

THE TEXAS OBSERVER

August 19, 1983

A Journal of Free Voices

75¢

MANGES MATTOX MAURO MOBIL MONEY

Sorting It All Out

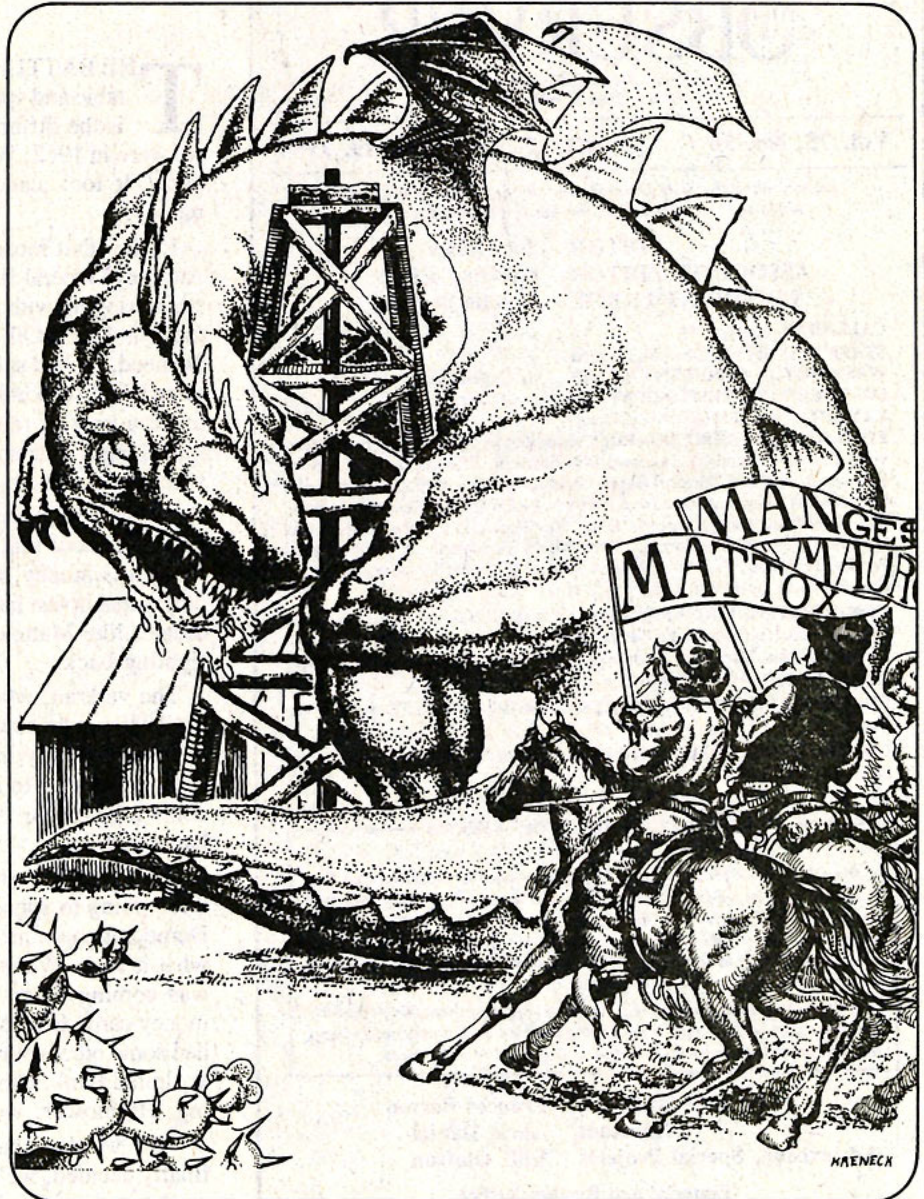
By Geoffrey Rips
and Joe Holley

Austin

“CLINTON MANGES has nothing to do with an illegal lease that was signed in 1925. Clinton Manges has nothing to do with what Mobil Oil owes us. Jim Mattox’s sister doesn’t have anything to do with it. The USFL football team doesn’t have anything to do with it. That judge down in Laredo don’t (*sic*) have anything to do with it. What it has to do with is whether or not they’ve got a lease.”

Land Commissioner Garry Mauro was angry — angry with the way Mobil Oil

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Drawing by Kevin Kreneck

In This Issue:

Feminism and the
Arms Race



Dugger on Dobie,
Bedichek, and Webb

Take The Money And Run?

Austin

THE BATTLE-SCARRED Texas liberal leaned across the table and spoke with deep conviction. "Maloney/Manges is the difference," he said. "Otherwise we'd be where we were in 1962. What we set out to do fifteen years ago, we've done. It took candidates who understood they had to have money."

Earlier that morning we had heard one of those candidates, Attorney General Jim Mattox, zealot's eyes flashing, East Texas twang ringing with a Baptist preacher's passion, call down judgment on Mobil Oil. Maybe a boycott of Mobil products is what we need, he had said; "Give 'em hell, Jim!" his AFL-CIO audience had responded. Afterward we listened as the AG stood midst a knot of reporters and answered questions about Clinton Manges and boycotts and Seattle-First National Bank and whether or not he might be forced to resign.

"What's it all mean?" I asked the veteran. He said he'd been thinking about that and had decided that the key to the whole thing was money, money from Manges and Pat Maloney and others that at last had opened the front door for progressive candidates like Mattox. And now Mobil, he was convinced, was fighting back.

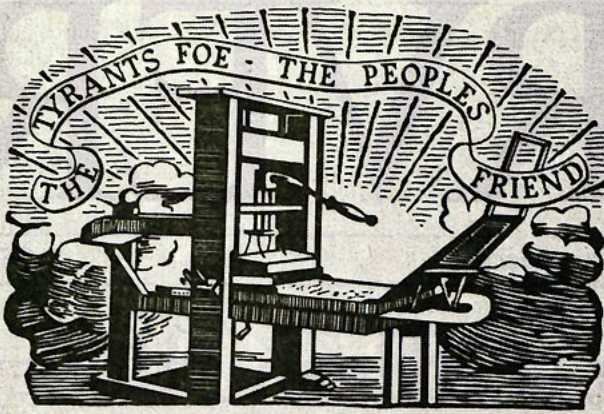
The veteran, who cut his teeth on the Yarborough races in the 1950s, who saw his man Don Yarborough lose a close one to John Connally in 1962, who saw his man John Hill lose an even closer one to a Republican fat cat in 1978, saw it finally come together in 1982. He harbors no illusions about why it happened.

"In the past we never knew what it would cost and how we were going to spend it," he said. "This time all the guys [the Democratic nominees in 1982] had enough experience to know what it took. We still lacked the element of where the money was coming from. For Hightower, Mauro, and Mattox, the money came from Manges and [Billy] Goldberg. Ann Richards had some other sources. Maloney and Goldberg signed the notes at United Bank. Otherwise we'd have Ogg, Snelson, and Harding; Hightower, we probably would have had anyway.

"We've also changed the Supreme Court," he said. "We finally decided, we'll just buy the SOBs; the Trial Lawyers put up the money. It's been good for the people. It's changed the laws so that a guy who sues a company can be heard in court. Finally there's some equity. Because of the economic situation, it's hard to find equity."

About South Texas wheeler-dealer Manges, he said, "Manges has a hatred for the establishment. They're no-good pricks, you can't deal with 'em, and you ought to kick 'em where it hurts when you get a chance. Manges has fought 'em, and he's fought 'em dirty."

"Pat Maloney and Billy Goldberg have changed the complex-



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ion of this state by providing the money to the professionals of this state to put together the candidates who can win.

"Politics is to win," he said. "Somebody's gotta come up with the money. Those of us who fight that battle, we take it where we can get it."

The veteran leaned back in his chair and was silent a moment. He's been in bad health and was obviously tired. In a softer voice he said, almost to himself, "You just gotta know how hard it is to get the money."

He convinced me. Who am I, I was thinking as he talked, to sit on the sidelines sniping at people who are finally getting things done? So what if it takes money, obscene amounts? If you get the money — some way, any way — and if you know what to do with it, then you win. And if you win, you can do something, you get a chance to make some changes. Jim Hightower knows, and so does Jim Mattox and Ann Richards and Garry Mauro.

Real men not only don't eat quiche, I was thinking; real men don't reform. Who has time to reform when the other guys,

the guys who have the money to begin with, will figure out a way to bend the rules, will put their money to work unforming the reforms? What you do instead is fight them on their turf, play by their rules, and you fight to win. And what was it Vince Lombardi said?

Now, two weeks later, I've changed my mind again, reluctantly. It's more fun to be gung-ho, of course. It's more fun to swing for the fences than fiddle with the rules. But recalling all the conversations about campaign finance reform I've had with John Hildreth of Common Cause, I realized once again that we can't go on this way. The money madness endemic to modern American politics is undermining nothing less than democracy itself. We're driving away potentially qualified candidates, we're diverting energy and intelligence from vital issues, we're breeding a cynicism among the electorate that no democratic society can long tolerate. Reform is imperative. John Tower, by the way, said today, he's raised \$4.4 million for next year's re-election bid. He says he'll need seven or eight million.

J.H.

◇ DIALOGUE ◇

UT & MCC

Now that the great robbery of the people's train has brought MCC to Austin, maybe we can at least get rid of some of the fatuous nonsense which rich Texans and their flunkies like to talk.

Let's have no more attacks on activists, militants, radicals, revolutionaries, no more praise of conservatives. The high-tech crowd who staged this heist wants to change the very form and texture of our lives — for their own profit. They aren't conservatives but radical revolutionaries.

Let's have no more praise of free enterprise unhampered by government intervention. The only thing free about this enterprise was the people's property, which UT gave away. Business is now government, and government is business — of, by, and for big businessmen.

Let's hear nothing more about high tech for national defense. Our national defense is not defense of the nation but defense of the nation's rich, the bullying, swag-bellied corporations whose one concern is the accountant's bottom line. Devotees of national security are destroying the nation which the founding fathers founded.

Out at UT, let's hear no more about the liberal arts which educate for freedom. The liberal arts, we're told, teach critical thinking, nourish the roots of our culture, preserve the wisdom of

the race. At UT the liberal arts have been swamped by computer sciences, which teach how to count big money fast. The least spark of critical thinking among UT's decision-makers would have kindled a flame of indignation against the great train robbery.

But UT is, a great man said, the people. Tell that to the poor folks in East Austin, whom the expanding University kicked out of their homes while it was giving twenty acres (with lots of other freebies) to MCC. If the dispossessed people can believe that the people dispossessed them, they can also believe that rich Texans and their flunkies love liberty and equality.

If he loaded his guns with megabucks, today's Texans would give Santa Anna the Alamo and make him Slick Tom Centennial Professor of World Peace.

James Sledd, P.O. Box 5311, Austin, Texas 78763

Hury Disagrees

I enjoyed your June 24th Issue about the Texas Legislature. At two places you make statements concerning the attempt at nursing home reform by the Legislature. You must think it an important topic since it was listed as a significant vote by your publication. You state that the Doggett bill was "much stronger than the Hury bill." It did indeed start out that way. If you could only check the draft that passed, you would find that all "Shall's" were changed to "may's."

Secondly, you state that such reform was of high priority for Doggett as well as Maddox (*sic*). If anyone had checked, you would have seen that S.B. 1414 was filed in May. Does it make sense to place top priority on a bill and file it in the last month of a slow moving session?

I am pleased that the Department of Human Resources and the Department of Health are now implementing HB 2288 by administrative change. It is just a shame that they had this power for so long and refused to exercise it until the Legislature tried to do it for them.

Doggett and Maddox (*sic*) are great statesmen. It would have been nice to have their help in January and February. Perhaps something would have passed.

James F. Hury, Jr., State Representative, Box 2910, Austin, Texas 78769

Reagan Callous

I have just watched the Jessica Savitch program on PBS which shows the unprecedented extremes to which the Reagan Administration has gone to disqualify, from Disability Social Security benefits, thousands of men and women whose physical and mental condition are so grossly abnormal as to render them devoid of any ability to function in any form of employment.

I cannot recall our country ever being this cruel, insensitive, and callous about its poor, its disabled, and its elderly. Why can we not be like we

(Continued on Page 22)

Mobil *(Continued from Page 1)*

and its attorney Thomas McDade of Fulbright & Jaworski are trying the case of the State of Texas vs. Mobil Oil on its "political merits" rather than legal merits, angry with the way the press has, in his opinion, served Mobil's purposes. Flanked by General Land Office attorneys Jim Phillips and Jack Giberson, Mauro made sure the interview in his office with the *Texas Observer* was taped so there would be no misunderstandings about what he was saying.

"It's my opinion," Mauro continued, "that every single time that the newspapers, the grand juries, anybody else, talk about anything else, it's to the detriment of the state. It's going to be very difficult for the state to ever find a jury that will go back and talk about the leases. If they ever talk about the leases, we'll win a substantial settlement for the state of Texas."

Regardless of the outcome, the facts in the case are relatively clearcut. The people and forces surrounding the case, however, present anything but a simple picture. South Texas oilman and rancher Clinton Manges (who did not respond to the *Observer's* request for an interview) may be right when he says the Mobil case involves nothing less than control of the state of Texas. It's the big guys against the little guys, Goliath against David, according to Manges. Though he stands to make millions if the case goes his way, Manges counts himself among the little guys — "smaller than David," he told the *Laredo News*.

What follows is an attempt to examine the personalities and powers that have come into play in the Mobil case. It is a story of big oil and big business, as well as a story of the exercise of new political

power in the state. It is a story with roots in the energy exploitation of the state in the first part of this century and in the latter-day fiefdom of Duval County. It is a story that suggests the beginnings of a full-scale struggle for power and influence in a state that experienced a dramatic shift in the balance of political power as a result of the November 1982 elections.

The story begins with Clinton Manges. After spending at least half a million

dollars researching drilling records, the combative South Texas oilman and rancher was convinced that the terms of decades-old oil leases on land he owned in Duval and Webb Counties had been violated. Early in 1982, he began urging the state to join his efforts to break leases held by both Mobil and Exxon on land he bought in 1971. He had a pretty good case, he told then-Land Commissioner Bob Armstrong, but you all [the state], he insisted, have an absolute case.

1. Mineral Rights

TO UNDERSTAND the case, it is useful to know something about the Relinquishment Act for oil and gas mineral rights. As might be expected, these mineral rights have been a matter of serious contention during the past century of Texas development.

Until 1866, the state retained the mineral rights to all lands deeded in Texas, except for those lands on which the mineral rights were specifically given to the grantee. This was true of lands granted by Spain, Mexico, the Republic of Texas, and by the State of Texas. In the state's Constitution of 1866, however, the state relinquished to the landowner its rights to the minerals. This provision was incorporated in the Constitution of 1876 and was considered retroactive. All land deeded prior to 1876, therefore, carried with it the deed to the mineral rights. The Mineral and Mining Act of 1895 was added to the Texas Civil Statutes, making the owners of land purchased prior to September 1, 1895, the owners of their property's mineral rights, unless the state had expressly reserved those rights.

With this act, the state began expressly reserving those rights on a portion of the land still in the public domain, creating what is called "mineral classified" lands. In 1900, however, Land Commissioner Charles Rogan found this practice to be defective in that very little of the state's land had been so classified, and a great deal of potential mineral land had been sold off as agricultural land without the state's retention of the mineral rights. Rogan's successor, Commissioner John J. Terrell, called the Mining Act of 1895, "an act to authorize persons to rob our public free school fund at their own pleasure."



GARRY MAURO

To begin to rectify the situation, Commissioner Rogan attached a mineral classification to land held in the Trans-Pecos mining district and in the oil-rich coastal plain and set minimum prices for the purchase of surface rights, thereby retaining mineral rights for 7.4 million acres. Rogan's action was written into the law by the Land Sales Act of 1907.

There was good reason for the state to start worrying about its mineral rights. While the 1876 Constitution had provided for the proceeds of half the remaining public domain lands to go to the Permanent School Fund, it was discovered in 1899 that more than half of these lands had been sold. The proceeds from the remaining public lands (some 47 million acres) then were mandated by the Act of February 23, 1900, to go to the Permanent School Fund, including the mineral rights on the remaining acres of mineral classified lands. And these mineral rights were becoming potentially more and more valuable. In 1895, the first important oil-producing field in the state blew in near Corsicana. In 1903 the Batson Field in Hardin County produced the first big return for the Permanent School Fund.



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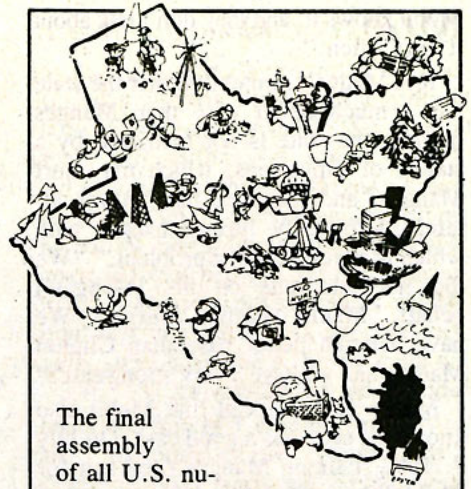
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In 1919, the 36th Legislature passed the Relinquishment Act in order to create a partnership between the surface land owner and the state for oil and gas on lands where the state owned the mineral rights. This act was interpreted by the State Supreme Court in *Green v. Robison* in 1928 to mean the surface owner of mineral-classified lands acts as leasing agent for the state. In return, the owner receives one-half the bonus, one-half the rental, and one-half the royalty from the oil or gas lease. After the surface owner negotiates the lease, it is submitted to the Land Commissioner, who must be satisfied with the terms of the lease, making sure the state is getting true value for the lease. If the Commissioner is satisfied, the lease is then filed.

The mineral-classified lands proved a boon for the school funds. Between

1918 and 1920, the General Land Office issued prospecting permits for oil and gas on 5,393,254 acres. Over a half million acres were under lease by 1926. In 1913, the Permanent School Fund was \$19,377,000, while sixty years later it amounted to \$955,313,665. On May 29, 1931, the Free Royalty Sales and Leasing Act was enacted, eclipsing the Relinquishment Act for the sale of remaining state lands.

The Relinquishment Act, therefore, applied to state lands sold between September 1, 1895, and May 29, 1931. 14,720 acres of the 64,646-acre Mobil oil lease on the Duval County Ranch Co. property, a lease signed on March 3, 1925, by oil companies that became part of Mobil, are Relinquishment Act lands, on which the state owns the mineral rights.



The final assembly of all U.S. nuclear weapons takes place in the Texas Panhandle. Houston has more oil company headquarters than any other city in the world. The whole state reeks of Sunbelt boosters, strident anti-unionists, political hucksters, and new industry and money.

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2. Texas v. Mobil

THE STATE'S case, then, is based on its claims under the Relinquishment Act. According to the attorneys in the Land Office and the Attorney General's Office, the case is close to being airtight in the state's favor.

The facts, as presented by the state, are as follows: In 1925, the Vacuum Oil Company, later to become part of what is now Mobil, signed as oil lease for both publicly-owned and privately-owned lands making up over 64,000 acres. Since there was a law in effect until 1951 that prohibited unitizing, or pooling, state lands and private lands, the lease as written presents a problem for Mobil Oil. If the law prohibiting unitization is ignored for the sake of the lease, then the state is due its share of the royalties on all the production of the remaining 49,000 acres of privately owned land in the lease, a share it has not received. But, if the law is not ignored, the state land has to be treated separately from the private land. The lease, however, contained development clauses which required that after the first seven years of the lease no more than ninety days could elapse after the drilling of one well was completed before a new well was drilled on the lease. Among the records in the abstract Manges spent several hundred thousand dollars to obtain are those allegedly showing that Mobil had not fulfilled the development clauses on the state land.

It is the state's contention that Mobil can't have it both ways. Mobil either owes the state money for royalties from oil production on the entire 64,000 acres or Mobil owes the state for not living up to the development clauses for the state lands taken separately. According to Manges' records, the lease may have lapsed as early as 1932, and so the money owed the state would be considerable. Mobil now pays a one-eighth royalty on its oil lease, as it did in 1925. If it has broken its lease, however, a new lease would require one-fourth royalty under current law. Since all proceeds from the state's mineral-classified lands were designated to go to the Permanent School Fund, the state's school systems stand to be the big winners in any large settlement or judgment. Manges says that, in addition, there were many lapses in drilling on the private land and that he is thus owed money for violations of the lease as well as for being the state's agent on the public lands.

Mobil, on the other hand, disputes the alleged 90-day lapses and says both the state and Manges have ratified the lease in various documents signed over the years. One of these "ratifications" is a letter sent by former Land Commissioner Jerry Sadler, while in office, acknowledging the lease. "But that," says current Commissioner Mauro, "is not legally binding on anybody, and

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Mobil knows it, and they don't talk about it very often."

It is Mauro's contention that the state has a much better case than Manges because the state is not restricted by a statute of limitations, which may hurt Manges, and the state has "never attempted to ratify further leases, with which Manges has got a problem." "We did not intervene on his [Manges'] behalf," Mauro told the *Observer*. "We have a much better case than Clinton Manges and we have a very strong case."

Mauro is convinced that Mobil also knows the state has a good case. On July 7, 1982, Clinton Manges filed suit for \$1.7 billion in Laredo against a group of leaseholders, the largest being Mobil. On August 2, 1982, then-Land Commissioner Bob Armstrong wrote a letter to Attorney General Mark White, requesting that White join the suit on behalf of the state. Later that same month, former UT Board Chairman and old John Connally friend Tom Sealy, representing Mobil, made a settlement offer to the Land Office, saying Mobil would give up oil leases on 6,300 of the state's nearly 15,000 acres.

"I think 1,800 acres of it actually had producing wells," Mauro explained to the *Observer*. "That tells you that they've got a problem when they're actually willing to give us land with producing oil and gas wells on it. That was their opening offer." Mobil replaced Sealy shortly thereafter when he publicly allied himself with Governor Bill Clements' re-election campaign against Mark White.

Meanwhile, Mark White, at the urging of Armstrong, began to investigate the case. During the last days of his term as attorney general, he brought in Pike Powers of Fulbright & Jaworski to try to negotiate a settlement between the state and Mobil, which was by then being represented by Fulbright & Jaworski. When no settlement was reached, White filed suit on behalf of the state on December 31, 1982, his last day in office as attorney general. When he became governor, White appointed Powers and Shannon Ratliff, both members of his campaign staff and both from Fulbright

& Jaworski, as special assistants. On April 5, 1983, White named Thomas McDade, Fulbright & Jaworski counsel in the Mobil case, to the board of the Texas Department of Corrections.

When Land Commissioner Garry Mauro and Attorney General Jim Mattox assumed office in 1983, they also assumed responsibility for the state's case against Mobil. They brought with them an aggressiveness in such matters not seen in their predecessors as well as political ties, which they shared with Armstrong, to Clinton Manges.

3. Clinton Manges



CLINTON MANGES

Pat Maloney, his former attorney, political confidant, and on-again-off-again USFL franchise partner, characterizes him, "Clinton has a Depression-era mentality. He's never forgotten what it's like to go without." Over the years, Manges has operated a sheep ranch, a brokerage firm, a cotton gin, and a bowling alley. In the 1950s, he began making land deals for McAllen financier Vannie Cook, Jr., and Lloyd Bentsen, Sr., and reportedly made a great deal of money for them. Manges took partial payment in modest commissions, but even more valuable to him were opportunities to make deals for himself. "Clinton's a genius," Maloney says, "A trader. He knows how to assess a situation. Nobody knows more about the value of land, oil, and gas than him."

Manges hit it big in 1968, when, representing himself and Cook, he got involved in a dispute among the heirs of M. P. Guerra in Starr County, four brothers and a sister who were fighting over an undivided 72,000-acre Spanish land grant left by their father. Manges dealt with two of the brothers, who offered to sell their share to Cook at \$34 an acre. Cook reportedly felt it was too tangled to mess with. Manges didn't, so he bought out the two Guerras himself. (Cook later charged that Manges had reneged on a deal that would have included Cook in the purchase, an accusation that was not settled until 1982.) The other heirs objected to the deal, but Manges got a district court in Starr County to appoint a receiver — then-state Sen. Jim Bates of Edinburg — to oversee the breakup of the Guerra estate. On March 31, 1969, Manges got the two Guerras who had sold to him to tender a deed to the entire

"**Y**OU CAN SAY good things about Clinton Manges, you can say bad things about Clinton Manges," Garry Mauro told the *Observer*, "but what you've got to say about Clinton Manges is that he's one of the most aggressive landowners in terms of wanting his lands developed for oil and gas purposes. So what he has done is he has aggressively gone back and looked at all his leases, all his geological prospects, and insisted on people developing his land. Fortunately, about a third of his lands are also mineral-classified lands, where we own the mineral rights and he is our agent. So he's been very aggressive in that area for us."

Clinton Manges has been very aggressive, period. Now 60, he grew up poor in Junction and Aransas Pass. As

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ranch. He also assumed control of the First State Bank of Rio Grande City, a bank the Guerras owned.

Manges' efforts to take over the Guerra estate were later challenged in court on the grounds that the assets of an estate in receivership could not be

transferred. Conveniently, a new court and judge appeared on the scene at just this moment. In 1969, a new judicial district comprising Duval, Starr, and Jim Hogg counties was drawn up by the Legislature at the behest of Rep. Oscar Carrillo, a close associate of Duval

County patron George Parr. (Parr and Manges were also associates; see box, p. 7). O. P. Carrillo, Oscar's brother, was elected judge and took office on Jan. 1, 1971.

Judge Carrillo was soon on the board of directors of the Manges-owned bank in Rio Grande City, he was transporting himself in a Cadillac Manges helped him purchase, and he was grazing his cattle on Manges-owned land leased at bargain rates. On Feb. 10, 1971, Judge Carrillo ruled that Manges had rights to 40,000 acres of Guerra land. That same day, Manges used the land as collateral for a loan of \$6.9 million from the Bank of the Southwest. He used that money to gain control of the 100,000-acre Duval County Ranch Co.

Carrillo was removed in 1973 as the judge overseeing the Guerra receivership. Three years later he was impeached and removed from office.* Also in 1976, the state banking commissioner closed the Manges-controlled First State Bank and Trust in Rio Grande City (see *TO*, 11/26/76). Despite his problems — the dispute with the Guerra family, for example, is still in litigation — Manges maintained control of the Guerra land and the Duval County Ranch Co. They remain the cornerstone of his empire.

*One of the many ironies of the Mobil case is that Carrillo was at that time represented by Arthur Mitchell, now Special Counsel in Mattox's office and assigned to the Mobil case. Mitchell was forced to sue Manges, who was paying Carrillo's legal expenses, for his attorney's fee. Mitchell later said Manges does not pay lawyers or creditors until sued.

New Duke of Duval?

WHILE MOST Texans probably recognize the name Clinton Manges from recent stories about the United States Football League, *Observer* readers may remember his appearing as a kind of shadow figure throughout the battles in the last years of the reign of the Duke of Duval.

Manges first showed up on these pages as a contributor of \$15,000 in cash to the gubernatorial campaign of Dolph Briscoe in 1972. He reportedly drove up to Briscoe's ranch foreman in Uvalde, handed him the money, and drove off. Briscoe never reported the contribution, and, when it was being investigated two years later, Briscoe contended that he had been trying to give the money back but had had a hard time locating Manges. During that investigation, Bob Bullock — between stints as Secretary of State and State Comptroller — acted as Manges' attorney, a role he played off and on for Manges since the 1950s when Bullock began practice as an attorney in McAllen.

But it was Manges' somewhat elusive role in the war between the Parrs and the Carrillos in 1974 and 1975 that first catapulted him into political prominence. In the April 25, 1975 *Observer*, Kay Northcott reported that state Rep. Oscar Carrillo formally announced the split between the Carrillos and the Parrs in a March 1974 press conference, during which he accused George Parr of forming an alliance with Manges and Coastal States' Oscar Wyatt, Jr. Parr responded: "Don't give crows wings because they'll pick your eyes out." Nevertheless, it was a fact that Manges had put up \$250,000 in bail bonds and court costs to keep George (convicted of income tax evasion and perjury) and nephew Archer Parr (convicted of lying to a federal grand jury) out of jail in 1974. While county judge, Archer

Parr had approved a 75% tax reduction on Manges' Duval County Ranch Co. property.

At the same time, however, Manges seemed also to be sidling up to the Carrillos. When State District Judge O. P. Carrillo ordered the dismissal of County Judge Archer Parr and staged a purge of the Benavides School Board, he replaced board president M. K. Bercaw, a Parr man, with Morris Ashby, executive vice president of Manges' Duval County Ranch. George Parr later said that Manges wanted Bercaw dismissed because Bercaw would not raise the salary of the Freer football coach. Apparently Manges' enthusiasm for football (his son played on the Freer team) was a complicating factor in his political life a decade before the negotiations among Manges' South Texas Sports, Inc., the USFL, and the City of San Antonio.

By March 25, 1975, George Parr had come to believe that Manges was allied with those working against him. At a press conference less than a week before his suicide, Parr stated that he believed Manges had directed the Carrillos in their opposition to the Parrs. He also claimed that there had been a connection between Manges and Diamond Jim Bates, the special prosecutor for the grand jury that had indicted Archer Parr. When the convicted Archer Parr was brought before a grand jury later that summer in Hebronville in a civil suit brought to remove Parr from office, Jose F. Nichols, foreman of Manges' ranch, served as grand jury foreman.

In his March 25, 1975, press conference, George Parr speculated that Manges would no more be able to take over Duval County "than I can go have wings and fly to heaven." But it may have been from the ashes of the Parr-Carrillo battles that Clinton Manges, like a phoenix, took flight. □

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4. The Mobil Response

“CLINTON [MANGES] was a convenient complainant,” attorney Pat Maloney told the *Observer* in a discussion about the Mobil case. “It’s an open secret they [the big oil companies] violated their leases forever. It’s an old and sick pattern. . . . We could go after lease after lease, but Manges had one million bucks to develop the case.” (Maloney has withdrawn from the case, claiming the issues are so clearcut that it’s not a challenge to him. His son and daughter-in-law, Michael and Marynell Maloney, as well as McAllen attorney Morris Atlas, now represent Manges in the case.)

Both Manges and Mattox, as well as Garry Mauro, insist that Mobil knows it doesn’t have a case and that the giant corporation is, therefore, trying the case in the media, not in the courtroom. “You have to understand this,” Mauro explained. “Mobil has never attempted to handle this as a legal case. They have politicized this from the word ‘Go.’ ” “Mobil’s whole scheme is to delay their lawsuit,” Mattox told the *Observer*. “McDade knows this case will be settled at the appellate level, and he says he can’t get a fair trial in the appeals court or at the Supreme Court, so he’s using delaying tactics.”

What Mattox calls “delaying tactics” involve the following:

- Fulbright & Jaworski, representing Mobil, has accused Mattox of threatening the firm’s bond business;

- A Travis County grand jury is continuing inquiries into the reported threats as well as into accusations of improper connections between Mattox’s campaign for attorney general and bank loans to relatives;

- Mobil is trying to have state District Judge Ruben Garcia of Laredo removed from handling the case by charging that he has ties to Manges.

It was Mobil attorney McDade who accused Mattox of threatening Fulbright & Jaworski’s governmental bond business. Fulbright & Jaworski is one of a handful of law firms in the state authorized to assist taxing authorities in issuing bonds. Although it’s a simple process — so simple, in fact, the state of

Texas is considering taking over the process as a public service — it’s also very lucrative. (Pat Maloney termed the bond business “a legal bonanza. A competent legal secretary could do it.”) At the time of the alleged Mattox threat, the largest bond issue being handled by the Fulbright firm that was awaiting the attorney general’s approval was \$329.8 million in bonds for a lignite plant to be constructed by the Lower Colorado River Authority. At the approximate time that McDade says the threats were made, the firm was also bond counsel for the cities of Midland, Bedford, Plano, Terrell, and Stephenville; for school districts in New Braunfels, Crockett County, Rockwall, and Oakwood; and for the counties of Comal, Lavaca, Liberty, and Webb.

McDade said Mattox threatened him because McDade wanted to question Mattox’s sister, Janice Mattox, about a loan from Seattle-First National Bank. He said Mattox threatened to delay the LCRA bond sale, but that the threat was dropped after he went to Austin to speak with Mattox’s general counsel Arthur Mitchell and agreed to allow another lawyer representing Mobil to question Janice Mattox.

Mattox has denied making the threat and has told the *Observer* he hopes McDade taped the telephone conversation in question because it will show that McDade actually threatened him. He



does admit to telling McDade he’s keeping Fulbright & Jaworski’s bond business under close scrutiny.

Mattox and his attorney Mitchell also contend that McDade never came to Austin to speak with Mitchell about the threat. A lawyer with Fulbright & Jaworski also told the *Fort Worth Star-Telegram* that the meeting never took place.

Mattox told the *Observer* he thinks McDade is afraid of losing his client and that the tactics McDade has employed are his alone, not necessarily Mobil’s. Mauro told the *Observer*, “Just for the record . . . I think a good part of McDade’s timing on this lawsuit appearing in the press was because he was trying to get control of the case internally in the Mobil workings. There’s no doubt in my mind that right now McDade is not the lead attorney for Mobil. John Camp is. What he wanted to do was become the lead attorney again. The best way to do that successfully was to try the case in the newspapers.”

5. A Word About Mobil

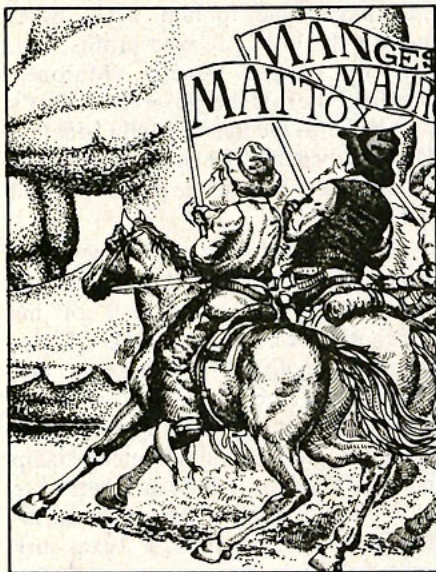
PERHAPS MAURO and Mattox are right; perhaps we are watching McDade’s strategy, not Mobil’s; nevertheless, such tactics wouldn’t be out of character for Mobil, maybe the most aggressive and most public-opinion-oriented of big oil’s Seven Sisters.

One reason for Mobil’s aggressive tendencies is its traditional oil voraciousness. With the breakup of the Rockefeller Standard Oil, Standard Oil Company of New York (Socony) — Mobil’s first incarnation — found itself with a large overseas market but with limited crude oil reserves, based as it was in New York. In December, 1925, shortly after the Magnolia Petroleum Com-

pany of Texas had bought the Corsicana Petroleum Company, Socony purchased Magnolia. In 1931, Socony merged with Vacuum Oil Company to form Socony-Mobil, with Magnolia as an affiliate. Socony-Vacuum later became Socony-Mobil, then Mobil. It was Vacuum Oil Company that in 1925 signed the original oil lease with the Duval County Ranch Co.

Oil hunger, however, is not the only manifestation of Mobil’s aggressive nature. In the last five years, Mobil has poured over \$20 million per year into a public relations campaign to promote its own interests while couching those interests in terms purporting to defend the

American way of life. Under the direction of Herbert Schmertz, Vice President for Public Affairs (and formerly a fundraiser and campaign director for Bobby and Teddy Kennedy), Mobil runs a series of pieces on the Op-Ed pages of the *New York Times* and *Washington Post* and sponsors numerous arts and educational television programs in an effort to establish credibility with the country's opinion-shapers. Many of the Mobil ads are written as if the oil industry is besieged by vaguely unAmerican elements. "We say the threat against the industry and the capitalist system is a real thing . . .," Mobil President William P. Tavoulares insists. "We've gotta get up and step up and defend ourselves." (in James McGovern's *The Oil Game*) "Through the 1960s and right to this day," Herbert Schmertz has been quoted as saying, "a strong undercurrent of antibusiness sentiment has made it difficult for corporations to get a fair hearing in the forum of national debate. . . ."



Mobil's contribution to the national debate on Feb. 25, 1973, was an ad blaming environmentalists for the oil shortage; an ad the following July 9 blamed politicians who advocated regulation of offshore drilling. Later that year a Mobil ad blamed anti-pollution devices.

In 1979, Mobil began a campaign against the windfall profits tax, prompting President Jimmy Carter to call Mobil "perhaps the most irresponsible company in America." On March 28, 1980, Carter charged Mobil with violating voluntary price guidelines by \$45 million. Calling Carter's allegations "politically motivated," Mobil responded: "We oppose retroactive rule changes which put companies in violation, particularly when they are applied selectively against companies that speak out."

That year Mobil netted a 63% increase in profits with \$3,278,000,000 in net revenues. As the nation's third largest industrial corporation (behind Exxon and General Motors), Mobil was receiving a 20.8% return on equity with annual sales of more than \$44 billion by the end of the 1970s. Its holdings include extensive coal and uranium properties as well as

Montgomery Ward and the Container Corp. of America. (Perhaps Mobil's sheer size prompted attorney McDade's remark to a reporter that, to Mobil, the Texas case "ain't no big deal." And perhaps Mattox's off-the-cuff call for a consumer boycott of Mobil products would hardly produce a ripple in the Mobil corporate hide.)

6. The Seattle Connection

MOBIL'S — or McDADE'S — other well-publicized allegation against Attorney General Mattox involves Seattle First National Bank, the bank that loaned Manges about \$40 million. The allegation is that Mattox met Y. C. Chao, a loan officer with the Seattle bank, at a party on Manges' ranch, and that on May 25, eleven days before the June 5 Democratic primary runoff election, Mattox's sister Janice L. Mattox, a Dallas attorney, and Jerry S. Mattox, the AG's brother, obtained a one-year unsecured loan of \$125,000 from the Seattle bank. Five days later, on June 1, Mattox lent his campaign \$125,000. On Nov. 18, the Mattox campaign used \$133,797.57 from campaign contributions he had collected by then "to repay personal loans from JM" — in the amount of \$125,000 plus interest. The next day, Nov. 19, Janice L. Mattox paid off by wire her \$125,000 loan from Seattle-First. A source familiar with the transaction told the *Dallas Morning News*, the newspaper that broke the story, that Janice Mattox paid off the loan six months ahead of schedule.

Mattox claims that the timing of the loans was coincidental and that none of the money borrowed by his brother and sister went into his campaign. He told the *Observer* that Seattle-First National Bank was eager to get into the oil and gas market in the Southwest and that the loan to his brother and sister was only one of many the bank made in Texas. He said the repayment of interest was the same because he asked his brother and sister what interest they were paying on the Seattle loan, so he wouldn't have to figure interest on his own loan.

If the Travis County grand jury doesn't buy Mattox's story and concludes that his campaign finance reports were incorrect, Mattox is potentially liable for a Class C misdemeanor, punishable by a fine of up to \$200. Anyone convicted of submitting false information under oath in a cam-

paign finance statement also is subject to a fine ranging up to \$2,000 and jail time ranging up to a maximum of one year. Mattox told the *Observer* he's convinced he did nothing wrong but that any time a grand jury gets involved, it's cause for concern. (Meanwhile, an unreported \$500,000 loan Mark White received and repaid in 1982 has not attracted the grand jury's scrutiny. White has said the loan was personal and did not figure into his campaign financing.)

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7. Who Is To Judge?

MOBIL IS ALSO seeking to disqualify the judge scheduled to hear the state's case against Mobil — state District Judge Ruben Garcia of Laredo. Mobil contends that Garcia should be disqualified, “recused,” because of political favors and other considerations he has received from Manges and attorney Pat Maloney. Calling the case, “a scheme by Manges to utilize the forum of Judge Ruben Garcia to unjustly extract money and property from Mobil Oil Co.,” attorneys for Mobil asked Mattox to join them in asking for the recusal of Judge Garcia. When Mattox refused, Mobil added to its reasons for recusal the fact that Mattox and Garcia had met privately on Manges’ ranch early this year. Mattox told the *Observer* that he and Garcia had a talk but did not discuss the case. “Tell me when a judge can’t talk to an attorney general,” said Maloney.

Last year Garcia received \$3,351 in campaign assistance from the Manges-financed political action committee, Texans for Good Government, then administered by Maloney. Maloney, along with state Senators Hector Uribe and Oscar Mauzy, also represented Garcia after the judge was indicted on four counts of official misconduct in Dimmitt and Travis counties. The charges of padding expenses through travel vouchers were dismissed after a key witness, an aide to the judge, failed to appear in court. Garcia was innocent, Maloney told the *Observer*. “He’s paying the price of defeating the establishment [Judge E. James Kazen],” Maloney said.

Judge Garcia has admitted knowing Manges casually for several years and says he accepted contributions from Manges for the 1982 primary. The *San Antonio Light*, in its six-part series last year on Clinton Manges, also noted that Judge Garcia in 1980 twice signed orders prohibiting efforts to collect judgments against Manges.

In July 1980, Judge Garcia prohibited Astra Bar, an equipment company, from taking action to collect on a \$700,000 debt judgment rendered against Manges in 1978 by a Gonzales County court. An appeals court had affirmed the judgment, and in June 1980, the state Supreme Court also upheld it. Despite the court order and despite the fact that his judicial

district does not include Gonzales County, Judge Garcia enjoined the sheriff’s sale on Manges’ property.



Garcia told the *Light* that Manges’ attorney, Royal Adams of San Antonio, had misled him about his authority to issue the order. He also told the *Light* he did not know Adams personally and had never had the attorney or Clinton Manges before him in a trial. Garcia could not explain to the *Light*, however, why attorney Adams chose him to sign the order instead of hundreds of other district judges around the state. When Garcia’s order blocking Astra’s collection effort was appealed to the 13th Court of Civil Appeals in Corpus Christi, the justices issued a sharp rebuke, warning Garcia to “honor our holdings” and “no longer interfere” in execution of the court judgment.

Garcia has insisted he can preside fairly over the Mobil case. The motions for Garcia’s recusal will be heard on October 17.

JUDGES HAVE been of prime concern to Clinton Manges for some years now. Not only has he sought to develop a relationship with O. P. Carrillo and Ruben Garcia and other South Texas judges past and present, but he also contributed heavily to judicial races in last year’s elections. When he went to Pat Maloney with \$2.5 million he wanted to spend on campaigns, the two men decided to target half that amount for judicial races. Money went to a dozen San Antonio candidates, including former criminal district Judge Preston Dial, who won a seat on the Fourth Court of Appeals, which hears many cases involving

Manges.

Manges and Maloney say their aim is to return to “the common man” control of what they perceive as the state’s autocratic, business-controlled government and judicial system. “I’m for the people,” Manges told the *Fort Worth Star-Telegram*. “I’m tired of the same people controlling everything. You can’t get a fair trial in this state.”

Maloney insists that he and Manges are only using their money for the same ends the large legal firms have for years been using theirs through corporate contributions. “You know who’s complaining now are the vested interests, the corporate interests, the insurance interests, who for the first time haven’t controlled the courts,” he told the *San Antonio Light*.

Maloney, who conducts his business in an elegant turn-of-the-century San Antonio bank building, beautifully restored by the late architect O’Neil Ford, cheerfully admits that more sympathetic judges mean more money for him. Yet he insists that it’s the little guy who profits, too. “If the people benefit, Maloney benefits,” he told the *Observer*. “That’s a lot better to me than if Mobil benefits, Maloney benefits. I handle terribly important cases. Me and the people go hand in hand.”

The source of most of Maloney’s income has been his handling of personal injury lawsuits. On a wall of his Longhorn Room, among the UT Longhorn and political memorabilia that decorate this club-like setting on the top floor of the Maloney building, is a plaque acknowledging Maloney’s membership in a legal fraternity whose members have all won million-dollar-plus personal injury judgments. In 1978, a Texas jury catapulted Maloney to the top of the Inner Circle of Advocates when it awarded a record \$26.7 million to a young man and three other people crippled in the explosion of a butane tank truck outside Eagle Pass. Knowing that the record judgment would likely be struck down by traditionally conservative state appeals courts, Maloney eventually settled with the defendant for much less.

A case he lost on appeal that same year increased Maloney’s interest in judicial politics. The Fourth Court of Civil Appeals in San Antonio set aside a \$3 million slander judgment Maloney had won on behalf of fired Southwestern Bell Telephone Company executive James Ashley and the widow of Southwestern Bell’s Texas chief, T. O. Gravitt. (see *TO* 4/8/77.) The justices also dismissed the case so that it could not be retried.

What irked Maloney was that the state's appeals courts, traditionally composed of older men from establishment law firms representing corporate business interests, were taking money out of his — and his clients' — pockets. He also realized that the defense-oriented civil firms, from which the judiciary traditionally came, had for years contributed large amounts of money to judicial candidates representing their philosophies. Maloney was one of the first plaintiff's attorneys to realize the tenor of the court could be altered through the ballot box. "When Clinton came with that money," he told the *Observer*, "I never had so much fun in my life. I was like a kid in a candy store. I love for a judge to know that there'll be a day [when he or she must stand for re-election]."

Even before Manges got involved in the judicial elections of 1982, Maloney and other plaintiff's lawyers, primarily members of the Texas Trial Lawyers Association, had been working to elect judicial candidates with fewer corporate ties and a more liberal interpretation of personal injury law. (Although the Trial Lawyers Association political action committee — Lawyers Involved for Texas — contributes money to state legislative races and not to judicial races, individual members of the association contribute to judicial campaigns.) Since Dec. 1, 1978, six justices have been elected to the Supreme Court — all with support from many of the state's trial lawyers.

In last year's election, two of the three candidates backed by Manges and Maloney for state Supreme Court justice were elected, although one, William Kilgarlin, returned the \$25,000 he received from the Manges/Maloney political action committee. Kilgarlin did accept more than \$30,000 in contributions from Maloney himself. Ted Robertson, also elected to the court in 1982,

*In the long-running dispute between Manges and the M. P. Guerra family, Austin's McGinnis, Lochridge, & Kilgore law firm, representing the Guerra family, requested that Kilgarlin and Robertson remove themselves from hearing the suit. The motion came after the Supreme Court reversed a trial court decision that awarded the Guerra family \$882,608 in damages. The high court reduced the award to \$805,000 and gave Manges control over the mineral leases in question. Lloyd Lochridge contended that the two men had accepted too much campaign money from Manges or his associates. Both justices refused to remove themselves. Kilgarlin pointed out that he had returned the Manges contribution; Robertson said that even though Manges had contributed more than a third of his campaign money, his vote was not for sale.

received \$120,452 from the Manges committee.*

The beneficiaries of the Supreme Court change, according to progressive politicians and trial lawyers, are the "little people," who finally are getting their day in court against the big insurance companies and banks, represented by large corporate law firms. Corporate

observers, however, say the court's shift is merely driving up insurance rates and business costs that eventually are borne by the consumer. With former Attorney General John Hill, a former president of the Texas Trial Lawyers Association, planning a race for chief justice next year, the court could become even more progressive.

The Other Side of the Coin

IN THE MIDST of the clamor surrounding the Manges-Maloney interest in recent state judicial elections, it should not be forgotten that most of the powerful political and corporate interests in the state were involved, as they have always been, in the campaign finances of judicial candidates.

Republican Will Garwood, who was defeated by C. L. Ray in a 1980 race for a Supreme Court seat, received considerable financial support from the likes of Ed Clark, Allen Shivers, Tom Sealy's Stubbleman, McRae, Sealy, Laughlin firm of Midland, and from the Vinson, Elkins law firm.

Incumbent Justice James G. Denton, who defeated William Kilgarlin in the 1982 Democratic primary but died prior to the general election, benefited from campaign funds totaling over \$1 million. A large number of contributors were corporate law

firms, their individual members, or their political action committees. These included Baker & Botts, Vinson & Elkins, Fulbright & Jaworski. In addition, the political action committees for the King Ranch, Valero Energy, Central Power and Lighting, and Texas Utilities made sizeable contributions. McGinnis, Lochridge, and Kilgore of Austin, which is asking Justices Kilgarlin and Robertson to remove themselves from a Manges suit the law firm is contesting, made a large contribution to the Denton campaign, as did Stubbleman, McRae.

It should also be noted that the Southwest Public Affairs Committee (a Fulbright, Jaworski PAC) joined Manges and Maloney on the contributors list for Justices Kilgarlin and Robertson, as well as for Attorney General Mattox. Texas Central Committee (another Fulbright, Jaworski PAC) contributed \$10,000 to Mark White's campaign. □

8. A Money Matter

JUDICIAL CANDIDATES, of course, weren't the only ones to benefit from the largesse of the Manges-Maloney connection. Jim Mattox received \$100,000 but returned \$50,000; Garry Mauro, \$65,000; Comptroller Bob Bullock, \$30,300 in cash, \$1,500 for campaign office space, and a guarantee on a \$95,000 loan; Jim Hightower, \$27,500. Democratic gubernatorial candidate Buddy Temple, before he pulled out of the race, received \$50,000 from Manges-Maloney, which he returned. Temple's opponent, Bob Armstrong, received more than \$350,000 from Manges — and much heat from the public.

Armstrong admits that he had misgivings about taking such a large amount, but at the time, needing two rounds of television advertising at \$175,000 a round, he felt he had no choice. "We just took a deep breath and took it," he told the *Austin American-Statesman's* Dave McNeely recently. "This points up the need for public financing. You shouldn't have to make that kind of decision."

Garry Mauro, Armstrong's successor in the land office, also admits to some misgivings about the \$65,000 Manges gave him. (Manges also gave \$50,000 to Mauro's Democratic primary opponent, former state Senator Pete Snelson.) "If I thought there would be these kinds of

questions raised, I would have never taken the money," he told the *Observer*.

Mauro bristles, however, at any suggestion that Manges' money might influence his decisions. "When I spend \$1 million to get elected," he said, "\$60,000 doesn't get you anything except a return phone call. That's just not that much money. . . . Clinton Manges is not my largest contributor; he's in the top ten."

The money helped, nevertheless. It helped Mauro, it helped Bullock, it helped Mattox. It helped the Supreme Court candidates. John Rogers, a laborer in the liberal trenches for more than two decades, insists that Pat Maloney, using Clinton Manges' money, and Houston liberal stalwart Billy Goldberg have between them changed the face of Texas politics. Without them, he says, Texas liberals would be right back where they were in 1962, the year John Connally defeated liberal Don Yarborough in the Democrats' race for the gubernatorial nomination.

Along with Clinton Manges, Rogers also believes that the entrenched Texas establishment — banking, oil, insurance interests, and the big law firms — is fighting back, and that the Mobil case is the first battle of what may be a protracted war. Mattox was the first target, he believes, partly because his combative, shoot-from-the-hip approach to things made him most vulnerable. With rumors floating around of about questionable connections between the land office and the Krueger senatorial campaign, Garry Mauro may be next. It's also an effort, some believe, to deliver a message to the state Supreme Court.

"The difference for the oil companies with Mattox and Mauro," Pat Maloney

told the *Observer*, "is that now they have to walk in the front door and that's a terribly frightening experience to them. Before they didn't have to try a lawsuit on its merits. This would not have happened if Mattox had not been there or Mauro."

Mattox, calling himself "the people's lawyer," has been battling high utility rates and industrial pollution. He has looked into nuclear power plant regulation and efforts to locate radioactive waste in Texas. He asked the legislature to grant him wide-ranging powers to pursue antitrust cases and says he plans to look closely at the bond business. Mattox asked the legislature to let him have five more lawyers in the antitrust section to investigate corporate collusion. "We have not had aggressive antitrust enforcement . . . since [Attorney General] Jimmy Allred was known as the trust-buster fifty years ago," Mattox told the *Dallas Times-Herald*.

In this regard, Land Commissioner Mauro thinks Mattox's understaffing makes it essential for the AG to hire outside counsel to assist in the Mobil case. "It's the biggest case in the history of the state of Texas," he told the *Observer*. "As far as I'm concerned we ought to have every law firm we can put on retainer to give us another round of ammunition. They've hired three law firms, let's hire three law firms. Let's match them law firm for law firm, lawyer for lawyer . . . I want to hire whoever it takes to win this case. Jim Mattox takes the position that he's the people's lawyer and he ought to handle it. I don't disagree with that. It's just a difference in management style. If I were him, I would go out — they've got Fulbright, Jaworski, I'd get Baker, Botts. They hire Stubbleman, McRae; I'd hire the best law firm in Midland on my side. . . . We're not talking penny-ante money. We're talking \$150 million, \$300 million, \$1.7 billion, whatever figure you want to put on it. . . . Jim wants to do it himself. I can understand that. That's

why he got elected. He spent a little over a million dollars to get the job. But my position is he ought to just manage the case and manage a lot of lawyers."

While Mattox has been fighting Mobil, Mauro has been leading the fight against the Exxon Corporation and enacting policies potentially disturbing to other oil companies. He announced a \$4 million settlement with Exxon, resulting from questions first raised by Manges on questionable Duval County Ranch Co. leases and from a more aggressive program to collect money on state mineral rights.

"The fact is the state of Texas is the largest landowner in the state, but we don't develop our own land," Mauro told the *Observer*. "We are in partnership with people in the private sector to make our money. And the real question is: how do we define that partnership? When the gray area arises, do we split the gray area 50-50? Do we go to the courthouse and try to get it all for us or they get it all for them? Through lack of action on our part do they get more than 50%? What my job really is is to make sure that in the gray areas we get our 50%. . . . Right now all I want to do is get our fair share. I want the partnership to really work."

Mauro has also asked the King Ranch hard questions about leases on 18,000 acres where the state has mineral interests, and his office has established a field audit team that will check whether the state is receiving the correct amount on each well drilled on state land. "We're going to run the state's lands like a business," he said. "We're going to make sure every penny the state has coming to it gets here. I am auditing all our leases and we're going to pursue all of them aggressively, period." The audits have already turned up \$4 million in unpaid revenues.

Mauro has also been taking the state's share of the petroleum pie in gas and oil rather than in royalty payments. He has agreed to supply up to 10 million cubic feet of gas to San Antonio's city-owned electric service utility for the next five years — a deal that should save the city \$4 million a year while it increases state revenues by \$1 million.

As for the case itself, Mattox thinks it will go to court and will be appealed to the state Supreme Court. That's why he thinks the question of recusing Judge Garcia is a stalling tactic, he told the *Observer*. Pat Maloney, on the other hand, thinks Mobil will never go to trial. Mauro agrees. "I think it would be very foolish for Mobil to let it get to the courthouse," he told the *Observer*. "My guess

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is we'll settle. But that's been my opinion. I thought they'd settle before I ever got in office. If I were them, I'd have worked with Armstrong and White and gotten the thing settled before the end of the year."

When asked what kind of precedent the case might set, Mauro responded: "Everybody talks about that. I don't

know. It sets a precedent where the state's got bad leases, we'll get paid good money. The only potential precedent is that a future attorney general or a future land commissioner might be unwilling to prosecute the state's rights because of all the crud he's had to take in the newspapers."

9. Wings of the Crow

BUT DOES THE MOBIL CASE mean more than that? Is it, as Manges says, a struggle for control of the state? Is there enough liberal money now in the state to match the conservative money that has controlled state politics for years? Or is this just a temporary tilt at windmills by Mattox and company, having caught the old guard off-guard in the 1982 elections?

It is, of course, not possible to separate Clinton Manges' self-interest from what appears to be interest in the reform of state government. Pat Maloney describes Manges as someone who "worries about the 'little folks.' He's always been kicked in the ass." "An entrepreneur like Clinton Manges," Mauro told the *Observer*, "they don't come along in thousands or even hundreds. There are just a few of them every generation. . . . The propensity of most entrepreneurs in Clinton's position is that at some point they say, 'Hey, I am at the top of the heap. I'll be part of the system now.' He's generally taken a position that says, 'I don't like those guys, I don't want to be part of them, I don't want anything to do with them.'"

If Clinton Manges is, indeed, a friend of the people and, therefore, backs "the people's lawyer" for attorney general and judges more sympathetic than their predecessors to the plight of a plaintiff confronting big business, then, at the same time, it cannot be denied that Manges personally stands a better chance to benefit in civil suits if a judge or attorney general is not tied to corporate interests. (But that's how the game is played, Pat Maloney will tell you — only the other side has had most of the judges and attorneys general until this year.) While there doesn't appear to be any great love for Clinton Manges, even among his advocates, there does seem to be a begrudging admiration. The rise of Clinton Manges as a new political power broker in the state may be nothing more than the kind of change that occurred in Duval

County when the Carrillos briefly wrested control of the dukedom away from the Parrs, described by ACLU and United Farmworker attorney Jim Harrington as no change in structure but more sympathy for the poor.

It may be that what shrewd lawyer Pat Maloney and shrewd entrepreneur Clinton Manges have done is to read successfully the writing on the wall. If the Mattoxes and Mauros and Kilgarlins and Robertsons do pose a real threat to the business establishment, then the strength embodied in that threat is their ability to remain in office to see their work carried out. (It must be noted, however, that our current political process seems to require that liberals in office be no more immune to potential conflicts of interest than their conservative predecessors.) Even more threatening is the possibility that the next attorney general and the next land commissioner will build on the actions of their predecessors, that the next Supreme Court justices will continue to find for the little people.

It may be that longtime liberals, like Billy Goldberg and Pat Maloney, veterans of many losing "noble" causes, have finally found an electorate to invest in. If there has been a profound change in politics in this state — something that can only be judged years hence — then that change has not been in the distribution of wealth but in the electorate and the ability to reach it. If money could buy and shape every election, then there is no question that the large corporate powers would always win. Despite the Clinton Mangeses, the entrenched conservative establishment that has run state politics for at least the last twenty years will never run short of money.



JIM MATTOX

The significance of the money poured into the 1982 elections by Manges, Maloney, and the like, however, is that it was finally enough to cross a threshold needed to reach an electorate generally more progressive than its officeholders. It was the late George Parr who once said, "Don't give crows wings because they'll peck your eyes out." Perhaps Mobil and the traditional powers that be in this state hear the flapping of wings. □

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What Feminism Brings To The Arms Race Debate

By Betty Wheeler

On the 38th anniversary of the bombing of Hiroshima and Nagasaki, we run the following excerpted remarks by Sheila Tobias and Betty Wheeler, delivered at the National Women's Political Caucus Convention in San Antonio on July 8. They spoke as members of a panel addressing the topic, "Feminism and the Arms Race: Lessons from the 60s, Strategies for the 80s."

IT IS IMPORTANT for the arms race to be addressed on a very grassroots, community basis. It is paradoxical but true that the arms race, which is a global threat, is an issue that must most critically be addressed on a local level. The military and the arms race is very deeply rooted in our individual communities. It's very easy for people to criticize the military budget generally, for example, but when you want to take the knife to it and you're cutting people's jobs and you're cutting things that are very close in an individual community, you're going to meet with resistance. It's going to overwhelm the more general question of the size of the budget.

That's certainly true in my community, where 2,600 of my neighbors assemble nuclear weapons on a daily basis and take apart the old ones and make repairs on them. It's very difficult in my community to speak generally about reductions in arms without people feeling threatened on a personal level — how's our community going to be affected? . . .

So it's important for us to deal with the questions from a community level. From my experience working in Washington and in a rather small, isolated community, comes my bias that social change happens from the bottom

up. Particularly on difficult issues like militarism, I don't think we can sit back and wait for really creative leadership to come from Washington or to come from the top. I think it's a question that has got to be pushed into action from the local communities.

When we look at long-term ways of changing the ways in which the world interacts and the ways in which people address world problems, it is a respect for tolerance and an understanding of the meaning of diversity that will serve as a foundation for constructing less militaristic ways for humans to interact with each other. Those kinds of values come from the community.

I was born in the hospital in Amarillo that contains the decontamination units for anyone who gets contaminated with radioactive materials. . . . It was a given that people [who work at Pantex] didn't talk about their jobs, and people had fairly vague ideas about what occurs at Pantex. We tried to organize just to alter the information base. The first thing we did was file some inquiries under the Freedom of Information Act and follow that up with a lawsuit under the National Environmental Powers Act under the theory that information empowers people.

We thought it would be most useful to start with the environmental questions because most people don't want people to have jobs that will endanger them or endanger the environment. So we first started getting information that had environmental implications. Sometimes the government will create those issues for you.

What you can do in your community is, first of all, find out what your local links are. . . . There really is not a community that is not tied in some way, either through a university where research is done or by proximity to a transportation route, if there's not some kind of more obvious military facility

there. So find out what your local connection is and obtain information for your local community to work with.

Once you have begun on whatever local issue you can find, it's important to expand and tie in with people whose principal method of analyzing the world is through moral and religious analysis. That is the community that is at this point very heavily involved in military issues. You can't look to that community for ultimate political strategizing or for detail work on budgets and testifying, but they are important elements and important in the community. Then it's very important to take on the economic issues because the truth is the same amount of money put into a community on a non-military basis will almost inevitably produce more jobs. It's important for people to do conversion work and understand how an industry or work-force dedicated to the military can be converted and to lay concrete plans for that conversion so that community disruption does not become a fear that keeps people from engaging in arms race issues.

It's important on a community basis to expose the myth that arms-race issues are above and beyond us, that common people cannot tackle these issues. . . . As feminists, we are at an advantage here. [At a meeting with the Air Force on the MX missile], I saw a woman who was a middle-aged farmer, stand up — and she was very moved, visibly distressed — and say "I was always raised to believe that the government was right and I could accept that the experts in the government were taking care of things. But I'm sitting here thinking that if you can come up with a plan that is this stupid and destructive to our community and makes so little sense, then maybe my assumptions have been incorrect." I think as feminists that once politicized, always politicized, and once politicized on some little issue over here, it just grows. Consciousness

Betty Wheeler is an Amarillo attorney and disarmament leader.

usually does not just shrink back up. It's a question of getting people involved on some level that reaches them. And only you in your own community will know what the opening wedge is that will politicize people on arms race issues. Many people have learned that you can't leave it to those experts because they don't know that much more than you do. . . .

It's pretty obvious what feminism can bring to the arms race debate. First of all, a very useful process: the work that we have done over the years to develop a process that is inclusive, that is non-hierarchical, and that brings very diverse people together and enables them to work together. That process is important if you're dealing with a political issue that depends on

grassroots political support to bring about change. The feminist movement can bring to the arms-race debate a long-term vision. . . . It's an important opportunity for us to link up with our sisters around the world and work in unity on an issue that can bring us together and strengthen feminism around the world.

Diversity is a strength; it is not a weakness. And in learning how to deal with diversity we learn how to deal with conflict in a feminist and nonmilitaristic way. I would encourage feminists in every community to work on building from that diversity a working community that can really work on arms-race issues not only in Congress and testifying on the budget but in our own communities.

In her novel *Fault-line*, Sheila Ortiz-Taylor says, "Sanity consists of fear melted down and poured in socially useful shapes." As feminists we are very adept at taking that fear and turning that into powerful political work. □

Focus on Weaponry

By Sheila Tobias

. . . The vocabulary in which military policy is discussed has to do with weaponry. And weaponry has become technologically so sophisticated that it is easy for people of both sexes to feel intimidated when discussing military policy. The area in which the greatest increase in spending has been taking place since 1968 is the area of research and procurement, which is military terminology for the development of new weapons. Weaponry turns out to be not simply the tool of the military but the centerpiece of our military thinking.

One of the dynamics fueling the arms race is the ineluctable continuation of weapons technology. So, without a feeling of mastery of weapons or technology, it is difficult for a person not trained in military science or engineering to enter into the specifics of the debate. . . . The unmasking, the explaining, the demystification, the empowerment of other people through our translation of military matters should be a component of any feminist position.

We can, as feminists — as women and men as feminists — begin to do a kind of analysis of military thinking that is perhaps very fresh because we come at it from the outside. . . . As part of that analysis, I'd like to suggest that we focus on weaponry as not only the area of the budget that is increasing at the fastest rate and is the most complicated and hard to

Sheila Tobias is co-author of What Kinds of Guns Are They Buying for Your Butter?

understand, but because the military is characterized not by its war-mongering but by its tendency to think in terms of hardware solutions. . . . So the definitions have become very simple-minded. National security is interpreted in terms of weapons capability, and national insecurity is interpreted in terms of weapons vulnerability. . . . [there is] a naive faith in technology . . . a naive faith that with enough money, enough American technological brainpower, enough manpower we can find weapons solutions that will be lasting and enduring.

Another dimension of the thinking that as an outsider and as a feminist I pick up on is a simple-minded view that more is better. . . . Also there is an inability or unwillingness to accept parity . . . the notion that if you're not superior you must be inferior is simple-minded and characteristic of very primitive thinking. . . .

The peace people have been charged with bringing emotion and not ratiocination to the issue by thinking with our hearts and not so much with our heads. . . . But when you analyze to its core some of the assumptions on which military decisions are made that are very costly and potentially destabilizing — those issues are very emotional. The attachment to the aircraft carrier can only be described as emotional. . . . In the end it is a question of values that divides us. The people who are for this enormous amount of spending are as attached emotionally to their values as we may be to ours. □


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I Dreamed This Individual Was Running for President

By Bernard Rapoport

The politician of today looks at the crowd and then says, "What do you want me to say? What do you want me to be?" And as he assesses their wants, he responds accordingly: "I'll say what you want to hear, and I'll be what you want me to be." Too often that's the complaint about today's politician, and more often than not, it's a deserving one. Why has this come about?

Sometimes I think the answer is made most poignantly by the coffee drinkers. They can't even wait for the coffee to percolate. They want instant coffee. That's the way it is with we Americans. We want, we have to have, and have it right now.

We have yellows, blacks, whites, reds, browns and in-betweens. We have Catholics, Protestants, Jews, Muslims, Buddhists, atheists, agnostics, and all shades in between. We have rich and poor and middle class and shades in between. We have males and females and even there we have in-betweens. We have every kind of ethnic group. We have young and old and in-between. Each of these groups — and yes, there is a cross-mingling of interests — but the fact remains that each of these groups has a particular vested interest which it demands be fulfilled by its politician. There is no compromise. It is a black and white issue with each group that is so busy importuning its point of view that it gives no thought to any tangential or pejorative effects that enactment of its proposed legislation might have on other groups.

Our politicians are no longer advocates, they are responders. Whatever each of these groups want, that's what they are for, even though there is such a crazy patchwork of conflicting ideas and objectives. If only one-hundredth of one-tenth of one percent of them were enacted, our country would be in a state of ennui — that is, in a much worse mess than we are in already. So what's the answer?

We need someone to speak and to speak loudly for America? There are so many groups committed to preserving only a part of our constitution, whether it be the Bill of Rights or whatever — and thank God we have such advocates — but I'm looking for something and someone different. I'm dreaming of that politician who will take the organic overview that's necessary for America to achieve the potential that is within its reach.

Sadly, the word "government" has an almost sinister connotation. It should be one of the most beautiful words in the English language. On the kind of government we have rests our hope for a free and productive society. There isn't anything wrong with government. There are, however, lots of faults with those who run it. Government is always at the mercy of those who are its

leaders. Government doesn't unbalance a budget, leaders do. Government doesn't impose taxes, our leaders do.

George Will is right when he says:

A market economy is less damaging to social fraternity than is an economy politically managed for egalitarian purposes. This is so for two reasons: First, scarcity is divisive, and market systems are more apt to produce abundance. Secondly, allocation of wealth and opportunity by impersonal market forces is less embittering than allocation by political decisions.

I don't think that any impartial analyst can disagree with that proposition — but only up to a point. In every contest — and whenever we buy or sell something, whether it's goods or services, it's a contest — there has to be a referee. Just as the emphasis on more has had an assumption of quantity only, so we have come to extol winning without sufficient emphasis as to how that victory was achieved. That's why referees are so necessary. And in our democratic society, the referee must be government. Who says so? Everyone, including all corporations and labor unions when it suits their purpose. Note their varying positions when it comes to such a subject as deregulation — this, whether it be in trucking, airlines or what have you.

I was amused one day while reading in the Waco paper about a fight within the cinema industry. Evidently, the controllers of the films wanted to have the theater owners openly bid on the right to show their respective films — without ever seeing them. The fighting got so intense that they brought the matter to the Texas Legislature. One of the state senators bemoaned, "Can't these businessmen ever settle anything among themselves without bringing government into it?"

Probably the most serious indictment of today's politicians is their unwillingness to accept confrontation with reality. And also to thinly patch today's problems which may have ramifications for decades to come, knowing that the patch is not going to hold and leaving it to the next politician to put a little firmer patch on — a patch, too, that will not hold. In other words, never to accept confrontation with resolving the problem.

So again I ask the question, who's going to stand up for America? The Jerry Falwells? The Moral Majority? I submit that their usurpation of this role is made possible only by the failure of the chameleon politicians that supposedly represent you and me. They try to placate each of these power groups to which I alluded earlier. They never get around to representing America.

Just a few examples. We've had politicians who told us we could have wars and didn't have to pay for them. Indexing and

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cost of living clauses are examples of weakness on the part of politicians — this is indicative of failure to meet the problem head on which may require balancing the budget, imposing necessary taxes, or both. This is the patchwork to which I alluded previously. The American people want services from government — sure, they may not want to pay for them, but the truth is they want the services more than they resent increased taxes, they really do. But guess what? Politicians too often are comforted by this observation of Murray Edelman's:

Political history is largely an account of mass violence and of the expenditure of vast resources to cope with mythical fears and hopes. At the same time, large groups of people remain quiescent under noxiously oppressive conditions and sometimes passionately defend the very social institutions that deprive or degrade them.

For too many years, for example, issues of race, religion and abortion — tremendous emotional questions — have been thrust to the front, when pressing national tragedies needed the attention of our leaders — problems such as 10 million or 11 million people being unemployed and run-away inflation. Today, for example, there are billions of dollars of unfunded pension benefits which may deprive workers of their legitimate rights in the years to come. Why? Well, someone gave too much and someone demanded too much. It doesn't make any difference which statement is correct — or maybe both are — the point is that the parties concerned were only interested in winning today without any thought of what the result would mean for the tomorrows to come.

We give lip service to the work ethic, and from my point of view, we need to be ever more recommitted to this concept. Perhaps a redefinition of work is in order. I once made a speech to a very conservative group and began by saying I think we ought to abolish all forms of welfare and unemployment compensation. The group gave me a standing ovation. After they were seated, I said, "I'm sorry, but you did not let me finish my sentence. That's too cheap a form of bribery for those of us in the establishment to get away with for not making the system work." I really believe that. I believe in George Will's proposition about the free market, but it is always true that every precept needs constraints. If it means that some company can sell goods cheaper by polluting a stream, that's cheating, and the referee cannot permit that to occur in a game and should impose penalties.

I sincerely believe that government has to be the employer of last resort if people are to have faith in a free, democratic, free market, free enterprise society. Please do not be of little faith. We have the talent to solve complex problems such as this if we but have the will. Obviously, I am in favor of giving the private sector every encouragement such as tax benefits that will result in increased employment. To be an American, however, should mean that if a person wants to work, he or she will be able to find a job. Let's not spoil ourselves. It may not be the particular job they want, but at least let's make it possible that every American can have the dignity of knowing that he or she does not have to be on unemployment compensation, that they can work if they want to. When we insure this, then those of us who favor a true, free enterprise society won't be discomforted by government having to spend the sums it does today for unemployment and welfare benefits.

Who is going to stand up for America? Who is going to say the tax system is unfair and too complicated? Who is going to stand up and tell us the truth — that there are too many sales taxes and variations of sales taxes? Why won't the politician stand up and tell us we've got to pay income taxes? You know what you're paying when you're paying an income tax, but you don't really have any idea what your tax burden is when you do it through hidden and diaphanous variations of the sales tax. You want to know what you're paying, and you know that best through the income tax system.

What politician will stand up and say to the American people, "If I'm elected president, I will get us started in the right direction. Those who have gross incomes of \$15,000 to \$30,000 will pay a flat 5% tax. On the next \$30,000 to \$50,000, the tax will be 7½%. On the next \$50,000 to \$75,000, it will go up 2½%. And for each \$25,000 increase, the tax goes up 2½% on that increment to a maximum of 20% to 25%."

I'm not an economist, but I know this. The average person who has an income of \$100,000 or more pays very little tax, and most tax avoidance schemes are in most instances nonproductive. That is, they don't create jobs. There is no meaningful benefit to our society from such avoidance schemes.

Psychologically, what we get for free — yes, even citizenship — doesn't carry much meaning. Paying our share, such as taxes, for instance, and the knowledge that everyone is carrying part of the load, will do more to increase patriotism that is so necessary for the survival of a nation. In terms of foreign policy, for a politician to say, "Let's parley with the Russians, let's talk with them," and to have that interpreted as an indication that the politician is not aware of the imperialistic and predatory instincts of the Russian government, precludes our having any chance for peace. One can be very hard-headed and still deal with the Russians. It has to be that way. Otherwise, there's no hope for the world.

For a politician to say, "Let's decrease defense spending — let us make a more intelligent use of monies for defense," is not indicative of an unawareness on the part of that politician that America needs the strongest defense possible. Too often the right wing usurpers interrupt in the middle of a sentence of someone who indicates a disagreement with the present foreign policy. That permits the intransigent minds to preclude dialogue, a dialogue which may in the end have the answers that will enable us to have a world without fear of nuclear holocaust. Yes, I dream of the politician who will stand up to these groups.

Someday this individual I have been dreaming about will be running for president of the United States. I hope he or she is right now. God knows we need someone like that, and time is running out.

I suspect Walter Lippman had this person in mind when he wrote:

This is the way of greatness. In the supreme moments of history, terms like duty, truth, justice and mercy — which in our torpid hours are tired words — become the measure of decision . . . We are trying to be too shrewd, too clever, too calculating when what the anxious and suffering peoples cry out to us for is that we practice the elemental virtues and adhere to the eternal verities. They alone can guide us through the complications of our days. The straight and righteous path is the surest.

Dobie, Bedichek, Webb: Workers in the Culture

By Ronnie Dugger

New York City

Last spring in Austin the University of Texas sponsored a conference on "the Texas literary tradition." I was supposed to be one of the panelists in a discussion of J. Frank Dobie, Walter Prescott Webb, and Roy Bedichek. I was entailed, however, in completing a book on Ronald Reagan (it will be published by McGraw-Hill in October), so instead of attending I sent a written paper. The professors in charge decided not to have it read or copies of it provided to those attending the conference. I have adapted it for publication here. Parts of it are drawn from the special issues of the Observer on these three men and the book made up of these issues, Three Men in Texas, first published in 1967. — R.D.

I FIRST BECAME AWARE that there might be some new-generation rejection of the celebration of the Old Three (of all the writing and talk about them as "the triumvirate," for example) the day in Washington, D.C., when Larry McMurtry gave me his essay on Texas writing (*TO*, 10/23/81) and I went to a cafe to read it. What he had written about Dobie, Webb, and Bedichek was measured, but there seemed to be something like an exorcism going on. I supposed this to be a civilized literary form of the need in each new generation to kill off the elders, a need which can take much more vivid forms. What have these three old guys done to deserve this genteel parricide? Not only, I think, did they have the bad taste to permit themselves to be overrated in Texas during their lifetimes; they also failed to provide us with the great literary tradition we believe our region should have. Therefore they are to be at once debunked and rebuked.

I agree with McMurtry's thesis that writing so far in Texas is only a prologue. However, I believe John Graves' *Goodbye to a River* is one of the best books of its kind ever written, and one of these years Elroy Bode's work is going to receive the national appreciation it merits. I must also say that I don't know what possessed Larry to lecture Texans that their writing should be set in cities. I really don't understand what that could mean. Larry cannot have meant that great novels can't be set in the country; that would be absurd. He cannot have meant that Texans who have written about country life are passe; that would be shallow. He cannot have meant that Texans should set their work in cities instead of the country because he says they should; that would be imperious. And Larry is none of these things. I just don't get it. I think perhaps he was thinking that he has some more writing to do that will be set in cities, and if that is what he meant it's very good news.

I have wondered how best to explain to young people coming up who wonder why these three men, Bedichek, Webb, and Dobie, all long gone, have such a hold on those of us who came under their sway, to some extent, when we were young. First you have to understand how bleak, how barren, the literary culture of the region was then. Except for the one indisputably great writer who has come from this state, Katherine Anne Porter, who did we have? But I think younger people might also understand that we did not, at least I did not, regard Bedichek, Webb, and Dobie as primarily writers. They were writers, but they were, more significantly, cultural workers.

The trouble with that term, "cultural workers," is that it has a currency among practitioners of state-administered

socialist realism, under which only writing that complements the doctrines of the state is sanctioned. I suppose we need an alternative term, free of this complicity in totalitarian systems. The trouble is, I cannot think of a better one because Bedichek, Webb, and Dobie were literally workers in the culture, cultural workers. (One could say, intellectual workers, but that would be pretentious and a bit wrong.) Dobie was a model of public dissent; Dobie and Bedichek were models of high-mindedness on public questions in private discourse; all three of them, Dobie, Bedichek, and Webb, were living proof that serious persons could do independent cultural work in Texas — work however controversial they believed it had to be in order for it to be valuable — and in some significant sense still survive and prevail personally. That each of them presented his work in writing made each one a writer, but I think none of them, not even Dobie, ever really saw himself as a writer more than he also saw himself as a practitioner of studies in a chosen realm of the culture.

Hubert Mewhinney, the Houston newspaperman, who was pre-eminently a writer in the sense that Bedichek, Webb, and Dobie were not, wrote about them: "Their influence on modern Texas is beyond measure. They never won an election; they never ran for office with a hill-billy band playing imitation folk tunes; their influence was on intelligent men; and we might as well face it: intelligent men are in the minority." Frank Wardlaw, when he was head of the University of Texas Press, said they "were at once the conscience and directing force of many aspects of the intellectual life of Texas." This is why we do not forget them and demur when friends seem to think they are putting them down

by saying they were not great writers. They were great persons, and we were sorely in need of great persons. They were teachers as well as writers. What they knew they wanted to share, what they did not know they wanted to learn, and each of them wanted to make and leave behind him something that was not here until he passed here. One was a naturalist, one a historian, and one a chronicler of the early Southwest, but each of them was each of these. The manly love between them, a handsome thing in times and places blighted by great ugliness and banality, shone from them into their friends and contemporaries, and they shared themselves freely with those younger than they who went to them wanting to learn from them. They lived out their lives doing their work, and they did not leave here, but died here.

Perhaps I should now recount a story that Bedichek told me one morning in his little shack with the pot-bellied stove in the middle of it, half a block down an alley from the house where he lived.

He and Webb, when either was away from Austin, for a long time wrote letters to each other about graffiti they saw on the walls where men usually see graffiti. This must have been a hilarious and amazing correspondence, these two serious, cultured, and witty Texas men, sharing their notes and their thoughts on this phenomenon. While they no doubt had a great deal of fun with it, I think they also had a serious interest in these signs and sayings. In the fundamentalist society they had grown up in they were prohibited from being interested, and they were damned if they wouldn't be.

But Bedichek kept his set of this correspondence in his desk drawer in the shack (he was sitting at his desk when he told me this, and he gestured to the drawer, there at his hand). One morning the maid found the letters and carried them to his wife. He never saw the letters again.

What happened to Webb's set? Bedichek told me that during a transoceanic voyage on a passenger liner, Webb was suddenly seized by concern what would happen if the ship sank and his grip was found floating in the water with these letters in it, so he went to his cabin and got them in his hand and went to the side of the ship and dropped them overboard.

This was the culture within which these three men had to continue on somehow while getting their serious work done (as

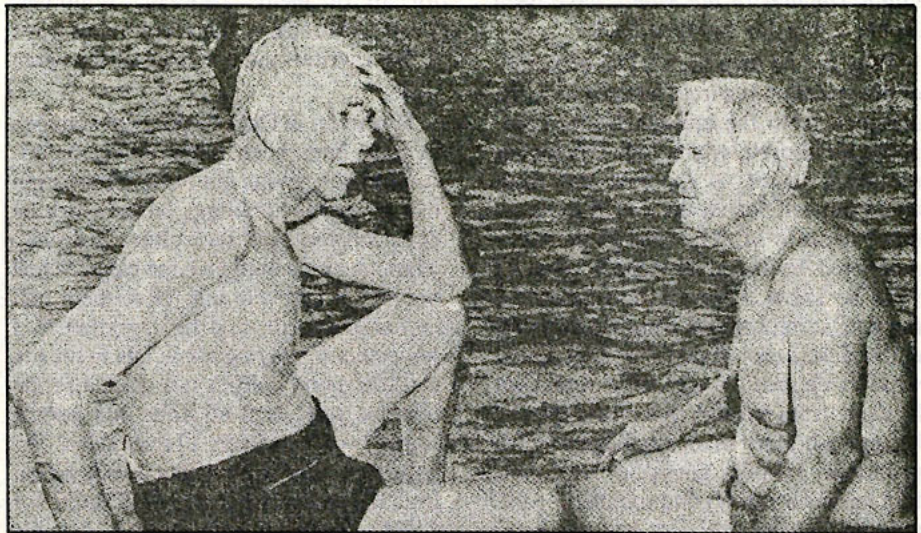


Photo by Bill Brammer

Roy Bedichek and J. Frank Dobie ruminating at Barton Springs.

Miss Porter once wrote to me) "in hell's despite."

I did not really know Webb. We exchanged remarks on a few occasions; once or so I was able to see through his characteristic gruffness to a warm, heartily-laughing man. Just one memorable thing happened between us.

We were having lunch over a manuscript of a speech he had made that I was going to print in the *Observer*. As we were walking back toward the campus he quoted something out of John Dewey, a passage that was intelligent and idealistic in Dewey's matter of fact way. I remembered the passage at the time, and also, as I said to Dr. Webb, that Dewey had gone on in it to conclude that human affairs are necessarily tending toward more and more socialism. I didn't ask Webb why he had not recited this conclusion, but the question was implied between us. Webb replied as if I had asked it outright (I remember very clearly, for I thought about it a good deal afterward, and my mind has come back to it occasionally since then) that the role of some men is to work within existing institutions, cultivating the ground for the changes that are to come.

I do not draw from what Webb said that he was some kind of socialist: I think he was not. What he meant, I think, was that with the closings of the frontiers, people were going to have to cooperate with each other within and among nations more than they had ever dreamed of, and his cultural work, so subtle and yet so ambitious that he could mention it only quietly and cryptically, was helping peo-

ple to understand that what they liked was gone and something new had to come.

I seldom saw Dobie — he might be working, over there in the white house on Park Place by the creek, and I felt I would presume going over there often. But once when I was over there along in the late fifties, on the porch where we had gone to get some wood, I told him I wished he had written more about these times and out of himself, perhaps in novels. I knew this was audacious and probably unwise, but I had begun to feel dishonest with him for not having said it. I mentioned his *Tongues of the Monte*, which had appeared in 1935. He said that sometimes he thought his work was futile — he had been contemporary, he said, just since the Second World War. "The world is going to hell," he said, "and I can't do anything about it."

In mysterious ways *Tongues of the Monte* disembodied itself from Dobie's chronicling of stories of the past on the frontier and expressed talents that had been lying in him unplied, suggesting directions he might have taken in his work if he had not returned to the University of Texas and the course he had set for himself. Neither folktale nor novel, fact nor fiction, *Tongues of the Monte* is a blend of these that draws body from its loyalty to truth about people and mystery from the fictions Dobie worked into this truth. Which part is true, which made up? Dobie never said, letting the true and the imagined enchant each other. He was wandering the *monte* in Northern Mexico in search of stories in the lives of the

people, but also, I think, in search of himself. As *Hunting Sketches* was Turgenyev's preparation for his novels, so might *Tongues of the Monte* have been Dobie's, but for his turn back.

Why did he turn back? The difficulty of this question is surely attested to in the sentence from the epitaph Dobie composed for himself, which John Graves has reminded us of — Dobie's statement about himself for all the world to know that "because of deference to the well-mannered he failed to expose most of what he knew, enjoyed, and hated." I think he suffered from what we may call cultural schizophrenia. I do not know what its elements might have been. But he came from a rough ranch life; then he became a literary man, a college English professor. I would guess he felt a conflict between macho and manners, folk-talk and literary criticism, frontier tales and literature. In the midst of this conflict he wrote *Tongues of the Monte*, but gradually he blended the life of the thoughtful intellectual back into the style of the cowboy, and his life and his work became totemic. He was the writer in Texas, a westerner who was also a man of words seeking out the folktales among the frontiersmen. This was a very safe thing to do, when you think about it; useful, worthy, and valuable, but safe. Not only was the conflict in him not resolved in his work; in his books the macho frontier stuff prevailed.

I wonder again now why, when I asked him why he did not write about his own times, possibly in novels, out of himself, he responded with exasperation that he had become contemporary too late. At first that does not seem to be an answer, but then one is not so sure. Perhaps, hidden in all he left unsaid in this long-ago exchange, there lay Dobie's knowledge of the price he, too, had paid for prevailing as a respected chronicler of the Southwestern past.

His fierce and aggressive political integrity was the side of him that I first encountered, when I was a student at the University of Texas. By chance I heard him speak on the campus about enlightened human values and freedom of the mind, that sort of thing. He was a maverick in that time and place, I'll tell you!

Some disapprove of a writer making speeches and caring about elections, but everybody, even a writer, is a citizen, and more and more these days writers are deciding that they had better give more time to being citizens or we may not have a society left to write in. The other position, that the writer should give all his

or her best energies to his or her work, is no doubt an imperative for many writers, but it does not follow that it's best for all of them. Thoreau, Whitman, Yeats, Malraux — there are many ways to be a writer and a citizen at the same time.

However, in Dobie's political activism he may have been, consciously or unconsciously, living out his determination that whatever hobbings on his work he had accepted from the culture, one way or another he would give the bastards hell before his time ran out. Give them hell he certainly did, and he regretted it. I remember his saying to me late in his life that this damn politics is a waste of time because you get it all done and here it comes two years later, all over again. His political liberalism was not a subtraction from his best work, it was a substitute for it. His political crusading eased his literary conscience and helped him live with not doing the really difficult and serious writing he had turned away from. Then at the end he knew he had "failed to expose most of what he knew, enjoyed, and hated."

THE OPPRESSOR here, for each of these three men, was the same: the sex-sundered culture, chauvinist-macho men versus bluenose women. One way to defy it would have been to write culture penetrating novels, but none of the three did this, although both Webb and Dobie could have and probably wanted to. Another way was politics, and this both Dobie and (in his way) Bedichek did. Another way was history as cultural understanding, and this was Webb's work. We valued them because we sensed that they were doing all they felt they could in the situations there were in and because they seemed to care so much about the future, after they were gone. I dedicated my book about them, not to what they wrote, but to what they stood for.

Permit me briefly to indicate, with one story, the sort of thing they did for their young friends. I had been inspired by Pasternak's *Dr. Zhivago* and by Pasternak himself. The month Pasternak died I admired, in Dobie's downstairs work room on Park Place, a photograph of Pasternak he had there: the cut-glass wine glasses were on the table there in front of the Russian and he was gazing into the camera, lost in loneliness, thinking something distant and tired. Dobie said he had gotten the print, I vaguely recall, from a newspaper friend in the East.

After a while Dobie sent another copy of the photograph to me. I turned it over, and he had written on the back of it: ". . . in the name of one of the holiest of the holy ghosts — a man who saw into things and would not fool himself."

Bedichek knew nature, and how to take care of himself in it; he cited an ancient Greek, or recited verse copiously at the drop of a happy context; he could spin tales to transfix the very leaves around. There were not many among us like him then, and there are fewer now.

On cold mornings he started his wood fire in the pot-bellied iron stove in the center of the only room. He sat in a hard-back wood chair at his plain table; on his aged Oliver, the keys looped up and landed on the cylinder like overhead haymakers. The walls were books, from the floor to the ceiling.

The last summer of the drought of the fifties he took me into the caliche hills southwest of Austin and taught me how to camp. We set up in a small grove of oak trees on a broken meadow. With a grubbing hoe he dug a trench in the ground a foot deep and several feet long and built down inside it a strong fire. Supper was my introduction to sardines on lettuce with a cold beer, his savory celery soup, and potatoes and apples carefully washed by hand in a bowl of water, wrapped in wetted brown paper and then again in wetted tinfoil, dipped in water again, and steamed in the coals. He put the brown paper on first because he believed that tinfoil next to the skins might impart harmful chemicals to the food in the baking. In just such details as these, with the patience to do one thing at a time, he wordlessly reproached the clocks, traffic, appointments, modern kitchens, vibrating appliances, elaborate foods — all the assorted urgencies of work and relaxation by which we mostly live.

As the night came into camp and the stars appeared we settled into steady talk across the fire. Women; the struggle of existence; psychiatry, in which he had a deliberately naive curiosity; public men; the contamination of fruits and vegetables by sprays in the fields and on the supermarket counters; books; his early days. In the morning we poked over a kitchen midden, and took a walk to look at the plants and the trees. He was literate, generous, and forgiving, and God, how he loved the world. He wrote all his four books in his last twelve years.

Perhaps we can head off the gathering spirit of parricide about these Old Three if we can just say out loud, none of them was a great writer. Each of them was a

Wading in Waller Creek

By George Hendrick

great person who wrote. That is why some of us who live in this place still revere them and shall as long as we go on, ourselves. Their realm of work was not really literature, but the culture. They were pioneers on the frontiers of inner freedom in a part of the country that had not yet granted its existence. They had, each of them, deep, personally-owned courage, but courage that was grounded in common, garden variety, self-regarding prudence. Seeing how these three old men had survived with honor and had somehow prevailed with integrity in this crushing Southwestern culture, some of us who were younger took heart and courage both. To write, yes: one of the really good writers from this state, Bill Brammer, said once, "It never occurred to me — ever — until I read Frank Dobie, that I could be a writer. There simply were no writers in Texas." But also to dissent, to laugh, to debunk, and to affirm, in many ways and for the long haul.

We have not yet produced a great literature in Texas. We know we haven't. But we know we can. In ancient Greece, Elizabethan England, pre-revolutionary Russia, the transcendentalists' New England, the American South, there were never vast numbers of people involved. What occurred was mysterious, private, happening sometimes among a few contemporaries, and the culture was somehow right . . . steaming and active, vividly colloquial, ready to be free. Perhaps we could do it here now. We think of these three old geezers alternately so longingly and so cruelly because we have not done it yet. We want them to be our Seneca, Thycydides, and Homer, our Johnson, Gibbon, and Swift, our Proust, Zola, and Voltaire, our Emerson, Thoreau, and Hawthorne, but their culture was not ready to be free, and neither were they; I think they knew, each of them and the three of them as friends, that they were preliminary. And that was OK! — they were realistic men. I can almost hear old Bedi saying now back to all of us here —

"Go on with you! Why, this is foolishness! We are all dead, and although we are glad we are still read and you still care about us and remember that we did some good work — balderdash! We know as well as you do, we didn't do it, we didn't even get *you* started doing it. Dammit, if you want a great literature, stop blaming us for not giving it to you and write it yourself!

"Now I feel like a swim at Barton's, lie in the sun a little, and then let's go to El Rancho for some Mexican food." □

LIFE ON WALLER CREEK: A PALAVER ABOUT HISTORY AS PURE AND APPLIED EDUCATION By Joseph Jones

Austin: AAR/Tantalus, Inc., 1982,
\$17.95

Urbana, Ill.

"There's an old codger down on Waller Creek, rearranging rocks. What in the world is he trying to do?" — Student query.

THE OLD codger down on Waller Creek is Joseph Jones, professor emeritus of English at the University of Texas, an Austin inhabitant since 1935, a well-read man, a humane man, a Thoreauvian scholar, a lover of nature, and (dare one say this in our time?) Man Thinking. It is hardly peculiar that the student was puzzled by Jones' activities on Waller Creek. Citizens of Concord little understood Henry David Thoreau during his lifetime. Thoreau's poetic, close observations made mostly in a limited area near Walden Pond, his scathing social commentary, his radical, anti-establishment views made most Concordians regard him as a shiftless crank.

Joseph Jones may well be misunderstood now by some university students and by some Austin burghers, but he is likely to be appreciated by environmentalists, by free spirits, and by those who enjoy essays by authors who are fully in command of their craft. In *Life on Waller Creek*, Jones is a close observer of life along and in that stream he goes (metaphorically) a-fishing in, and he is a social historian and critic who becomes more outspoken, more radical as he moves along the polluted, exploited stream. He sees that the Austin power structure after World War II "was committed to growth-at-any-price and ready or perhaps even a little eager to attack whatever looked like a deviation or a countertendency. . . . Wartime politics

George Hendrick lives a few feet from the banks of the Boneyard, the Waller Creek of Urbana-Champaign, Illinois.

. . . linked with wartime profit-taking and dreams of postwar grandeur, had placed the developer-exploiter type so firmly in control that he was everywhere, not least on the Board of Regents of the University of Texas, where the long-hallowed system of gubernatorial political appointments guaranteed him a place in gratitude for favors rendered." The terrible havoc caused by the developer-exploiter is everywhere to be seen in Austin, Dallas, Urbana, and thousands of cities and counties. Jones' account of the Rainey episode and the Battle of Waller Creek — this mini-essay on Frank Erwin and the destruction of trees along Waller is a masterpiece — shows how clearly he understands causes and implications, how clearly he apprehends reality.

Joseph Jones also believes that natural beauty should be preserved. In his preface, he remarks: "Beauty is not a luxury; it is a necessity, a positive agency of survival, a deterrent to the terrorism with which our world is infested. And in cities, most of all those which, like ours, are growing too fast — we should be giving high priority to preserving every natural pocket still available, with the practical aim of helping preserve ourselves."

Jones finds beauty on Waller Creek, no less a likely spot for inspiring illumination than Walden. His inventories contain listings of many found (discarded) items and numerous found thoughts:

A very rusty pipe-fragment, ready to disintegrate when the next hard rain sends rocks to grind it . . . Jet-fighter noises directly overhead, cracking and crinkling up the very essence of things in wave after wave. . . . I look down the rocky bed and see that the Creek changes (as I keep saying to myself) and nevertheless represents a kind of comforting continuity. I look up at the sky and know, or think I do, that the sun changes too; that a time will come when it will no longer make light for us and warm us.

In Chapter 7 ("What/When/How Will They Ever Learn?") he writes a critique of learning/teaching as powerful as that in *Our Invaded Universities*, exposing the absurdities of our current system of lectures, quiz sections, and grades. He proposes major changes leading to per-

sonalized, individual instruction, changes which are Transcendental and practical and therefore certain to frighten college administrators and their deluded followers.

Joseph Jones has written compellingly and knowingly about Austin and the world, about Waller Creek and the exploitation of scenic areas, about the dreams and delusions of Texans and Americans. He ends on a note of hope:

To explore Waller Creek and environs is to live intensively in the modern world and at the same time to be aware of how brief an instant modernity has been with us; how brief an instant, indeed, the human presence has been here in any guise to contemplate a very old set of surroundings. The Creek, if we will only let it, will keep reminding us of all this at the same time it offers us other gifts: solitude or limited companionship as needed and wanted; earth, air, and water in slow procession and interaction under the radiant presence of fire; plants and animals living or present in fossil forms; sounds kind to the ear; color, line, mass, and texture both natural and manmade in luxurious profusion; unhasty alteration within encompassing continuity; the gradual submission of mind and body to easy yet powerful rhythms not elsewhere to be felt — a place where, as Izaak Walton liked to say, we may 'study to be quiet.'

The old codger of Waller Creek moved some stones around. He thought. He wrote. Well done, old codger. Well done. □

Dialogue

(Continued from Page 3)

always were before: a compassionate, kind and caring people?

Another matter that should be weighing heavily on the collective conscience of all of us who care about human life and human suffering is Reagan's escalating military involvement in Central America. It appears like the Reaganites have observed how Britain's Margaret Thatcher was in an analogous and disastrous political situation and that her involvement in the Falkland's War miraculously resurrected her political career.

It is not very difficult to imagine that an Administration that cares so little about our own unfortunates likely cares even less about the poor Browns of Central America, and that they would probably have no compunction about sacrificing thousands of them in a war with us, if that could make Reagan appear real macho and guarantee his re-election in 1984.

We should let our U.S. Senators and Congressmen know that we don't want that to happen either. Instead, the National boundaries of all those Central American countries should be policed

by the U.N. or other peace-keeping forces, and everybody else, including us, should get the hell out of there and let those poor people settle their own differences by themselves.

R. R. Casso, M.D., 1520 Galveston, McAllen, TX

Unrealistic

People who rush to countries where there have been revolutions, to participate in what they perceive as a confirmation of their ideology, usually see what they want to see. Trusting their interpretations of what has been accomplished is just as risky as trusting Reagan's rhetoric. It's a wonder Fred Royce didn't say that he had seen the future and it works.

Over the years I have read countless articles praising the new government in one underdeveloped country after another. The unrealistic expectations created by these articles inevitably lead to a disillusioning encounter with the facts at some later date. Somehow the indigenous populations never seem to have read the scripts the idealistic dreamers had in mind for them.

A revolution in Nicaragua was inevitable — but no one should really be surprised if the Sandinistas provoke another.

R. T. Kleymeyer, 3922 Roseland, Houston, Texas.


Perot Fan

I feel that I must comment on Geoffrey Rips' assertion in his editorial "White's Perot Factor" that White's appointment of Perot to chair a committee studying public education in Texas "belies a cynicism and disrespect for Texas' needs and Texans' intelligence".

I am a full-time teacher (Del Valle) who was in the TFT office when Mr. Perot arrived to speak with TFT Pres. John Cole on the 8th. I was invited to sit in on the last 45 minutes of the Perot-Cole conference. Even though I don't feel at liberty to discuss all the details of their conversation, I can assure you and your readers that Perot was open to all of our perspectives, including our views on teacher certification, equalization salaries. . . .

Even though it is unfortunate that no teachers are on the committee, I feel that your assertions of cynicism and disrespect are unjustified.

Sam Creswell, Pres., Del Valle Fed. of Teachers, Box 1871, Del Valle, TX 78617.




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◦ SOCIAL CAUSE CALENDAR ◦

Notices on upcoming events must reach the *Observer* at least three weeks in advance.

CENTRAL AMERICA CONFERENCE

The Central American Ministry Network is sponsoring a Consultation on Central American Ministry and Strategies, **August 24-25**, Ramada Inn, Harlingen. Resource leaders will be Bishop John Fitzpatrick, Dale de Haan, and Mary Solberg of the Lutheran Immigration and Refugee Services. Call Frank Dietz, Texas Conference of Churches, (512) 478-7491, for information.

CHILD ABUSE PREVENTION GRANTS

Applications for mini-grants to develop innovative child abuse prevention programs continue to be accepted by the Children and Youth Services Task Force of the Texas Conference of Churches. For examples of non-traditional programs or for application information write TCC, 2704 Rio Grande #9, Austin, 78705.

DALLAS PEACE CENTER

The Dallas Peace Center has moved to 3523 Asbury Ave., Dallas, 75205, (214) 521-9582. Contact them for resource materials or news of Dallas peace activities.

WOMEN'S RESOURCES

The Austin Womenspace Collective, 2330 Guadalupe St., offers support groups, creative workshops, alcohol and narcotic abuse programs, poetry and writing classes, counseling, and other services for women. Call (512) 472-3053 for a newsletter and calendar of fall events.

CINEFESTIVAL '83

San Antonio CineFestival '83, an international Hispanic film festival sponsored by the Guadalupe Cultural Arts Center, will be **August 26-27**, Centro de Artes, El Mercado, San Antonio. The festival will premiere a Cuban film, "Retrato de Teresa" ("Portrait of Theresa"), about a young wife and mother in contemporary Cuba. Film and video producers will have an opportunity to exchange ideas and experiences on the technical and artistic aspects of their work. Call Anna Maria Pena at (512) 271-3151 for information.

FUNDRAISING SEMINARS

The Grantsmanship Center will present "Fundraising Week, Five 1-Day Seminars for Nonprofit Organizations," **August 29-September 2**, Dallas. Registration fees vary with size of organization. Seminars cover special event fundraising, direct mail campaigns, foundation grants, corporate giving, and effective board management. Call 1-800-421-9512 or (214) 749-4721 for information.

MLK COMMEMORATIVE MARCH

The Jobs, Peace, and Freedom March and Rally commemorating the 20th anniversary of the march on Washington of Martin Luther King, Jr., will be **August 27** in Washington, D.C. Buses leave Texas **August 23-24**. Call local peace activist organizations for information. The Houston march for the same purpose will also be **August 27**, beginning at the Antioch Baptist Church, 313 Robin, 10 a.m., and ending at City Hall. Call Debbie Barr, (713) 521-0104 for details.



FRANKIE RANDOLPH PARK DEDICATION

There will be a dedication of a new Harris County park to the memory of Frankie Carter Randolph (1894-1972) on Aug. 28 from 5-10 p.m. Mrs. Randolph was a prime mover in the liberal wing of the Texas Democratic Party for many years, and was also co-owner and principal supporter of the *Observer* for its first 13 years of existence. The dedication ceremony will include remarks by John Henry Faulk, Harris County Commissioner Tom Bass, Ronnie Dugger, and Ralph Yarborough. Music will be provided by Jerry Jeff Walker among others; refreshments will be served. The park is located in Harris County on Clear Creek at FM 2351.

MORE PEACE RESOURCES

The Interfaith Peaceforce of Houston has many national sources for peace and justice pamphlets, fact sheets, brochures, and education packets. For information write IPH, 4907 Caris, Houston, 77091.

PEACE POSTER

A group of German peace activists, the Berliner Compagnie, is distributing an anti-Euro-missile poster to U.S. citizens to publicize the **October 22** European and American peace demonstrations. To order the 23"x35" posters and/or flyers write Riverside Church Disarmament Program, 490 Riverside Dr., New York, NY 10027. Posters are \$1 each, less for multiple orders. A smaller version announcing the **October 22** statewide March for Peace and Justice is available from the Austin Peace and Justice Coalition, 1022 W. 6th St., Austin, 78703.

FRITZ ROAST

A statewide fundraising roast of Ned Fritz, Texas' most colorful environmentalist and chairman of the Texas Committee on Natural Resources, will be held **Sept. 24**, Twin Sixties Inn Ballroom, Dallas, 7:30 p.m. Mistresses of ceremony will be Molly Ivins and Adlene Harrison. Tickets are \$15. Call (214) 368-1791 in Dallas or (512) 443-8037 in Austin for information. Write TCONR, 5518 Dyer #3B, Dallas, 75206, for advance tickets.

Progressive Organizations

For some weeks now, the *Observer* has been updating its mailing list of progressive organizations. Those groups that did not respond to our mailing, or could not be reached by phone or mail, were dropped from the list. Please send us the name, address, and phone number of any group we've omitted. The list is available for a \$5 processing fee to any group deemed progressive in purpose. We are now filling orders for the list. The *Observer* especially thanks those friends who helped with the updating task.

FORT WORTH

ACLU, 534-6883; ACORN, 924-1401; Allied Communities of Tarrant (ACT), 332-1830; Bread for the World (Dist. 12), 924-1440; Citizens for Education on Nuclear Arms (CENA), 295-6587; Citizens for Fair Utility Regulations, 478-6372; Citizens' Party, 834-5123; Coalition of Labor Union Women, 540-1393; Conscientious Objector Awareness Cmte., 457-6148; Dist. 10 Demos., 283-7001; Dist. 12 Demos., 535-7803; Farm Workers' Support Cmte., 927-0808; Fellowship of Reconciliation (FOR), 274-7554; First Friday, 927-0808; Ft. Worth Task Force on Central America, 921-0419; IMPACT, 923-4806; Mental Health Assn., 335-5405; Mexican-American Demos., 626-8305; NOW, 338-4456; Nuclear Weapons Freeze Campaign, 926-3827; Sierra Club, 923-9718; Tarrant Co. Demo. Womens' Club, 261-6583; Tarrant Co. Precinct Workers' Club, 429-2706; Tx. Coalition of Black Demos., 534-7737; Tx. Tenants' Union, 923-5071; Traditional Native American Circle, 926-9258; Women's Political Caucus, 336-8700.

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TEXAS BOOKS & AUTHORS MAGAZINE: \$10.00 for six issues. Write Dept. A-6, Box 13622, Houston 77007.

COMMUNITY ORGANIZERS — ACORN needs organizers to work with low and moderate income families in 16 states for political and economic justice. Direct action on neighborhood deterioration, utility rates, taxes, health care. Tangible results and enduring rewards — long hours and low pay. Training provided. Contact ACORN at (214) 823-4580, Dallas; (817) 924-1401, Ft. Worth; (713) 523-6989, Houston; (512) 442-8321, Austin.

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WE DON'T EXPECT EVERY WOMAN to join the National Organization for Women. Just the 100,000,000 who are discriminated against and the men who care. \$27. Texas NOW, Box 1131, Richardson, TX 75080.

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