-page *Horizontal Divestiture of Energy Companies and Alternate Policies*, coauthored by Ruefli, Hossein G. Asarki and Michael P. Kennedy and cofunded by the ICC and the American Petroleum Institute, the semi-official voice of the major oil refiners. (The API was good for a \$70,000 grant, engineered by its president, former UT regent Frank Ikard, a petroleum loyalist who once called opponents of the oil depletion allowance "bomb-throwing liberals.") Not surprisingly, the study confidently concludes that "there is no evidence to support the existence of anticompetitive behavior in the energy

industry." and then goes on to announce that the benefits of horizontal divestiture "appear to be zero since the industry now shows no signs of monopoly." Some of the small businessmen the ICC could best serve—the independent oil producers—will find this a puzzling conclusion, since they must contend daily with the monopoly practices of the giant refiners.

A troubling question: when does scholarship become toadyism? All this bigtime money may not buy academics, but it certainly buys an entrée. And ICC's corporate-founded "studies" boosting big business will have an aura of scholarship and legitimacy that ought not to be for sale at any price. Timothy Ruefli may have put it best. In explaining that the ICC will guide businesses into positive social action, he said, "We'll try to show the payoff in such areas as unemployment and antidiscrimination measures, because remember, these guys are businessmen. They don't do anything unless there's a payoff in it." □

Roger Baker is a freelance writer living in Austin. This is his first appearance in the Observer. Contributing editor Laura Richardson also freelances in Austin.

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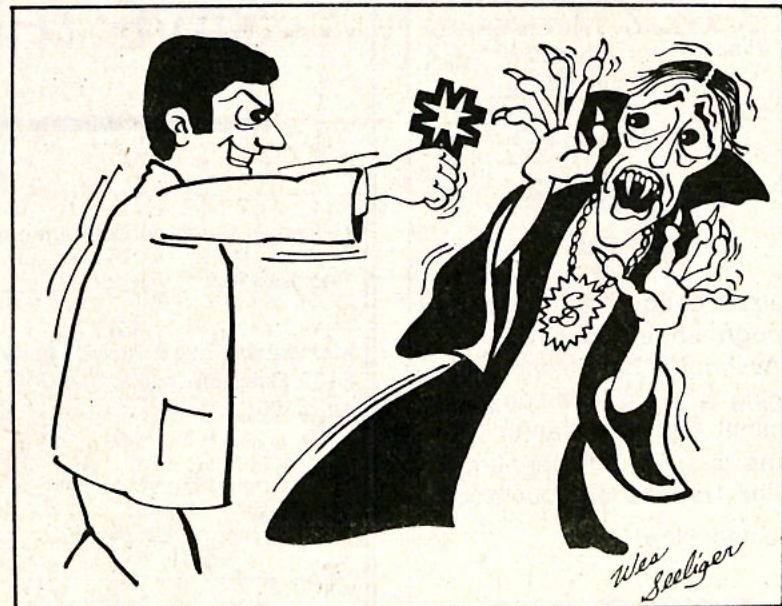
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NEAR FUTURE

By John Gjedde

This calendar is an information service for *Observer* readers. Notices must reach the *Observer* at least three weeks before the event.

Now-Sept. 4 / San Antonio: "The Image of America in Caricature and Cartoon" is a photoduplicate exhibition of political cartoons from the colonial era to the present. First floor, Witte Memorial Museum, 3801 Broadway.

Aug. 12 / Fri. / Austin: Los Papines, the first Cuban band to appear in the United States in fifteen years, combines percussion music, dance and gymnastics at a benefit for the Center for Cuban Studies. 8 p.m., Chaparral Club. Information: Pepi Plowman (512) 458-1244.

Aug. 12 / Fri. / Austin: Moderator Dr. Rex Wier and a panel of University of Texas faculty members discuss energy conser-

vation on "The Next 200 Years." 7:30 p.m., KUT (90.7 MHz).

Aug. 14 / Sun. / Dallas-Fort Worth: The TV series "Realides" takes a look at the Voting Rights Act of 1965 and assays its effect on Spanish-speaking Americans. Channel 13 at noon.

Aug. 16 / Tues. / Houston: Sierra Club meets every third Tuesday of the month. 7:30 p.m., Museum of Natural Science. Information: George Smith (713) 862-1669.

Aug. 17 / Wed. / Austin: *Observer* volunteer night. Aficionados gather for an evening of clipping, filing, typing and square dancing. Refreshments provided; open to all. 7:30 p.m., 600 West 7th St. Information: (512) 477-0746.

Aug. 22 / Mon. / Austin: Southern Africa Liberation Action Committee meets to plan its fall program; the public is invited. 7 p.m., Rosewood-Zaragosa Community Center, 2808 Webberville Rd. Information: (512) 472-9246.

Aug. 26 / All points: Women's Equality Day. National Organization for Women sponsors celebratory activities in Dallas, Fort Worth and Houston. Information: Barbara Duke (512) 476-0510.

Aug. 27 / Sat. / Austin: The Texas Consumer Association's annual convention concentrates on the state's insurance industry and energy issues. Speakers include James Flug, director of Energy Action Education Foundation, Rep. Bob Krueger and Harry Hubbard, Texas AFL-CIO president. Registration is \$15; \$5

for students. 9 a.m.-4 p.m., Ramada Gondolier Hotel. Reservations: Texas Consumer Association, 711 San Antonio, Austin 78701.

Aug. 27 / Sat. / El Paso, Austin, Denton: N.O.W. sponsors money-raising walk-a-thons in support of the Equal Rights Amendment. Organizational meetings August 9 and 18 at 7:30 p.m., Austin Women's Center, 711 San Antonio. Information: (512) 476-0510.

Aug. 27-28 / Sat.-Sun. / Dallas: "Solar Energy in the Southwest '77." Conference presentations include papers on technical, social, economic and legal aspects of solar power. Open to the public. From 8:30 a.m. to 5 p.m. on Saturday; 9:40 a.m. to 11 a.m. Sunday. At the Fairmont Hotel. Information: Bob King (512) 475-5588.

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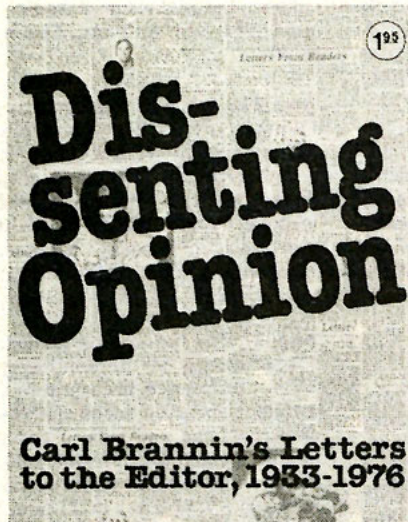
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DIALOGUE



The American Civil Liberties Foundation of Texas is sending free copies of Carl Brannin's *Dissenting Opinion—Letters to the Editor, 1933-1976* and John Henry Faulk's *Fear on Trial* to all Texas college and high school libraries. The mailing totals about 2,000 paperbacks.

The Brannin book has a ten-page foreword by Darwin Payne of the SMU journalism dept. The Faulk book is a complete record of John Henry's famous lawsuit validating the First Amendment rights of broadcasters.

Both books should be in the libraries of civil libertarians.

Judith Time, president, ACLU Dallas affiliate, P.O. Box 12371, Dallas.

Culpable?

I wish to commend Cary Cardwell for his excellent article (*Obs.*, July 1) on the Texas Dept. of Corrections and its lack of response to the medical needs of inmates.

This April, two deaths were reported to our office. Both could have been avoided if adequate medical aid had been given.

The following excerpt from an affidavit concerning one of the deaths was signed by twelve inmates of the Wynne Unit at Huntsville: "On April 19, 1977, at approximately 6:00 a.m., inmate [Franklin] Gunn was returning from the dining room after eating breakfast. He stopped at the A-Hall Picket and informed the officers there as follows: 'I need to go to the hospital or I need one of you to take me to the hospital because I have some pains above my heart.' The

officers apparently found Gunn's statement amusing because they laughed. Officer Ward then told Gunn 'Get your ass up to your cell.' Inmate Gunn arrived back in his cell complaining of chest pains. He went to bed and a while later was heard to be making groaning sounds. He wet himself in bed and lay there vomiting. At approximately 6:30 a.m. inmate Bobby Rogers was heard yelling to the floor man of A2 Block for help. By the time that an officer and inmate nurses arrived, it was too late. Inmate Gunn was dead."

TDC officials of course deny culpability. You may ask, who should be believed? I know who I believe and I write with the hope that others will care enough to help prevent brutality and needless death in TDC facilities.

Pauline Fox Sullivan, administrator, Citizens United for Rehabilitation of Er-rants, 1926 Newning Ave., Austin.

Last frontier

Interesting that your column on working people (May 20) should cross my desk the same day as the following tidbit from a Corpus Christi Industrial Commission promotional pamphlet on the city's labor climate:

Celebrated as "the last frontier of labor willing to work"—and reasonably. Large pool of female labor exists (21,000)—low cost, unskilled, trainable, with dexterity. This is a right-to-work state.

I shudder to think how many minds (male or female) this "promotional literature" has repressed. A body is only as strong as its weakest member.

Shannon Lewis Faircloth, 2001 Bryan Tower, Suite 2700, Dallas.

Correction


In our June 17 article on the Texas Association of Realtors, "The session's worst lobby," Rep. Walt Parker (D-Denton) was incorrectly listed as a recipient of \$4,000 from the realtors' political action fund in 1976. In fact, he received no contribution. It was Sen. Carl Parker (D-Port Arthur) who received the \$4,000 campaign donation. The *Observer* regrets the error and apologizes to Representative Parker.

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