

Allen Parkway Village

Politicians Plot to Raze Public Housing in Houston

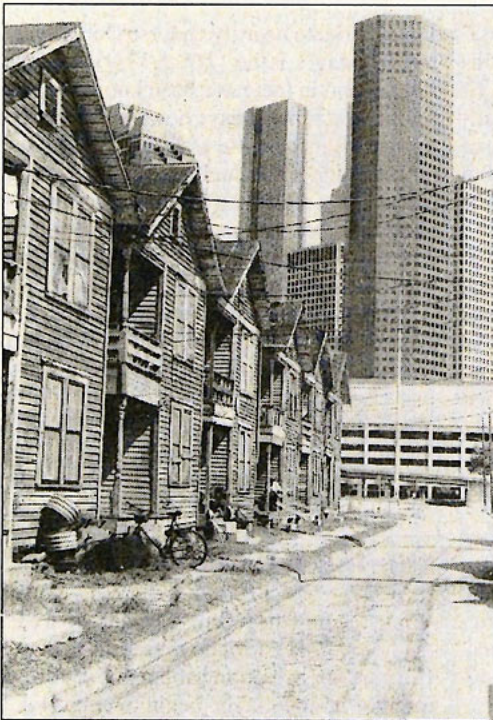
BY SCOTT HENSON

Houston

ON MAY 18, FRESHMAN HOUSTON Congressman Craig Washington held a public hearing in Houston to discuss the fate of Allen Parkway Village (APV), Houston's first and oldest public housing development. Washington has suggested repealing the Frost-Leland amendment established by his deceased predecessor, Rep. Mickey Leland, barring the federal department of Housing and Urban Development (HUD) from approving demolition plans for the 1,000 units sprawled across a 37-acre tract within walking distance of Houston's central business district (CBD).

Despite the fact that 94 Houston-area churches and community groups have approved resolutions opposing such a measure, for more than 10

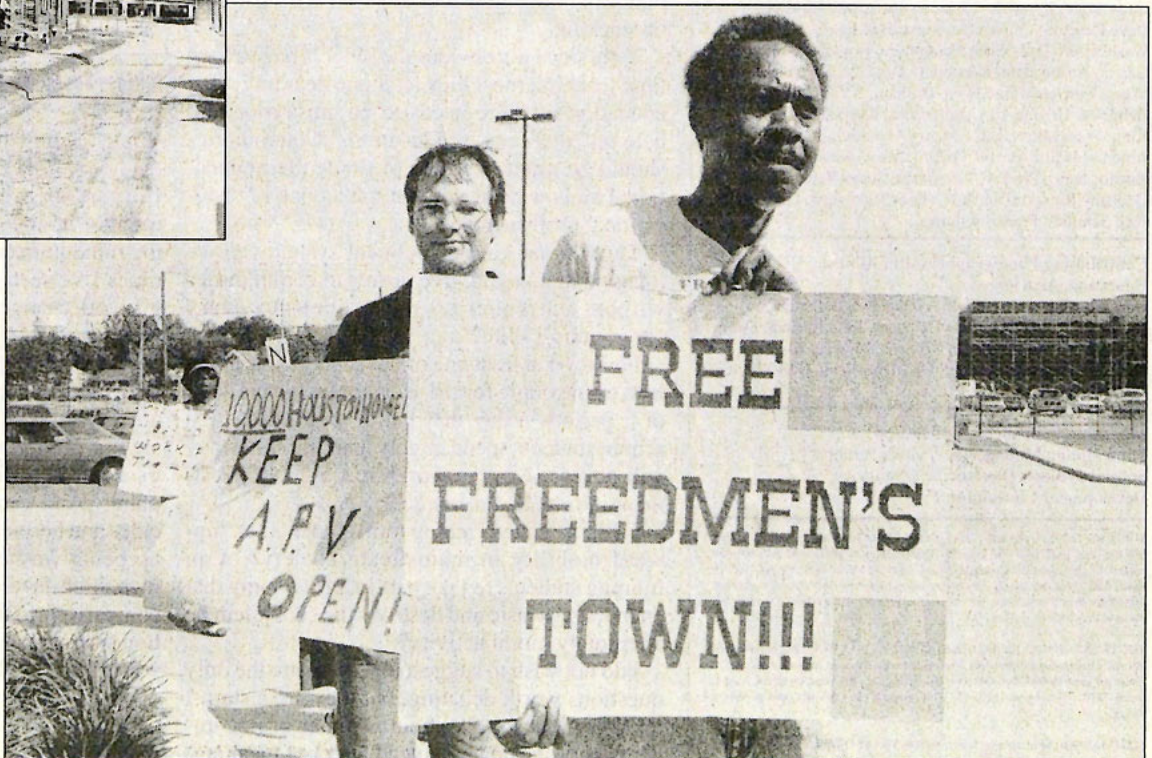
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Top: Fourth Ward buildings contrasted with Houston skyscrapers

Right: APV Residents Council President Lenwood Johnson protests a steering committee meeting for the Founders Park development

*Photos by
Patricia Moore*





A JOURNAL OF FREE VOICES

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SINCE 1954

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Managing Publisher: Cliff Olofson
Subscription Manager: Stefan Wanstrom
Special Projects Director: Bill Simmons
Development Consultant: Frances Barton

SUBSCRIPTIONS: One year \$27, two years \$48, three years \$69. Full-time students \$15 per year. Back issues \$3 prepaid. Airmail, foreign, group, and bulk rates on request. Microfilm editions available from University Microfilms Int., 300N. Zeeb Road, Ann Arbor, MI 48106. Any current subscriber who finds the price a burden should say so at renewal time; no one need forgo reading the *Observer* simply because of the cost.

THE TEXAS OBSERVER (ISSN 0040-4519/USPS 541 300). © 1991, is published biweekly except for a three-week interval between issues in January and July (25 issues per year) by the Texas Observer Publishing Co., 307 West 7th Street, Austin, Texas 78701. Telephone: (512) 477-0746. Second class postage paid at Austin, Texas.

POSTMASTER: Send address changes to THE TEXAS OBSERVER, 307 West 7th Street, Austin, Texas 78701.

DIALOGUE

Debating Public Education

The *Observer* is very savvy when it comes to analyzing the political economy of war or the machinations by those in power behind the Savings & Loan debacle, but your articles on education have been disappointing in their lack of analysis of the political economy of schools and the concomitant machinations in the military-industrial-educational complex.

To put it lightly, the *Observer's* trust in an "equalized" education is misplaced. Whatever is finally approved by the courts will require more centralization by a mediocre elite in Austin. Even if there are some positive results from "equalization," trust in a hierarchical "mediocracy" is anti-democratic and elitist.

Instead of trusting "professional educators," the *Observer* should be leading the debate in this state on education. One, why should people finance a system that is by any fair standard a failure? Just look at the figures. Forty percent of students are "in-school" dropouts, making Cs but graduating. Thirty percent make Ds and Fs, while more than a third drop out. Of the "good" third who make As and Bs, about half will drop out of college. (*NASSP Bulletin*, February 1989) What makes these figures even more disturbing is that due to the reality of class in this country, most people are paying money to subsidize the education of a minority of well-off kids while their own children are branded failures in the schools. But not only are kids dropping out, even the majority of teachers will drop out after 10 years of teaching.

Two, since it's obvious the schools have a hard time teaching most kids let alone deciding what education is, there needs to be grass roots debate on "the aims of education." Communities should be granted power to shape their educational aims with or without the advice of "educational professionals."

Third, what kind of political system can we imagine that would give power to communities without surrendering the schools to every community's elite?

Fourth, if at least one of our schools' purposes is to train people for the workforce, then is the 6 or 7 periods a day that junior and senior high school students spend largely learning skills they will never use in the workforce, a good investment in time and resources?

Fifth, is it even right to train students for "upward mobility in mainstream society?" Can training students to take part in an economy that encourages waste and destroys the ecosystem be a remotely moral activity?

I do not wish to suggest that these are the only questions worth debating, but they are a start. I do know that to talk about whether or not students improve on any given battery of meaning-

less, standardized tests, or whether teachers' salaries and professional status should be raised begs the question. All these "reforms" are only designed to feed the dinosaur called school.

And finally, giving more money to poor districts without the poor having the power to decide what kind of education they want is a cruel hoax to both the poor and those who sincerely want to help them.

Let the debate begin!

Kenneth Wheatcroft-Pardue
Cypress

Stick to Texas

I must write to heartily endorse Don Silver's letter of today's issue [TO, 5/17/91]. I am not a liberal, and in fact have been known to vote Republican at times. I have however subscribed for several years because as Silver noted, you usually provide some really revealing and factual information regarding the idiotic and sometimes dangerous shenanigans taking place in Texas. The thing I admire is that you are biased and are proud of it, but you are generally factual.

But, please stick to Texas. In Mexico, Latin America, LALA Land and NOW there are troubles aplenty. Leave their problems to someone else to expose, please stick to substantive political issues relevant to the interest of all Texans.

George Wehner
Seguin

Sharing the Blame

While reading the recent "Special Enviro Issue," (May 27, 1991), I found myself thinking "Well, I'm glad we're learning about this." Now we can monitor it, and maybe begin to control it. Then my mind jumped to a contrast. I recall the many times I've seen people dump the oil from a engine oil change down a storm drain, or I see empty cans and a black stain on the ground at a roadside rest stop. And I think about poorly tuned cars (my own could do with a ring job, probably.) I think about lights left on while people are out of the room, air conditioners with leaky gaskets, lignite-fired electricity-generation plants. And I think about all the extra insecticides and herbicides that go onto lawns, then end up being washed "away." The pin-point-on-a-map, high-level pollution sites probably pale in comparison to the general background of pollution whose rise we all contribute to blindly but willfully.

Arthur W. Browning
Tulsa, Oklahoma

EDITORIAL

The Feel-Good War



VIC HINTERLANG

Anti-war demonstrators at the Capitol Salute to the Troops parade in Austin, June 30

"We carried you in our arms, on Independence Day. And now you throw us all aside, and turn us all away...."—Bob Dylan, *Tears of Rage*.

AS THIS ISSUE of the *Observer* went to press, cities across Texas and the nation were caught up in militaristic Independence Day parades, many glorifying the Persian Gulf war machines. We too give thanks for the safe return of American troops, while mourning the 100,000 dead Iraqis who seem to have been overlooked, and the more than 200,000 Iraqi children projected to die as a result of allied action.

We also understand why those who attended the festivities were so desperately eager to celebrate American derring-do abroad, because the picture on the home front is quite different. According to the National Jobs with Peace campaign, during the six weeks of the Gulf war, 2,875 Americans were murdered; 3,750 died of AIDS; 225,000 were robbed, raped, or assaulted; 400,000 lost their jobs (bringing unemployment to over 8 million); 20 million suffered from hunger; 34 million went without health insurance.

Children fared especially badly: 1,250 died from poverty; 4,000 more died due to low

birthweight (many preventable if their parents had had access to pre- and perinatal health programs); 1,825 were killed or injured by guns; 68,750 dropped out of school; 83,200 were abused or neglected.

While the media vilified Saddam Hussein as an "environmental terrorist," accusing him of torching Kuwaiti oil wells (many of which were set on fire by U.S. bombs), in this country: 65 million acres of farmland were damaged by salinization due to irrigation; 142 million tons of carbon from fossil fuels polluted the atmosphere (accelerating global warming); 4,000 lakes remained victims of acid rain; 310,000 miles of waterways stayed polluted. And two million acres of rainforest were destroyed worldwide.

Anyone who hoped the war would recharge the economy was disappointed. Nine billion dollars was added to our world's-highest trade deficit; the "official" national debt grew by \$40 billion, to over \$3.3 trillion; \$90 billion (mostly from the S&L bailout and Gulf war) was added to the United States' additional \$2.7 trillion off-budget debt; and 27 states (including Texas) began the new year with serious budget deficits — a record number. These figures have been lost in the rockets' red glare.

THE TEXAS Observer

307 W. 7th St.
Austin, TX 78701

JULY 12, 1991
VOLUME 83, No. 14

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Cover photos by Patricia Moore.

Clarification

In our legislative roundup last issue, the first reference to one quoted source was accidentally edited out. The "Woodford" referred to in the story is Suzy Woodford, executive director of Common Cause/ Texas.

THIS IS NOT TO SAY that all the nation's problems would have been solved had we never fought Mr. Bush's war. What is depressing (along with the bellicose tone) is the display of jingoism exhibited by some of those who attend these ceremonies — which have now gone on longer than the war itself. The forced intensity of much of the exultation makes me wonder whether it stems from a perfervid need on the part of the American public to celebrate something. Like the summer "feel-good" movies, the parades, and the war itself, provided an

See War page 15

Income Texas

State Leaders Tiptoe Toward the I-Word

BY LISBETH LIPARI

WHILE STATE COMPTROLLER John Sharp's \$5.2 billion budget-slashing strategy was earning accolades and banner headlines last week, tax justice activists were getting nervous. For what seemed like the first time in Texas history, state politicians were taking the question of tax equity — and the much-maligned political no-no of personal income taxes — seriously. As of June 28, Gov. Ann Richards' Tax Revenue Task Force had four new tax proposals on the table, three of which included provisions to redress the state's notoriously inequitable tax system. The method: personal and corporate income taxes.

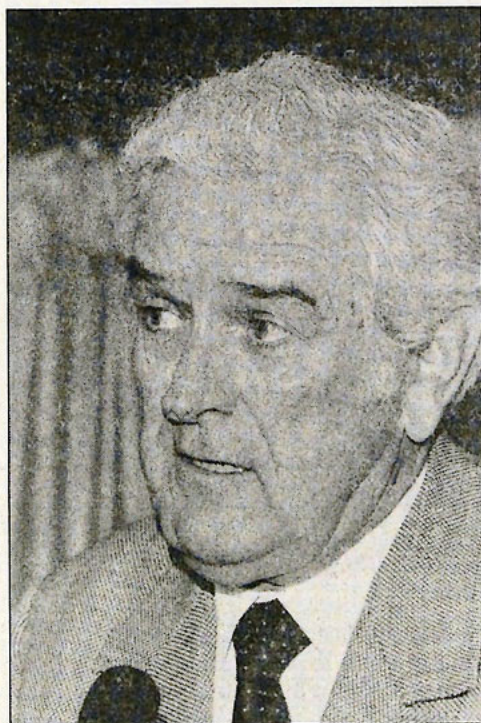
But with the announcement of Sharp's plan on June 26, the pressures surrounding the state's \$4.6 billion budget shortfall suddenly became less critical. The wind, it seemed, had dropped right out of the tax-equity sail.

Astonishingly, and despite the none-too-subtle pressures exerted by task force chairman John Connally, the committee generated its own wind, recommending not only personal and corporate income taxes (on a 7-5 vote), but also urging the Legislature to curtail the state's highly regressive sales and property taxes as well. Former San Antonio Mayor Henry Cisneros, at some risk to his own high political ambitions, led the call. "We must utter the horrible 'I-word' — income tax," he said. "Put it out there for two or four years for people to think about." Whether lawmakers will pick up the gauntlet in the coming summer budget session, however, remains to be seen. Given Richards' recent vociferous objection to income taxes, the odds appear slim.

The task force recommendation, written by Sen. John Montford, D-Lubbock, and scheduled to go into effect September 1, 1993, calls for a 40-percent reduction in property taxes assessed by local school districts, and proposes that 75 percent of the personal income tax revenues be permanently dedicated to education. Although lacking any definitive figures, the plan further calls for reversing the state's over-reliance on sales taxes.

University of Texas economist Charles C. Holt claims that, compared to the rest of the nation, combined Texas state and local sales taxes are 28 percent above average and local property taxes are 20 percent above average. Oddly, however, he finds the oil-production tax, which earned \$695 million in 1990, 39 percent below the national average.

According to Tom Plaut, the chief revenue estimator for the Comptroller's office, Texas has one of the most regressive tax systems among the 50 states. "We're like the 48th," he said. "Our analysis indicates that in 1990, a family making \$10,000 a year would pay about 7.6 percent of its income in state and local taxes, while a family making \$100,000 would pay 4.7 percent. So the poor pay a much higher part of their income



ALAN POGUE

Financial Guru: John Connally in taxes than the rich."

Statistics from the Washington D.C.-based Citizens for Tax Justice (CTJ), paint an even bleaker picture. According to a new CTJ study released in April, the poorest 20 percent of Texas families will pay 17.1 percent of their income in state and local taxes this year while the richest 1 percent — those earning more than \$945,500 a year — will pay only 3.1 percent. That's second only to Washington state, where the poor will pay 17.4 percent of their income in taxes this year.

Even the middle class pays considerably more than the rich. According to figures from the Comptroller's office, families earning \$25,000 a year will pay 5.7 percent of their income in state and local taxes this year and those earning \$50,000 will pay 5.1 percent compared to the 4.7 percent paid by the richest Texans who earn more than \$100,000 per year.

While it's painfully obvious why Texas

Table 1: Taxes by state

State	Poorest 20%	Middle 20%	Richest 1%
Alabama	11.9	8.5	5.1
Alaska	5.3	3.1	2.5
Arizona	14.3	9.6	7.6
Arkansas	13.2	9.4	7.9
California	14.1	8.8	10.6
Colorado	11.0	9.3	6.4
Connecticut	16.5	9.5	6.7
Delaware	7.4	7.0	8.4
Florida	13.8	7.6	2.7
Georgia	13.0	10.1	7.5
Hawaii	8.7	10.3	9.8
Idaho	12.8	9.6	8.8
Illinois	16.5	10.8	6.0
Indiana	14.8	9.9	6.5
Iowa	12.5	9.6	7.9
Kansas	13.2	9.7	6.8
Kentucky	12.5	10.0	8.0
Louisiana	14.1	9.6	6.5
Maine	12.4	9.4	10.2
Maryland	8.0	10.9	8.1
Mass.	13.6	11.3	8.9
Michigan	14.3	11.4	7.6
Minnesota	9.5	10.5	9.6
Mississippi	12.9	8.6	6.7
Missouri	13.0	9.1	6.0
Montana	7.1	7.4	7.0
Nebraska	16.9	11.5	8.6
Nevada	10.0	5.7	1.8
New Hamp.	12.7	7.6	3.8
New Jersey	15.2	10.8	9.7
New Mexico	13.1	9.4	8.6
New York	14.1	13.9	11.3
N. Carolina	10.6	9.7	8.4
N. Dakota	13.3	8.5	6.3
Ohio	13.4	10.0	9.6
Oklahoma	12.2	10.1	7.3
Oregon	9.8	10.5	9.9
Pennsylvania	15.9	9.8	5.5
Rhode Island	14.2	11.4	9.6
S. Carolina	10.5	8.8	7.8
S. Dakota	16.2	8.7	3.5
Tennessee	15.2	7.7	3.6
Texas	17.1	8.4	3.1
Utah	13.7	11.2	8.2
Vermont	7.4	9.2	9.6
Virginia	11.8	9.5	7.2
Washington	17.4	9.5	3.4
W. Virginia	12.9	9.3	9.2
Wisconsin	12.3	13.4	8.5
Wyoming	9.0	5.3	2.4
United States	13.8	10.0	7.6

Lisbeth Lipari is the Observer's Capitol correspondent for the summer special sessions.

COURTESY DOLLARS & SENSE MAGAZINE

politicians — who respond to the state's wealthier residents — would resist changing the tax status quo, what's surprising is the venom with which the notion of personal income taxes is met by most middle- and lower-income residents. To most Texans, income tax is nothing but two dirty words strung together; polls show that Texans of all income levels regard an income tax as the least fair revenue raiser. The question, though, is why?



FILE PHOTO

Henry Cisneros

"I guess it's the sticker-shock factor," said Michael Ettlinger, the state tax policy director at CTJ. "People pay sales tax a nickel at a time whereas with income tax, you see it all added up.

"But there are a lot of advantages to income tax that you don't have with sales tax," Ettlinger continued. "You can't deduct sales tax from your federal income taxes, and you can deduct 31 percent of your state income tax. Also, sales taxes are volatile and lead to a decline in revenue, because people stop buying when they think there's a recession."

Ettlinger claims that one of the reasons behind the recent spate of state budget shortfalls is that while personal income has been rising steadily for the wealthy (it remained stagnant for the middle-income earners and fell for the poor), consumer spending has taken a nose dive. "The rich got richer," he said. "We had economic growth, but it was skewed towards the higher incomes, and the state's ability to generate revenue fell behind economic growth."

What makes sales taxes regressive is that there's just so much money a person can spend. For low-income individuals, day-to-day living expenses and taxable consumer goods make up the majority of their expenditures. The rich, on the other hand, are able to put a large percentage of their money in tax-free investments.

Unfortunately, even the most progressive-sounding personal income tax proposal currently in the hopper — sponsored by former Lt. Gov. Bill Hobby and Dallas financier and Democratic Party fundraiser Jess Hay — will still perpetuate the regressive structure of Texas taxes. Despite its \$24,000 exemption for families of four,

the Hobby-Hay flat-tax rate on earnings over \$25,000 will still leave a large disparity between rich and poor taxpayers. According to Sharp's calculations, under this plan, families earning under \$10,000 a year would pay 7.6 percent of their income in taxes, while those earning more than \$100,000 would pay only 4.7 percent.

The solution, according to Mary Nell Mathis of Common Cause of Texas, is a graduated tax rate that starts taxing families after the first \$40,000 of income and increases thereafter, similar to the federal income tax. For instance, Mathis suggests that families with incomes over \$40,000 could pay something like a 4 percent tax, while families earning over \$100,000 could pay 5 percent, and so on up the scale.

According to Mathis, if the 3,300 Texas families that earn more than \$1 million annually paid 10 percent of their income in taxes, the state could earn a cool \$1 billion. "And there's a whole bunch more making \$500,000 a year," she said. Mathis would also like to see the state's 6.25-percent sales tax cut at least a penny and property taxes rolled back, as well.

Whereas the task force's personal income tax recommendation remains fairly nebulous, its proposed corporate income tax is less well-defined. The current business tax, known as the franchise tax, is a morass of confusion that is wildly unpopular and has been subject to several successful legal challenges. In a nutshell, franchise tax opponents (who make up the

majority of Texas' business sector) claim the tax discriminates against capital-intensive businesses such as mining and manufacturing and virtually ignores the rapidly expanding service sector.

According to Sharp, among the more than 1.5 million businesses in Texas, only 275,000 pay franchise taxes, to the tune of about \$531 million (about 14 percent of all Texas receipts) this year. Furthermore, because Texas businesses pay roughly 60 percent of all state taxes — about 6 percent above the national average — the business community is eager to revise the tax system.

PRESENTLY, TWO PROPOSALS sit on the task force table, both of which would repeal the franchise tax. The Hobby-Hay proposal calls for a 7.5-percent corporate income tax, which will generate an estimated \$1.3 billion. Connally's proposal, which is also included in Sharp's plan, calls for a 2.35-percent tax on businesses and would generate an estimated \$1.7 billion.

Of course, all business taxes are ultimately passed onto consumers and workers, and according to Dr. Stephen McDonald, a UT economics professor, the question of what businesses pay in taxes is the wrong question entirely. "In a sense, businesses never pay any taxes," he said. "All taxes are paid by people, and the question is how much do the owners of business pay,

See Tax page 15

Table 2: "The Terrible Ten"

States with the Highest Taxes on Poor and Middle-Income Families Compared to Taxes on the Richest One Percent

The Terrible Ten States	Tax Rates on:			Poor/Rich	Middle/Rich	Income Tax?
	Poor	Middle	Rich			
Nevada	10.0%	5.7%	1.8%	556%	314%	No
Texas	17.1%	8.4%	3.1%	553%	273%	No
Florida	13.8%	7.6%	2.7%	518%	283%	No
Washington	17.4%	9.5%	3.4%	509%	278%	No
South Dakota	16.2%	8.7%	3.5%	465%	249%	No
Tennessee	15.2%	7.7%	3.6%	418%	211%	No*
Wyoming	9.0%	5.3%	2.4%	372%	218%	No
New Hampshire	12.7%	7.6%	3.8%	329%	198%	No*
Pennsylvania	15.9%	9.8%	5.5%	287%	176%	Flat
Illinois	16.5%	10.8%	6.0%	273%	179%	Flat

* Only interest and dividends taxed.

Allen Parkway Village

Continued from page one

years the Housing Authority of the City of Houston (HACH) has sought approval to demolish APV and sell the prime real estate underneath it to developers, who it hopes will create a San Antonio-style riverwalk along the banks of the Buffalo Bayou, between the CBD and the wealthy River Oaks district to the west. Any redevelopment of the site other than complete restoration of Allen Parkway would require the repeal of Frost-Leland. Washington, who represented HACH as the trial attorney in the long legal fight with APV residents, announced last October that he would "revisit" the question of repealing the amendment in the next appropriations cycle.

About 100 people attended the 9 a.m. hearing on a muggy Houston Saturday, but the residents of APV picketed outside. Their bitterness toward their former courtroom adversary overflowed in flyers that questioned whether Washington is a "Champion of the poor ... or traitor," and chastised him for proposing to repeal Frost-Leland. Another flyer declared, "Almost enough to make a cynic blush. Craig Washington has an 'open mind' on legislation he himself proposed. Open for what? Late bids?" In fact, very few minds in Houston are still open over the Allen Parkway Village question.

Washington had lined up a panel of politicians to face the crowd with him: Houston City Councilmembers Vince Ryan and Eleanor Tinsley, State Rep. Larry Evans, and Harris County Commissioner El Franco Lee. Washington quipped that this issue was a safe one for the other politicians because "If it works out we all take the credit; if not, then I take the blame." The others could only muster a nervous laugh; APV is a dreadfully serious issue for Houston politicians. Midway through the session, most



PATRICIA MOORE

APV residents protest a hearing held by Congressman Craig Washington.

And referring to Washington's "Pass the Torch to Craig" campaign after Leland's death, Whiting pointed out that "one of you got elected saying 'the cloak is falling on my shoulders' ... I voted for you because of your intellect. Don't use it now to destroy your own people."

The roots of this bitter dispute run deep into the 126-year history of what was once called the "Mother Ward" for blacks in Houston, a history that's threatened with obliteration by a massive redevelopment scheme that would engulf not only APV, but all of the Fourth Ward and part of Montrose, a neighborhood to the south. The

governing a special district, a Tax Increment Finance District (see sidebar, page 9), that would allow them to collect tax money to finance their development.

The story surrounding HACH's attempts over the last decade to raze one-quarter of Houston's public housing stock, at a time when Houston waiting lists for housing have more than 6,000 applications filed, deserves close attention.

Enclosure Acts

The buildings that comprise what is now Allen Parkway Village were built in 1944 to house white, wartime defense workers. The 37-acre project was opposed by most of the black community because APV, then called San Felipe Courts, sits on the original site of Freedmen's Town, the oldest black neighborhood in Houston, where emancipated slaves settled after the Civil War. Freedmen's Town was home to Houston's first black newspaper, its first black chamber of commerce, and a music scene that spawned the likes of B.B. King and Lightnin' Hopkins. The ejection of black property owners by eminent domain to build San Felipe Courts contributed to the enormous economic dislocation already caused by the Depression, which hit blacks segregated under Jim Crow much harder than whites. Later, the construction of Interstate 45 separated another large chunk of the Fourth Ward from the residential area, further facilitating the area's decline.

Though the buildings are only two or three stories tall, for developers APV's shadow looms

One flyer declared, "Almost enough to make a cynic blush. Craig Washington has an 'open mind' on legislation he himself proposed. Open for what? Late bids?"

of the group had left, and only Washington and Lee remained to face the crowd.

Martha Whiting, a lifelong Fourth Ward resident and granddaughter of the preacher Jack Yates (who taught ex-slaves to buy land in the ward after emancipation), eloquently explained the concerns of many Fourth Ward residents. She reminded the panel of the late Congressman Leland's desire to prevent APV's demolition.

APV site, for geographic and historic reasons, is the hub of the Fourth Ward area. For developers American General Corp. and Cullen Interests to implement their "Founders' Park" plan, APV must first be demolished. Not unlike the American General development proposed on South Padre Island (TO 4/19/91, 5/17/91), the developers in this case have already petitioned and received from the Legislature changes in the law

over the entrance to the Fourth Ward from downtown, prompting caution about building along Buffalo Bayou west of I-45 among even the most rabid boosters and developers. The original construction of San Felipe Courts insulted Fourth Ward residents. The project is situated with its back to the neighborhood, and no arterial connections link it to the Fourth Ward. After the war San Felipe Courts was used for low-income housing for whites; it wasn't until 1968 that the city allowed the first blacks into what was by then called Allen Parkway Village.

By 1976, 66 percent of Allen Parkway Village residents were black, and the complex maintained 95 percent occupancy. But in 1977, developers were already eyeing the prime real estate south of Buffalo Bayou. *The Houston Chronicle* uncovered documents through Freedom of Information Act requests to HUD in 1983, revealing that the Housing Authority had twice secretly petitioned HUD, once in 1977 and again in 1981, to allow the demolition and sale of APV. The second proposal was enthusiastically supported by the new HUD officials under the Reagan administration.

In a remarkable series of articles published June 9 and 10, 1985, *The Dallas Morning News'* Craig Flournoy produced what is still the most thorough investigation of the APV controversy; a controversy which has benefited from periodic flashes of brilliant journalism. Flournoy reported that in 1977, a developer HACH officials won't name met behind closed doors with the HACH board. As a show of good faith, the developer left a \$1 million check on the table. HACH efforts to demolish the project began soon thereafter.

In one of several hard-hitting articles, Flournoy documented how after 1976 HACH had illegally channeled Indochinese refugees into APV, passing up black and Hispanic candidates on the waiting list. APV Residents Council President Lenwood Johnson contends that this policy of "steering" candidates was an explicit attempt to minimize opposition to demolishing APV by slashing the number of residents, and by dividing APV from the mostly black Fourth Ward. Flournoy points out that in 1976, 5 percent of APV residents were Indochinese; nine years later that number had jumped to 57 percent. Meanwhile, the number of black APV residents declined from 66 percent in 1976 to 35 percent in 1985.

This illegal channeling had gone on for several years. A housing authority special commission later conceded that, "The steering of Indochinese residents appears to have been an attempt to isolate the project from the Fourth Ward and the larger black Houston community and to defuse the issue as a political concern." This strategy came sharply into focus when then-HACH Executive Director Earl Philips declared that the Indochinese residents at APV had "violated the [waiting list] process," which he said made them "squatters." With that excuse, HACH felt it could threaten these "squatters" with eviction and force them out. Lenwood Johnson says



PATRICIA MOORE

Allen Parkway Village Residents Council President Lenwood Johnson

the housing authority's manager for the complex told all the residents to immediately vacate the project, because it was due to be torn down at any time. With that warning, said Johnson, the mostly Asian population at APV left in droves. As quickly as they left, HACH began boarding up apartments after tenants moved out. Today only 41 of APV's 1,000 units are occupied, and HACH has boarded up the rest as people moved on or were evicted.

Houston Metropolitan magazine reported in June that one room used by the authority as a storage space contains at least "130 stoves, refrigerators, water heaters, heating and air conditioning units, and almost 100 gallons of Glidden paint." But APV residents receive none of these amenities; the paint and appliances are for use at housing projects on land less desired by the Houston rich. Former HACH official Charles Taylor told Flournoy that, "There was an over-



PATRICIA MOORE

Left: A typical kitchen at Allen Parkway Village. Right: Appliances destined for other public housing in Houston are stored in a building on the APV site. Tenants were promised improvements that never came.

all scheme of depleting occupancy at Allen Parkway Village."

To understand why the Housing Authority was so anxious to sell off APV, one must consider the context of other projects at HACH in the same period (see sidebar, page 12). In 1981 the *Chronicle* acquired an audit of HACH under the Freedom of Information Act, revealing that, "Financial responsibility at the multi-million dollar Housing Authority of the City of Houston became so muddled that employees were learning accounting on the job and auditors were trying to match 100,000 checks with their bank statements while searching for numerous lost records." The audit showed "that in the three years ending 1981, checks totaling \$1.3 million were not recorded on the books while checks totalling \$2.5 million were recorded twice," according to the *Chronicle*. The authority's general fund was out of balance by \$622,673,

ing APV. But in fact, in 1979 HUD authorized \$10 million to renovate the project. Lenwood Johnson, who has served as president of the Allen Parkway Residents Council since 1983, says that when he moved into APV in 1980, he was told the apartment would soon be renovated, with new appliances, doors, windows and a paint job. As of June, \$1.5 million has been spent on "administrative expenses," architectural drawings that were never used, and cleaning out and boarding up apartments after people moved out. None of it was spent on refurbishing APV.

In its second secret proposal in 1981, HACH projected a minimum bid for APV of \$72 million, although "the value may be in excess of \$250 million." Clearly HACH hoped that selling the lucrative land near downtown would bail them out of their fiscal troubles in its other projects. But it's doubtful that HACH would have been so anxious to sell if there weren't a

preferably by placing one of their own real-estate projects on it.

According to a November 1983 *Texas Monthly* article, in 1979 the Wortham Foundation, the philanthropic arm of American General Corporation, gave the chamber of commerce \$500,000 in seed money to study redeveloping the bayou. The chamber hired Rice architecture professor Roy Tapley to work up a master plan for the four miles along the bayou from Shepherd Drive to downtown.

In summer 1980, Tapley presented his proposal to the Houston City Council, which approved it unanimously, along with a \$1 million allocation for a demonstration project along the bayou between Allen Parkway and Memorial Drive. The Wortham Foundation chipped in another \$500,000 for the project. Architect S.I. Morris, developer Walter Mischer, and then-First City Bancorporation Chairman James Elkins, Jr., boosted a project called "Fantasy Island" as the first phase of bayou beautification after the demonstration project.

The Legislature supplied the project's financing by creating Tax Increment Finance Districts (TIFD), which allowed the developers access to public funds for the project. TIFDs freeze property-tax revenues to the county and the school district at the appraised value at the time the district is created, and allow the district to keep all of the increase in property taxes resulting from increased development in the area. TIFDs also allowed the city council to use eminent domain to force property owners in the district to sell their land.

Unfortunately for Mischer and co., on the same day Texas voters passed the constitutional amendment approving TIFDs, then-Houston Mayor Jim McConn was ousted from office by Kathy Whitmire, who refused to activate a TIFD approved by the lame-duck city council 10 days before her inauguration. Presumably because they backed her opponent, this particular batch of developers, who had been the "golden boys"

A housing authority special commission later conceded that, "The steering of Indochinese residents appears to have been an attempt to isolate the project from the Fourth Ward and the larger black Houston community and to defuse the issue as a political concern."

according to the audit. Amidst federal cutbacks by the incoming Reagan administration, HACH requested \$14 million in 1982 to refurbish several other housing projects, but only received \$7 million.

With all these budget constraints, as well as a purge of the entire HACH board by incoming Mayor Kathy Whitmire (after which she installed her own set of political patrons), one initially would have sympathy for HACH not refurbish-

waiting market for the property, and luckily for them, some of Houston's biggest developers were starting to take interest in redeveloping the "blighted" area between I-45 and River Oaks.

Lifestyles of the Rich and Imperial

While HACH was trying to get its fiscal house back in order, a group of developers were already planning how to "beautify" Buffalo Bayou,

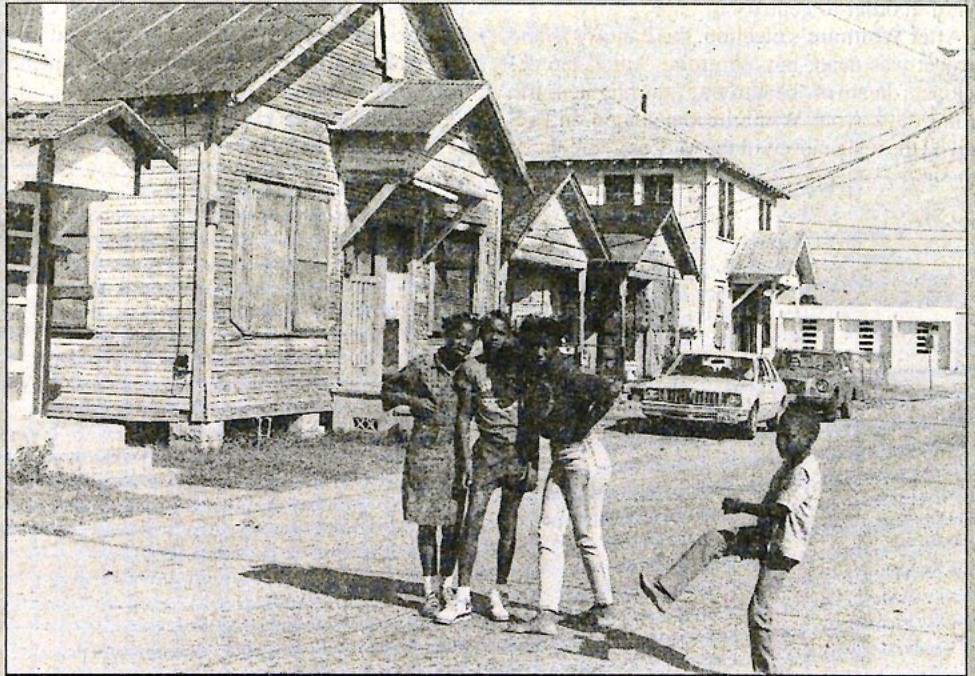
Imminent Destruction

The fight over Allen Parkway Village isn't just about 1,000 units of public housing. As Fourth Ward Martha Whiting points out, it's about the future of the Fourth Ward in Houston. American General Corp. and its partner Cullen Interests want to buy the APV property to fill out a broader development scheme called "Founders Park," that would "redevelop" the Fourth Ward, and part of the Montrose neighborhood to the south. (See TO 5/17/91). "The resources for accomplishing this transformation cannot come exclusively from private sources," declares the Founders Park project summary. The developers propose that the city create a controversial mechanism called a Tax Increment Finance District (TIFD) to fund infrastructure for their project.

TIFDs generate capital for development by establishing a freeze on property tax revenues for the county and the local school district, and then giving all future increases in tax revenues (the "increment"), to the TIFD. That includes tax revenues generated from increased development, as well as routine increases in revenues due to the effects of inflation on real estate. TIFDs also have, with the approval of the city council, the power of eminent domain. A Founders Park planning document says eminent domain will only be used to acquire right-of-way for roadways, etc., and when "other parcels on a particular development site have been assembled and a holdout makes it impossible to move forward with the plan."

TIFDs have not yet been widely used in Houston, although several have recently been proposed in addition to the one for Founders Park. In Galveston there are 10 TIFDs, all of which are mired in lawsuits with the Galveston Independent School District. Ed Schwab, an attorney for GISD, said of TIFDs, "our experience down here has been a nightmare." One Galveston TIFD spent \$5.5 million on public works. Now, he says, "the thing has gone kaput." The \$5.5 million has turned into \$9 million, including interest, and not enough development has occurred to even pay the debt service. Meanwhile, GISD loses not only the tax revenues from any future development, but also from normal inflation, said Schwab.

The city of Bellaire, an upper-income community in Harris County, created a TIFD to finance street and utility repair and landscaping. Ultimately, Bellaire sued Harris County for failing to rebate \$500,000 the city says is owed to it. *Houston Post* columnist Kate Thomas has penned several stern polemics against TIFDs in the past year. Thomas said "it's reasonable to ask why Bellaire can't just raise its own taxes to pay for downtown street and landscaping im-



PATRICIA MOORE

Fourth Ward residents would lose their homes if the city creates a TIFD

provements. That's what city governments are for. But then why should they if they can get the money from HISD and Harris County instead for the next 20 years?"

Thomas questions the fiscal wisdom of politicians who tout TIFDs: "While these districts are

would be much more immediate. In the last legislative session, far-ranging changes in TIFD legislation included the removal of the statutory requirement that the district be zoned no more than 10-percent residential. (According to press accounts, then-State Senator Craig Washington supported the amendment.)

The establishment of a TIFD in the Fourth Ward would provide a mechanism (eminent domain) to uproot the mostly residential area. And, unless the project went belly up like the one described in Galveston, the district would provide the developers with the financing they need to build an upper-income residential area for the white-collared, white-skinned professionals who work downtown.

The 1989 amendment to TIFD law, installed by then state senator Craig Washington, that provides that one-third of TIFD money will go to low-income housing, will not help the short-run problems created by dislodging the more than 5,000 residents of the Fourth Wards. Destroying these people's homes and casting them into homelessness would be an unconscionable tragedy. Doing it with taxpayers' money would be an even greater disgrace. Whether a TIFD works well and the Fourth Ward becomes gentrified, or it goes bankrupt and taxpayers pick up the tab, it's hard to see how its creation would be in the short or long-term best interest for the people who currently live there.

—S.H.

In Galveston there are 10 TIFDs, all of which are mired in lawsuits with the Galveston Independent School District.

wrapped in the flag of economic redevelopment, they beg the question of how the county, the city and the school district will replace the lost revenue. It's easily answered, however; they just raise taxes."

While the long-term effects of TIFDs will provide headaches enough for future taxpayers, in the context of the Fourth Ward the effects

of the McConn administration, were *personae non gratae* under Whitmire. Today, however, American General Corporation, the parent company to the Wortham Foundation, is back again, proposing that Houston destroy the Fourth Ward in order to gentrify it.

After Whitmire's election, the Fantasy Island project was dead; but Whitmire shared the developers' dream of "beautifying" the blighted strip along the bayou. Whitmire demanded and received the resignations of the McConn-appointed

HACH board of directors in the wake of the scandal over the 1981 audit, and named her own board. By 1983, Whitmire's board pushed APV demolition as part of its own agenda for its own purposes. The board hired consultant Robert Aprea to estimate renovation costs. Aprea came up with a per-unit cost of \$36,000, substantially higher than previous estimates and similar projects (see sidebar page 11).

Although Charles Taylor, a former head of the housing authority section responsible for deter-

mining renovation costs, said in a sworn deposition that he invented the numbers — in his words he "manufactured the hell out of" a list of itemized costs to support Aprea's estimates — HACH still relies on the \$36,000 figure in its planning. HACH argues that the per-unit cost prohibits renovation, and that it would be cheaper to tear down APV and sell the land. Aprea's \$36 million figure for total renovation of the project includes a jogging trail, pavillion, barbecue grills and \$370,000 in landscaping. Flournoy reports that Aprea's estimate to paint APV apartments ranges from \$910 to \$1,360; at Kelly Village, another local housing project, HACH estimated similar paint jobs at \$300. Entry doors at Kelly Village were estimated at \$120 each; at APV they were \$385.

HACH Executive Director Joy Fitzgerald does not dispute Taylor's accusations, saying she had no part in the process that created those estimates. (She was not yet executive director at the time.) She acknowledges that HACH still uses Aprea's estimates, with some additional line items included. She said concentrating on the estimates misses the point that HACH wants to demolish, not renovate, APV.

Lenwood Johnson and Houston activist Barry Klein then stepped into the picture, launching a lengthy written critique of Aprea's "Technical Report," arguing that the numbers were inflated "at least 100 to 600 percent." That response was the beginning of what would turn into four separate lawsuits filed over the next eight years. Johnson has been the driving force behind the lawsuits and the movement to stop demolition. Though he knew nothing about law before suing the housing authority, Johnson has done much of his own legal research. He spent three years studying physics at Prairie View A&M, and 10 years in the chemical industry until repeated toxic exposure left Johnson, a single parent, disabled. In 1980, down on his luck, he moved into Allen Parkway Village.

Johnson has, in the course of his struggle, become what the *Houston Press* called an "urban folk hero," and he has tirelessly defended his home while championing the cause of the homeless and the expansion, rather than demolition, of public housing. Over the last several years Johnson, Klein, and a small but growing group of supporters led by the Allen Parkway Village Residents Council, held the wrecking ball at bay against powerful opponents including Mayor Whitmire and then-State Sen. Craig Washington.

Lawyer Craig

The resistance by Johnson and other residents couldn't have begun at a more opportune time. In November 1983, the same month Johnson and Klein issued their response to HACH's technical report, the Whitmire-appointed housing authority board voted to demolish APV, and formally submitted a third proposal to HUD the following year. Boosters in the Whitmire administration gushed in their excitement over demol-



PATRICIA MOORE

Scene from the Fourth Ward in Houston, March 1991

ishing the project. (Later, when Whitmire asked her to transfer from the HACH board to the city planning commission, HACH administrator Char Rottrock told the *Houston Press* she responded, "But Kathy, I want to ride the bulldozer through Allen Parkway Village.")

Soon after Aprea's estimate and the third HACH proposal, the legal battle ensued. But APV residents didn't expect to have to fight their liberal state senator in the courtroom to preserve one-quarter of the city's public housing stock. In an August 12, 1985 interoffice memorandum obtained last year by the *Houston Press*, a housing authority staffer explained the basis for her recommendation that Washington be employed by the city "to handle Allen Parkway Village litigation." The competing law firms were evaluated on a 100-point system, but the scoring seemed biased toward Washington getting the job from the start. The largest scoring issue on the form was "Holding Office," which entitled the candidate to 25 out of 100 points. (Washington was also penalized two points for having five allegations of unethical conduct pending before the state bar.) Washington was the only officeholder in the running. The lawyer



APV resident Helen Douglas with some of her family

PATRICIA MOORE

HACHet Job: Houston's Questionable Estimates

One of the most controversial aspects of the Allen Parkway Village issue is the debate over cost estimates to renovate the project. The Housing Authority of the City of Houston (HACH) continues to rely on 1983 estimates that renovation would cost \$36 million, or \$36,000 per unit. APV residents call that figure inflated, and a former HACH official said in sworn testimony he created the estimates by "manufacturing the hell out of them."

That statement alone should call HACH's study into question. Lenwood Johnson and the APV Residents Council say the city wants to inflate its estimates to make it appear too expensive to renovate APV. The bombed-out appearance of the complex, resulting from years of neglect except for the most essential maintenance, helps the housing authority make that argument. But many different architects over the years have disputed the high figures. Karl Kamrath, a fellow of the American Institute of Architects and one of the original designers of APV, said in a 1984 affidavit that the complex was still structurally sound, in his opinion. Architects from Rice University, the University of Houston, Texas A&M, and the University of Southern California have attested to the basic structural soundness of Allen Parkway Village.

The HACH estimates for renovating APV, which include money for barbecue grills, skate paths and jogging trails, as well as \$385 for

each wooden door and \$65 per smoke alarm, are substantially higher than estimates before and since. And it far exceeds actual costs for renovating other public housing in Houston and elsewhere.

In 1984, an environmental assessment was prepared for the demolition of APV for Congressman Henry B. Gonzalez, who has chaired the House Subcommittee on Housing and Community Development since 1981. The cost estimates for renovation prepared for the subcommittee came to \$13,980,125, about one-third of HACH's estimates. A private architectural firm, retained by the city in 1980, estimated that APV could be refurbished for \$11.6 million. The *Dallas Morning News* cited figures from the U.S. Department of Housing and Urban Development showing that the HACH estimate was 360 percent higher than the 1982-83 nationwide average rehabilitation costs for public housing projects with 500 or more apartments.

Most public housing in Houston and across the country was built in the 1930s and '40s (or else later in the '60s), so examining rehabilitation costs for older projects can provide some basis for comparison. In 1989, for example, the *Houston Chronicle* reported that estimates for renovating the 564-unit Cuney Homes development in Houston's Third Ward came to \$21,400, more than \$14,000 cheaper than the APV estimate. At the same time HACH was petitioning HUD to demolish APV in 1984, it was also

submitting proposals to rehabilitate two other projects, Clayton Homes and Kelly Village, at an average estimated cost of \$10,200 per apartment, according to the *Dallas Morning News*.

The City of San Antonio renovated two public housing developments for much less per unit than the APV estimate. The San Antonio housing authority spent \$12 million to renovate 660 units in Victoria Courts (like APV, situated on valuable property near downtown), at a per-unit cost of \$18,181. San Antonio also renovated the 1,172 units at its Alazan-Apache project. Alazan-Apache, like APV, was built in the early '40s, but renovation costs were less than half the APV estimates. The \$18-million renovation comes to just \$15,358 per unit.

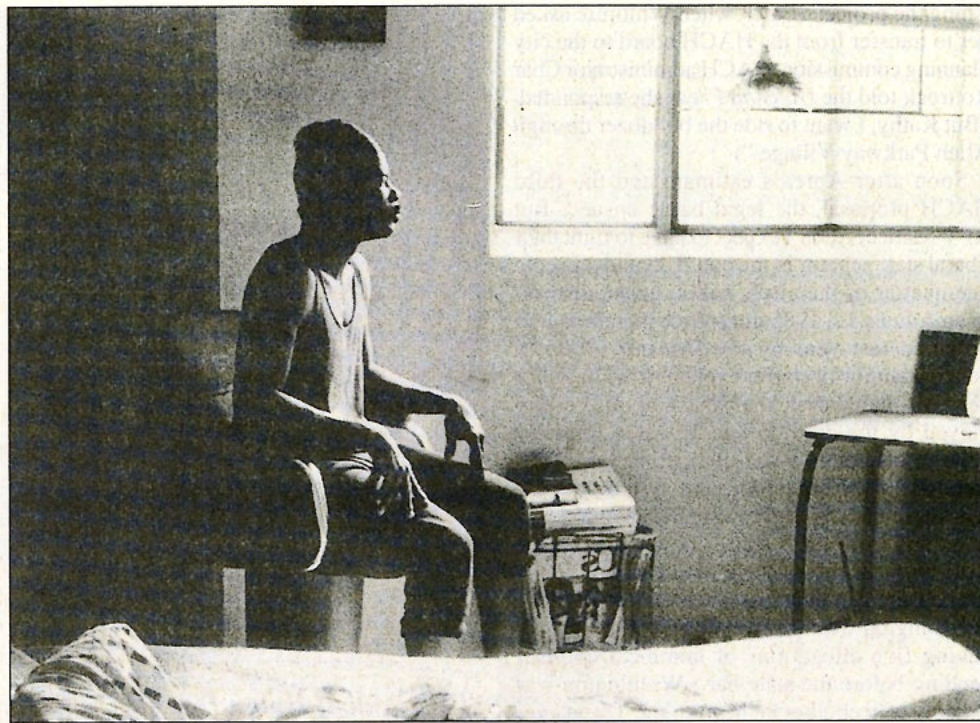
These numbers suggests that APV could be renovated for far less than HACH's \$36 million estimate. But if indeed the housing authority were correct that the complex had deteriorated beyond repair, it would only be because for almost a decade HACH has provided nothing but the most essential maintenance for APV residents. As U.S. District Judge Kenneth Hoyt pointed out in a recent ruling, "The evidence shows that the housing authority commenced destruction of the Allen Parkway Projects in 1983."

—S.H.

also won five points for being a "political activist" and five for being a "community activist." This margin put Washington over the top; he beat out his closest competitor by 29.5 points.

The board had questioned whether a conflict of interest existed for Washington, since as state senator he represented the Fourth Ward area. The document says that Washington, as well as State Rep. Larry Evans, both believed that "1. the general feeling among their constituents is not in opposition to the demolition — that such opposition comes from a few vocal blacks in the Ward and a number of whites outside their constituency and 2. The proposed HACH actions promote the best interests of their constituency. Therefore no conflict of interest is presented."

In 1985, however, San Antonio Congressman Henry B. Gonzalez, who co-authored the current federal housing law, interjected his formidable self between the bulldozers and APV, and made HACH's courtroom appeals moot. Gonzalez chairs the subcommittee on Housing and Urban Development which oversees public housing. At Mickey Leland's request, Gonzalez held hearings in Houston and even toured APV; he ordered a General Accounting Office audit and asked that HUD delay the application process. The HACH application to destroy APV was finally returned, and declined, in 1989.



PATRICIA MOORE

A homeless squatter seeks refuge from the elements at APV. This man was later arrested in May of this year for trespassing.

HACH Lays an Egg

Allen Parkway Village is only one of a number of headaches and snafus that plague the Housing Authority of the City of Houston (HACH). HACH began the decade with a fiscal calamity. In 1981 the *Houston Chronicle* discovered an Arthur Young and Co. audit in an open records request which revealed that the agency had lost many of its accounting-related documents, and auditors had to match more than 100,000 separate checks with their bank statements because of inadequate record keeping. Arthur Young and Co. cited "clerks without a sufficient knowledge of accounting making important accounting decisions," "no written documentation of accounting procedures," and "improper balances ... brought forward from year to year." HACH's books were so muddled auditors couldn't prepare financial statements for 1978 and 1979.

In 1982 after newly elected Mayor Kathy Whitmire took office, the HACH executive director was fired, in the wake of the controversy, and the rest of the board resigned soon thereafter. Thus Whitmire was able to appoint her own HACH board. Whitmire's choice as Chairman was Gerry Pate, a Houston engineer and one of the mayor's top fundraisers. Early on, the new board tried to build three new public housing developments, but each was

effectively opposed by neighborhood groups.

Whitmire's new board hired a new executive director, Earl Phillips. According to press accounts, Phillips was selected for his connections to the U.S. Department of Housing and Urban Development (HUD) under the Reagan administration. When charges of influence-peddling and bribery at HUD broke in the press, Jack Kemp was made HUD Secretary, and according to press accounts, Phillips' influence waned. During the 1980s, HUD, under Secretary Samuel Pierce, became what his replacement Kemp later called a massive patronage system run out of the Republican National Committee.

Phillips often boasted of his contacts at HUD, according to the *Houston Press*; the *Press* account said Phillips' chief contact at HUD was an assistant to HUD Secretary Samuel Pierce named Jim Baugh, who was later indicted on federal conspiracy, bribery and conflict of interest charges in the wake of the HUD scandals. Phillips' abrupt departure from HACH caused another internal shake-up for an agency with more than a decade of financial woes. HACH Executive Director Joy Fitzgerald told the *Press* that there were deals she knew were cut with HUD over the phone for which she could find no written record after Phillips left.

In addition to accounting difficulties, HACH has embarked on a series of projects that proved

to be financial disasters, all in the name of more and better public housing. One such doomed endeavor was HACH's attempt to purchase and operate for-profit apartment complexes, and then use the proceeds to fund public housing. While this may have sounded like a good idea in the days of the real-estate boom, the project has required repeated subsidies and bailouts by HACH to keep going. At one point, press accounts indicate that the apartment complex lost \$500,000 per year.

Another boondoggle involved HACH's plan to purchase an old Holiday Inn and turn it into housing for elderly tenants. In 1981, HACH had looked at the structure for potential elderly housing but rejected it because renovation costs would be too high. Even so, HACH ultimately dropped more than \$2 million in public money into the project, which to this day sits vacant across Buffalo Bayou from Allen Parkway Village.

Still perpetually short on money (except the \$8.5 million still waiting from the Carter administration to be spent on APV), HACH would today more than ever benefit from a cash sale of the APV site, primarily in terms of resolving financial troubles created by its past mismanagement.

— S.H.

Mickey Leland's Legacy

Mickey Leland was one of the "few vocal blacks" from the Fourth Ward who fought the HACH proposal. Leland grew up in the Fourth Ward, even though his chief financial backers were liberals from River Oaks, and he took credit for bringing Gonzalez into the process in 1985. In 1987, Leland, working closely with Lenwood Johnson, helped sponsor the Frost-Leland amendment to the 1988 HUD appropriations bill, which prohibited the use of federal funds for demolition of APV. In the *Congressional Record* of June 22, 1988, Leland clarified his intent concerning the Frost-Leland amendment, saying that it prohibited spending federal funds for demolition "including any further administrative development or review of demolition applications concerning the listed developments." In other words, HUD bureaucrats couldn't even consider demolition applications on federal time. Leland had effectively prevented demolition, and the amendment would have made him the broker of whatever deal finally got cut concerning APV. For a short while, APV residents could rest easy.

But Craig Washington kept boosting Fourth Ward redevelopment even after Frost-Leland passed, while HACH appealed the amendment in the courts. In his last term as state senator in 1989, Washington supported a series of amendments to TIFD legislation for which Founders' Park developers admit to lobbying. In his campaign for Congress, Washington took credit for an amendment that would use one-third of all TIFD money for low-income housing. (HUD regulations require that any demolished public housing be replaced on a one-to-one basis.) But according to press accounts, Washington also supported a change in TIFD law that repealed a restriction that the districts cannot be set up in areas that are more than 10-percent residential. That cleared the way for the Founders' Park developers to use a TIFD in the mostly residential Fourth Ward.

Leland's untimely death in a plane crash over Ethiopia altered the political landscape for demolition boosters. Craig Washington capitalized heavily on his friendship with the late Leland; his chief campaign theme (and logo) proudly urged voters to "Pass the Torch to Craig." While campaigning for Congress, Washington unveiled blueprints for the Founders' Park proposal while speaking before a group of downtown Houston businesspeople, according to the *Chronicle*.

In October 1989, Washington entered into the *Congressional Record* a proposal to "revisit" the "question of repeal" of the Leland portion of the Frost-Leland amendment. While not explaining when this topic had been visited first, Washington went on to promise that he would investigate his own proposal and, if convinced he were right, that he would act on it by the next budget cycle.

Meanwhile, Allen Parkway residents were busy with a more immediate fight: the legal battle



PATRICIA MOORE

Indochinese resident at APV stands next to her garden

to keep HACH from tearing down APV despite Frost-Leland. APV residents ultimately won an injunction on April 3, 1991 keeping HACH from using federal monies for the more than \$600,000 in demolition costs, effectively stopping HACH in the short run. The judge ordered HACH to develop a plan to spend the remaining \$8.5 million in HUD funds already allocated to APV. To comply with the judge's ruling, HACH proposed to rehabilitate 190 units for \$8.5 million (based on its \$36,000 per unit estimate), and to tear down

the rest to make way for redevelopment.

Soon after the court's decision, Washington announced the May 18 public hearing to discuss his proposal. Just as, if he had lived, Mickey Leland would have brokered the final deal, now the fate of APV and Fourth Ward fall into Washington's hands.

Speakers at the hearing, however, were not impressed when Washington said he wanted to maximize the amount of public housing support in Houston. Community activist Ester King told

Washington, "nobody demonstrated any concern for public housing until rich folks wanted that land. Now everybody's concerned." Washington angrily lashed out at a woman who told him that "on the day you and Mayor Whitmire drive those bulldozers onto the grounds at Allen Parkway Village, Mickey Leland will be standing

As Allen Parkway Village goes, so goes the Fourth Ward.

there with us in your path." After her statement, "Pass the Torch to Craig" Washington admonished her for quoting "a man whose lips are sealed in death."

Martha Whiting pointed out that although the media coverage and publicity for the hearing said the topic would be APV, the signs in the foyer said "Fourth Ward Hearing." "What we are really talking about," said Whiting, "is Fourth Ward." She repeated a phrase that has become a cliché, used by everyone from Mickey Leland to the *Houston Post* to Lenwood Johnson — the one truth on which all parties agree: "As Allen Parkway Village goes, so goes the Fourth Ward."

Whiting is correct. Ultimately, poor people must live somewhere, and the area where their grandparents hand-laid brick streets after the city refused to pave the roads seems an appropriate spot. They like the Fourth Ward for the same reason rich people want their residences there: It's close to downtown, and until the city and county began shutting them down in the last five years, many city services dotted the area. Boosters argue that "redevelopment is inevitable" because of the "blight" in the area. Maybe so. But then the question becomes, "development by whom and for whom?" If redevelopment really is inevitable, shouldn't it be by and for the people of the Fourth Ward? □



PETER ROBERTSON

Fourth Ward residents at a Freedmen's Town Association celebration

Editors' Note: The Observer contacted Congressman Craig Washington's office several times for comment on this story, and faxed him a list of questions. At press time he had not yet responded. Also, HACH Executive Director Joy Fitzgerald returned our phone calls after deadline; as a result, only limited forms of her comments made it into this article.

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War

Continued from page 3

escape from gritty reality. If World War II was, as Studs Terkel dubbed it, "The Good War," then, judging by subsequent festivities, the Persian Gulf action has become "The Feel-Good War." This impression was heightened by tawdry extravaganzas such as Gen. Schwartzkopf standing next to a life-size Mickey Mouse at a televised glitz-a-thon, and the giant yellow ribbon now festooning the Capitol dome here in Austin. One returning soldier I talked to was appalled by all the hoopla, though he appreciated the good will, and he said others of his comrades shared those feelings of ambivalence.

The Gulf war provided an easy jubilation because it supplied a clear-cut, seemingly morally unambiguous problem, a Snidely Whiplash-style, stereotypical bad guy (as portrayed by the U.S. media), and a brutally simple solution: bombs and missiles. The messier, institutional scourges that plague our cities, our environment, our children don't admit such convenient villains. And our leaders would have us believe that the solutions aren't as readily attainable as Patriot missiles and F-16 fighters.

In fact, however, we already know how to mitigate many of the symptoms identified by the Jobs with Peace report: stricter pollution laws; redirecting spending priorities on proven programs like Head Start, Job Corps, Maternal and

Today, not only do we lack a beneficent moral equivalent of war, we have had a war that now seems the moral equivalent of television.

Infant Health; better pay for teachers; and so on. But such victories are not nearly so spectacular as those we saw on CNN, and their advocates not nearly so influential as those in the Pentagon or the oil companies. As in so many other areas, George Bush may be more representative of his people than his opponents might want to admit; foreign policy and military exploits are infinitely more attractive than the grimy politics and tough choices involved in actually providing for the general welfare.

The philosopher William James once called on anti-militarists to push society to treat social problems as "the moral equivalent of war" in order to prevent the real thing. Today, not only do we lack a beneficent moral equivalent of war, we have had a war that now seems the moral equivalent of television, with a cynical President as game-show host and the frustrated American people as audience. Mr. Bush may be enjoying high Nielsen ratings, as expressed in the polls, but those numbers listed above, the ones you don't see on TV, tell us more about the national character than any flag-waving spectacle.—B.C.

Tax

Continued from page 5

and we have no way of knowing that by the available data. The real question is whether all individuals pay taxes in proportion to their ability to pay."

According to McDonald, the Connally/Sharp business tax is simply another regressive "hidden sales tax" that will affect consumer prices and further the disparity of tax payments among businesses. "I think it's a terrible idea," said McDonald. "The fact that it's just another sales tax will make the system even more regressive than what we have. We need a personal income tax to offset regressivity."

But Andy Welch, the state's director of tax information, denies that the business tax is a sales tax. He claims the new business tax will correct

"What I fear is coming is a taxpayer revolt" — Sen. John Montford.

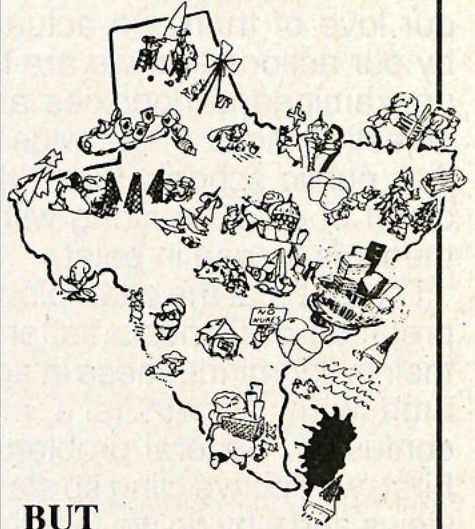
the inequities of the present system. "The business tax will address the regressivity of the business tax structure," he said. "It will be a much fairer and [more] equitable business tax than what we have now. The alternative is a sales tax on legal services and so on."

McDonald also questions the cost-cutting measures included in Sharp's plan. He notes that the bulk of the money will come from license and fee increases, cuts, and several one-time savings such as payment deferrals and money transfers. "I suspect we're going to find every agency will be affected," he said. "And very little, I think, of this [Sharp's plan] is the result of increased efficiency and eliminating overlap. A lot of it is simply cutting services and the like. I'm sure there are some potential real savings, but a great deal of it is just transferring money and actually raising fees."

Yet in spite of (if not because of) the infrequent and lonely criticisms, Sharp's plan may prove seductive to lawmakers. The plan gives the Legislature an easy way out of a political hot spot. But the long-term prospects are less conclusive, some even say ominous.

Montford predicts a property-tax revolt waiting around the corner if tax payers don't get some relief. "The Texas Business Tax [the Sharp/Connally plan] does not reform the inequity in the tax system," said Montford. "What I fear is coming is a taxpayer revolt, and you will hear a hue and cry that you have never heard before. I believe we ought to face the issue head on, and have the political fortitude to have an income tax coupled with property tax relief and sales tax curtailment." But lone voices like Montford's aside, as long as public opinion remains dead set against personal income taxes, most politicians will have a convenient excuse to avoid the tax equity issue entirely. □

This is Texas today. A state full of Sunbelt boosters, strident anti-unionists, oil and gas companies, nuclear weapons and power plants, political hucksters, underpaid workers, and toxic wastes, to mention a few.



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Genesis in Public Schools

by Ralph Lynn

While we proclaim our independence and our love of truth, we actually demonstrate by our actions that we are blindly bound to unexamined orthodoxies and that we fear objective inquiry. The widespread demand that public schools teach the Genesis account of creation along with the Darwinian theory is a case in point.

The fact that the champions of literal interpretation of Genesis flatter themselves on their broadmindedness in agreeing to share time with Darwin is a measure of our confusion. Several problems are involved. First, why do we cling so slavishly to ancient views and why do we fear the search for the facts? Second, why should schools supported by public taxation teach sectarian religious concepts and why is the Darwinian theory a necessary part of the public schools curriculum?

We cling blindly to custom because we are animals. As an animal, man tends to oppose change with an obstinacy born of fear of the unknown. Man may be different from other animals in that he has a soul. But this is only conjecture. We can make a better case that man is different in that he is self-conscious: He can, for example, criticize his dearest assumptions and set goals for improving himself and his world. The more thoughtful and self-critical the individual is, the less likely he is automatically and blindly to oppose inquiry and change.

The Genesis theory has no place in public schools for the obvious reason that it is a sectarian account base not upon evidence available to all for examination, but upon revelation. People outside the Hebraic-Christian tradition put the Genesis story on a level with other creation myths.

By contrast, the general Darwinian theory must be taught in public schools since it is base upon evidence which is convincing to nearly all serious observers around the world. The only reason the Genesis theory is taught in some public schools is that the people of some Christian sects have the political clout to impose their wishes.

In fact, if there were enough Comanche Indians in the community, the public schools would also have to present the Comanche creation story along with Genesis and Darwin. Given a sufficiently diverse population, the biology studies might absorb the entire school day.

Finally, how do we explain why intelligent people insist on a program which violates the principle of separation of church and state as well as the Christian principle of fairness? Perhaps the normal resistance to change has only been sharpened just now by a world which seems dominated by drugs, pornography, declining natural resources and declining national power. Perhaps, in this storm of change, many of us are just seeking any familiar shelter.

But one must admit that we have long lacked able and honest leadership, both secular and religious. In my view, neither Ronald Reagan nor George Bush nor Billy Graham qualifies, although I do not question their sincerity.

Able and honest leadership could help us discriminate between church and public responsibilities. Such leaders might also help us to understand the we need not fear free inquiry in religion or in any other area of life.

Ralph Lynn is a professor at Baylor University.

Visions of Mexico

BY NICK DAUSTER

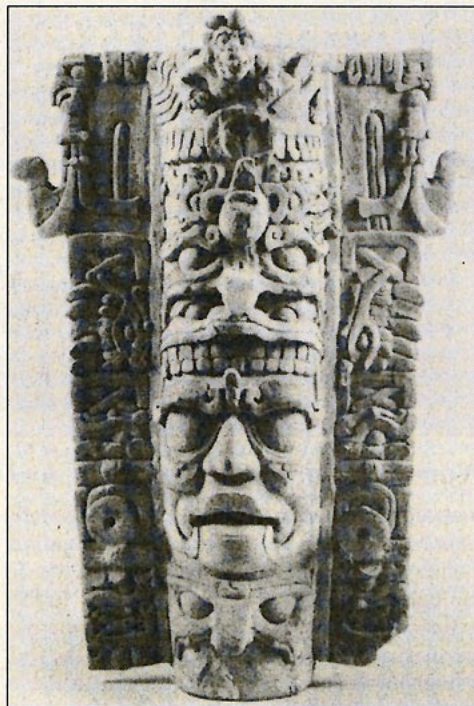
San Antonio

MEXICO: THE SPLENDORS of Thirty Centuries," currently showing at the San Antonio Museum of Art, is a breathtaking display of both art and politics. The art itself is astonishing, both in the brilliance of individual pieces and in the scope of the exhibition as a whole. Any exhibition this ambitious will be hard-pressed to satisfy purists, but this one manages to strike a satisfying medium between serving as an introduction for the novice and delighting those already familiar with Mexican art. There are pieces — from private collections, European museums, and recent excavations — which even the most experienced traveler is unlikely to have seen. In this context, even the best-known of these works, from the huge stone head carved by the Olmecs, Mexico's oldest tradition, to the generous samplings of the 20th-century muralists Diego Rivera, David Siquieros and Clemente Orozco, acquire new meaning.

"Splendors" is not without its difficulties. Because of space constraints, the pre-Hispanic period comes across as a largely unrelated set of civilizations, each of them rising toward greatness and then falling apart in near-perfect isolation. In truth, preColumbian cultures shared a considerable amount of trade, ideas, culture and religion, if not language, and a superstitious respect for the achievements of the previous civilizations.

The exhibit has also come under fire for neglecting post-modern Mexican art. Surely some room could have been made for living Mexican artists such as Juan Soriano and Jose Luis Cuevas. Two earlier modern traditions that deserved at least some space were also left out. The first is the charming, "primitive" *ex voto* paintings, commissioned in gratitude to a saint who had intervened on behalf of a believer. The second is the school of graphic artists who filled 19th- and 20th-century Mexican streets with protest broadsheets, satirizing the government and helping provoke the Revolution. Their vicious and provocative wit united art and popular politics to a degree beyond the aspirations of the more-famous muralists.

On the whole, however, the organizers of "Splendors" have done a remarkable job, despite limits on what they could bring to the United States. Much of the extraordinary art of the pre-



COURTESY SAN ANTONIO MUSEUM OF ART

Flanged ceramic cylinder from Palenque, Mexico, circa 690 AD.

Hispanic era — that which survived the depredations of the conquerors and the centuries of neglect which followed — is in the form of buildings or pieces so monumental that they cannot be moved. Much of the largely religious art of the Colonial period is embedded in the facades and altars of churches and on the walls of monasteries. The exhibit can only suggest the glory of these periods, through media which attempt to convey the spirit of sites too monumental for inclusion: photographs, the architect's model for the main altar in Puebla's majestic cathedral, and rubbings from the Palenque sarcophagus.

The objects from Palenque are the most impressive from the prehispanic section. Occupied by the Maya from 650-800 A.D., and only rescued from the jungle by archeologists beginning in the 1940s (a process which is not yet complete), Palenque was apparently founded by Pacal II ("Shield II"), whose tomb is the most elaborate in all of pre-conquest Mexico.

On exhibit is a stucco head, found under the sarcophagus lid, which is now thought to represent Pacal himself, looking out across the centuries with an implacable stare. The most striking objects from Palenque are a pair of ceramic cyl-

inders with expressive faces, both comic and terrifying, surrounded by a wealth of opulent detail, all of which contrasts vividly with Pacal's regal authority. These cylinders still have tantalizing traces of the paint which once covered them. Whether on the sarcophagus, on Pacal's regalia, or on these vivid ceramic cylinders, Palenque's artisans displayed a fluidity of line and construction unparalleled in the pre-Hispanic era.

The more famous Aztecs are represented by work which seems stiffer in comparison. Many of the Aztec objects included in the exhibition come from the excavation of the Great Temple, which was only located precisely in 1978. Since the Spaniards built directly on top of the city of the Aztecs they conquered, much of the most important archeological territory is covered by the National Cathedral and governmental buildings which date back to the 16th century. Only by an accident of history was the area of the Great Temple accessible to archeologists: the sons of the Conquistador whose house stood over the Temple rebelled against the Crown, which led to their execution and the razing of the area, and nothing was rebuilt there for centuries. Some of the archeological riches from this excavation are displayed in the exhibit, including a spectacular large shell sculpture.

The Aztec portion of the exhibit also includes a rare and well-preserved wooden drum of the period its precise carvings still clearly visible, and a charming gold bell lent by the Hermitage in the shape of an Eagle warrior. The latter is yet another reminder of how much of Mexico's patrimony was lost or melted down by the Spaniards: Albrecht Durer, who saw the work of the Aztec goldsmiths in Europe before it was melted, wrote that he found it among the most beautiful art work he had ever seen.

DURING THE 20TH century, Mexico's spectacular pre-conquest civilizations were honored as part of the national ideology. Colonial art has been neglected. "Splendors" rights that wrong. Colonial painting imitated the European style and is often more remarkable for its historical interest than for its imagination. For example, the exhibition includes the famous portrait of the remarkable 17th-century nun, Sor Juana Ines de la Cruz, whose poetry and scholarship have inspired generations of Mexicans, particularly women. The exhibit also includes several "caste paintings" — the depictions of the elaborate caste system in which gradations of racial mixture were elaborated. Certain paintings also provide the exhibit with unintentional hu-

Austin writer Nick Dauster studied anthropology in Mexico for three years.

mor, as artists took an interest in pre-conquest themes using European models and forms. Most striking is Rodrigo Gutierrez's portrait of the Tlaxcalan "Senate" in what appears to be a mock-Egyptian chamber at several generations removed. Equally preposterous is Juan Correa's folding screen painting of the meeting between Cortes and Motecuhzoma, in which the Aztec king and his retinue are scarcely distinguishable from the Spaniards.

The great surprise of the exhibition is how little influence Europeans had on the native Mexican artistry. The metalwork done for church crosses, altars, and even alms plates, is superb. The furniture of the period is striking (even a pulpit is included). What becomes clearest from "Splendors" is that the Mexican artists were at their best when left to their own devices and traditions, and that their love of ornate and fluid decoration survived outside painting.

But the most affecting work came from the provinces, where the local artisans developed styles which endure to this day. There are three trays from Michoacan, with the unique red and orange painting on a black background, with flowing details of flowers and plants. There is a lacquered wood casket from Olinala, painted jars from Guadalajara, a shawl from Santa Maria del Rio and serapes from Saltillo. Each of these traditions remains strong to this day, and although the shift from the interior to the tourist market has both increased production and affected quality, the continuity of the tradition must be respected.

"Splendors" also makes clear that the rebellion against the artificial European forms began in the provinces, where artists in the 19th century began to paint with greater realism and to use the beauty of the Mexican countryside as a backdrop. Jose Maria Velasco's sweet bucolic landscapes of the Valley Mexico, with their lush vegetation and pristine air are heartbreaking; most of that peaceful land is now buried beneath the concrete of Mexico City. Around the corner, in *Luminous Morning, Valley of Mexico*, the early 20th century painter Dr. Atl drew a harsher Valley with a glorious blue-green sky, reminding us that the poet Alfonso Reyes once called it *la region mas transparente del aire* — "the region where the air is clearest."

The section on the 20th century focuses clearly on the reaction to the incomprehensible violence of the Revolution and the greater emphasis on "Mexican" themes. The muralists and Rufino Tamayo take up the greatest space, along with Frida Kahlo, whose reputation has grown enormously in this country in recent years. The amount of space accorded to these "major" painters has, as mentioned, occasioned some criticism, but one of the exhibition's most interesting facets is that it permits one to view the work of a major artist like Rivera from rarely-seen early works through maturity. Rivera, who lived in Spain and France at the time, had an intriguing and not quite convincing early flirtation with Cubism. His most affecting work came



COURTESY SAN ANTONIO MUSEUM OF ART

Woman Grinding Maize, 1924, by Diego Rivera

soon after he returned to Mexico, as with *Woman Grinding Maize*, simple studies with native themes in which the heavy shape and the Mexican colors combine to project a dignity to the ordinary people of Mexico. As with Siquieros, his later, overtly political work seems in the end less genuine. There is a romanticism to these strong, simple works of peasant life, which, for all their compassion, do not flinch from unpleasant reality.

Despite the fame of celebrities such as Rivera, the best chronicler — not the best artist — of the Revolution and the persistent poverty of the countryside was not one of the muralists, but the eccentric Francisco Goitia. The solitary hanged figures of his *Landscapes of Zacatecas I and II* are more chilling than the self-conscious horror of Orozco; Goitia served as staff artist for a general in Pancho Villa's army. He spent the rest of his life drawing archeological and ethnographic pictures for the government, and his later paintings have a feeling for the actual life of the Indians which is at least the equal of the more famous artists of the period. Goitia ranks

among the real finds of the exhibition.

The recent death of Rufino Tamayo lends "Splendors" an air of sadness. Tamayo, who was 91 when he died July 1, had a long and immensely productive career. Like the muralists, Tamayo's early work relied too much on European formalism; the horse in *Lion and Horse* is clearly borrowed from Picasso's *Guernica*. Again, like the muralists, Tamayo returned to Mexican themes, but without sharing their obsessive politicization of their art. The result is a spectacular evocation of pre-Hispanic themes, moods, and colors, such as the painting at the entrance of the National Museum of Anthropology in Mexico City. Once again, Tamayo's mature work is unfortunately too monumental for transportation. That sense of incompleteness, of evoking sites and works of art left behind in Mexico, is less a criticism of the organizers of the exhibition, than a tribute to their ability to complete an impossible job. In the end, there really is no substitute for being there, as anyone who has seen Pacal's tomb or the Cathedral of Puebla must agree. □

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Splendors of Chicano Cinema

BY STEVEN G. KELLMAN

GIVE OR TAKE A few centuries and a very few duds, *Mexico: Splendors of 30 Centuries* is an accurate title for the blockbuster exhibition currently at the San Antonio Museum of Art, until August 4. The city was not nearly as hospitable to Mexican visitors in 1836, but, between stays in New York and Los Angeles, the prodigious retrospective of painting, sculpture, and decorative arts from south of the border has inspired numerous other local events showcasing Hispanic art, music, dance, literature, and food. One of them, hosted by the Guadalupe Cultural Arts Center, on San Antonio's Mexican-American West Side, is *Dialogue in Movement*. A series of screenings and discussions, from July 11-14, it provides an opportunity to take stock of the accomplishments and prospects of Chicano cinema.

"Thirty Centuries of Chicano Cinema" is the droll subtitle to the talk that Chon Noriega, who teaches American Studies at the University of New Mexico, will give to kick off the proceedings. Can Chicano cinema claim a history of even 30 years? Noriega dates the origin of Chicano cinema to 1969, with the release of *I Am Joaquin*, a 20-minute collage produced by Luis Valdez's Teatro Campesino. Valdez recites from Rudolfo "Corky" Gonzales's epic manifesto while accompanied by his brother Daniel's music and a succession of emphatic images. Jorge Luis Ruiz's *Los Vendidos*, a 1972 spoof of Mexican stereotypes written by Luiz Valdez, is another early landmark. So is Sylvia Morales's 1979 *Chicana*, a feminist response to patriarchal versions of Aztlan culture from pre-Columbian times to the present.

Or did Chicano film begin as far back as 1954, with a feature also screened during the series — *Salt of the Earth*? Though director Herbert Biberman was not Hispanic, his cast most certainly was. Defying the Hollywood that had blacklisted him, Biberman went to New Mexico to recruit Mexican-American zinc miners to reenact their own strike against racist employers. Chicano cinema per se might have awaited the rise of the Chicano political movement in the 1960s. And Rick Tejeda Flores' *Si, Se Puede* — a portrait of Cesar Chavez during a 24-hour fast to protest proposed legislation against strikes and boycotts in Arizona — and *Cristal* — Severo Perez's study of the rise of Raza Unida in Crystal City — have been programmed as a reminder of that phase of Chicano history. But two more recent works on the Guadalupe schedule, Hector Galan's *Los Mineros* and Beverly Sanchez-

Padilla's *El Corrido de Juan Chacon*, demonstrate the enduring prestige of *Salt of the Earth*. *Los Mineros* documents the history of labor unrest among Mexican-American miners in Arizona. In her 1987 video short, Sanchez-Padilla interviews one of the heroes of the zinc strike in *Salt of the Earth* and, over clips from the earlier film, plays a *corrido*, a ballad recounting the exploits of miner leader Juan Chacon.

Noriega traces Chicano cinema to a prehistory of populist theater, including tent shows, agitprop, and improvisations, and even back to a neo-Aztec tradition of bombastic *fioricanto* poetry. Jorge Sandoval's *Las Tandas de San Cuilmas: Los Carperos* documents the 1990 performance of a play that pays homage to the traveling tent shows that flourished in the Tejano community during the 1930s and 1940s. Some

"Chicano cinema is still in its infancy. That's what makes it a really exciting time."

of the most successful Chicano films, including *The Ballad of Gregorio Cortez*, *Seguin*, *Zoot Suit*, and *La Bamba*, have been historical dramas. Isaac Arstein's 1988 *Break of Dawn* provides an utterly absorbing and heartbreaking account of the blighted career of Pedro J. Gonzales, a popular 1930s singer and radio announcer who was railroaded into San Quentin by the racist D.A. of L.A. But Raul Tovaes, whose hitchhiker ghost story *The Detour* will premiere at the Guadalupe, looks to the present for inspiration and raw materials. "I would hope that we would move into contemporary subjects in the future," he told the *Observer*. "We're really creating the tradition now."

The sentiment is echoed by his brother Joseph, who produced *The Detour*. "Chicano cinema is still in its infancy," claims Joseph Tovaes. "That's what makes it a really exciting time." He is responsible for *Heritage*, one of the most exciting projects to come out of Texas since the space shuttle. Produced by Tovaes at San Antonio's KLRN-TV, the trailblazing syndicated PBS series is, along with *Realidades*, one of the very few American TV broadcasts whose consistent mission is the representation of Latino experience. Yet, despite Tovaes' prominence, he and Raul had to spend a couple of years hustling the \$10,000 it cost to make *The Detour*, and they are still uncertain of distribution. Meanwhile, *Terminator 2*, playing at a theater near you, enjoyed a budget close to \$100 million. It is doubtful that the entire corpus of Chicano cinema cost that much to make.

Willie Varela claims to have created one of his dozens of works, *Green Light*, for a mere 25 cents. "The only way it could have been cheaper would have been if I had stolen the film." He told the *Observer* that he bought his Super 8 stock at a clearance sale at Sears. Varela, who supports himself by teaching eighth-grade language arts in El Paso, is a reminder that there are many mansions in the *casa* of Chicano cinema. While not denying his ethnic background, he is uncomfortable with the category. "You're looked at not as a filmmaker who happens to be Mexican-American but as a Mexican-American filmmaker," he complained. "I claim for myself the right to say the things I want to say and the way I want to say them."

His way seems to have little in common with the earnest dramas of barrio hardship that permeate the Chicano canon. *Fearless Leader*, a three-minute fix on the shifting likeness of Ronald Reagan, defies discursive summary. His eight-minute *Sound Decisions* weaves images of Reagan, seaweed, escalators, and orangutans into a texture that is to *La Bamba* what a haiku is to *David Copperfield*.

Though he enjoys the work of other Chicanos, Varela faults them for not "pushing the envelope of the art." Varela pushes it and pastes his own stamp on it. He did not go to film school, and he claims that his two inspirations for teaching himself to be a filmmaker were a *Rolling Stone* interview in which John Lennon talked about making 8 mm movies and articles he read about the unconventional work of Stan Brakhage, the avant-garde eminence who later became his mentor. Varela is an evangelist for cinema as a populist art, not only in consumption but in production as well. Hispanics in particular should not expect a champion to lead the way. "We need to stop waiting for Luis Valdez to break this open. If you want to make a film, you should do it," Varela insists. The kind of film he wishes for will be more than idle entertainment and free of the mystique of money and fame. "It's incumbent on us to stretch the form, to make people think."

Chon Noriega thinks that Chicanos have stretched the forms of funding and distribution. They have, of necessity, pioneered public financing, through NEH and PBS's *American Playhouse*, and have managed limited theatrical distribution followed by PBS broadcasts. They have also learned to be extremely resourceful in securing private backing. Noriega argues that Chicano audiences know how to read the often technologically primitive products by assimilating them to their own *rasquache* (underdog) sensibility.

It is not clear how often the Harlingen Cardinals are gridiron underdogs — or -birds — but Rick Leal's *Friday Night Under the Lights* is

Steven Kellman is a professor of comparative literature at the University of Texas at San Antonio.



COURTESY CINEWEST

Isaac Artenstein, writer/director of *Break of Dawn*

more interested in the rituals surrounding football in the Rio Grande Valley than in the game itself. An excursion into Mexican-American ethnography, it lingers over the menudo cooked for post-game feasts and the corridos sung to commemorate athletic feats. In sharp contrast to H. G. Bissinger's book *Friday Night Lights*, a case study in the collective pathology of Odessa, Texas, *Friday Night Under the Lights* is an affectionate look at a Latino community shaped by high school football.

Indignation has more often been the engine of Chicano non-fiction. Its spark plugs have usually been deliberately tuned to a different system than mainstream productions. Graciela Sanchez, a founder of San Antonio's progressive Esperanza Peace and Justice Center, uses film as an extension of her social concerns, particularly in advocacy of lesbian rights. In *Esperanza*, she examines homosexuality in Castro's Cuba. Art and politics are also inseparable for activist Beverly Sanchez-Padilla. Proud of her working-class background, she has made a video sympathetic to the Fuerza Unida boycott of Levi-Straus after the jeans manufacturer laid off 1200 workers in San Antonio in order to move to Costa Rica. Her recent performance piece *La Guadalupe que Camina* celebrates the struggle of Rosa Martha Zarate Macias, a contemporary nun who defied the racism and sexism of the Roman Catholic Church. Yet, rather than exploit the medium to pontificate, to bully the viewer with her own doctrinal agenda, Sanchez-Padilla insists that the process of production generates its own conclusions. "In doing pieces about things you think you know, you discover how much you don't know."

Who knows what the next 30 centuries of Chicano cinema will bring? A new generation of filmmakers is emerging from film school.

Partly in reaction to the "English only" movement and partly out of greater ease with two languages, they are blending Spanish and English more comfortably in their work. Humor is an increasingly important ingredient, as Chicanos abandon pious tracts and cultivate the ability to laugh at themselves. Osa Hidalgo de la Riva's *Mujeria: The Olmeca Rap* is a zippy little animated fantasy that visualizes ancient monoliths with female heads and whose sound track is a sassy Hispanic rap. If there is such a thing as a distinctive "Chicano aesthetic," Noriega sees it as "a mixture of Brecht and Cantinflas" — a tenuous balance of critical distance from the subject and a joyful immersion in it. The success of Cheech Marin's cheeky *Born in East L.A.* not only signaled the assimilation of jest into

Chicano protest; its receipt of four awards at the 1987 Festival of New Latin America Cinema in Havana demonstrated the respect that Chicano film, which has long been influenced by the New Latin American Cinema movement, enjoys throughout the hemisphere.

This month's Guadalupe series includes a large representation of Tejano works, though California is more active in Chicano cinema. "There's not a lot of us here," said Joseph Tovares of San Antonio. There are even fewer in El Paso, "an isolated and backward place" according to Willie Varela, who continues to pursue his vision there. "It's much easier for a writer to be isolated," he noted. As a solitary artist in the more collaborative art of film, "You talk to yourself a lot when isolated. You end up not being critical enough of yourself."

Jorge Sandoval is critical of the fact that Hispanic film and video do not receive the kind of exposure that African-American works do. Blacks and Chicanos — like Asians, Native Americans, Jews, gays, and women — share a history of being stereotyped by mainstream productions that marginalize them as both creators and audience. However, black/white problems in the United States have been sharply clarified, if certainly not resolved, while the relations of Hispanics and non-Hispanics lack the same clear definition. One of the challenges of Chicano cinema is to dramatize the basis of their ethnic identity and their problematic links to the larger culture. For better or worse, Chicano cinema has not yet produced a brown Spike Lee. "I hope to be one," Sandoval volunteered.

"It's very hard to be a Chicano filmmaker," said Sanchez-Padilla, who is still a novice in the field. Part of the difficulty is in not knowing exactly what the field is. Chicano cinema is still defining itself while it creates itself. "You're doing this," explained Sanchez-Padilla, "and you're finding out who you are at the same time." □

Dead to Rights

BY JOE WAKELEE-LYNCH

**UNTIL YOU ARE DEAD:
The Book of Executions in America
By Frederick Drimmer
Citadel Press, New York
1990, \$19.95, 280 pages.**

LAST OCTOBER the state of Virginia was preparing to execute Wilbert Lee Evans for shooting a sheriff in Alexandria, Va. Evans, a 44-year-old black man, had killed Deputy William G. Truesdale while attempting to escape from an Alexandria jail in

Joe Wakelee-Lynch is a writer and editor in Washington, D.C.

1981. In the Washington, D.C., area and across Virginia, Evans' impending death seized the public's attention.

Evans' execution would hardly have commanded notice if not for remarkable events that took place in 1984, while he was jailed in Virginia's Mecklenburg Co rections Facility. Two months after Evans received his sentence for the killing, six prisoners attempted to escape from the facility. They took more than a dozen hostages, threatening to kill them, and one nurse was stripped and tied to a bed when Evans intervened.

Evans persuaded the six prisoners that harming the hostages would ruin their chance to negotiate with the authorities. The prisoners relented. According to the *Washington Post*, they

roughed up the captured guards, taking their clothes and locking them in a closet. Later the hostages said that Evans' actions probably saved their lives.

In Washington, D.C., media coverage of Evans' appeals for a reduction of his sentence resembled a vigil. The *Post* ran several articles, some on consecutive days, while TV news announcers filed what seemed like hourly updates of the convoluted appeal process.

Evans' situation was truly gripping. Hostages had testified in affidavits that Evans' action was life-saving. His attorneys argued that his actions proved wrong the jury that sentenced him to death because he was a threat to society.

For opponents of capital punishment, Evans' ordeal offered rare hope. To see, at long last, a death-row inmate step out from oblivion and take on a human face was heartening. Fueling the hope for a reprieve was the fact that if ever there was a reason to reconsider a death sentence, this appeared to be it. Evans' act saved prison guards and nurses. To carry out the sentence against him would tell inmates that there was no reason to avoid harming prison officials in escapes or revolts. And how would guards and officials themselves feel, after that message was delivered in the form of Evans' execution?

In the end, Evans' plea was rejected. The U.S. Supreme Court turned down his last appeal at 7:30 p.m. on Oct. 17, 1990. Gov. L. Douglas Wilder, the first black governor of Virginia, took no action to commute Evans' sentence. Evans was electrocuted in Richmond and pronounced dead at 11:09 p.m. that evening.

IN *UNTIL YOU ARE DEAD: The Book of Executions in America*, Frederick Drimmer uses anecdotes and vignettes to trace the frightful legacy of capital punishment in U.S. history. Drimmer presents the story of the death penalty through scenes, from the hunting down of the Salem "witches," to the mass execution of the Texas Mutineers in 1917, to the firing-squad death of the notorious Gary Gilmore. He describes the deaths of vicious killers along with the falsely accused, and he offers chapters that describe hangings, gas chambers, lethal injections and electric chairs as preferred means of killing the convicted.

But *Until You Are Dead* is no painstaking and dry chronology. Drimmer doesn't address some contemporary issues in the death penalty debate: society's bias toward sentencing based on the victim's race, the ineffectiveness of capital punishment as a deterrent, or the cost of executions. For summaries of efforts to abolish the death penalty, or state-by-state rundowns, readers will have to look elsewhere. (Texas, by the way, leads the United States in death-row inmates executed since the Supreme Court reinstatement of capital punishment in 1976.) Instead, the combined light of Drimmer's many portraits brings into view a barbaric practice that would repulse us if we honestly looked at it. And Drimmer makes us look.

Without doubt, the subject of executions is a horrific one. Portions of this book are gruesome. But Drimmer manages to avoid lurid tales of sensational deaths. Instead, he tells with restraint the stories of people sent to death at the order of the state. In the process, he gives dignity to those who are due it, and shames those who have earned it.

Some of these tales are almost impossible to believe. Mary Surrat was hanged, in effect, for the crime of owning the house in which John Wilkes Booth and others conspired to kill Abraham Lincoln, Andrew Johnson, and the Secretary of State William H. Seward. Henry McCracken was diagnosed as insane in 1954 after years on California's death row. His condition was treated with electro-shock, which returned him to a state of legal competence. He was then deemed fit for sentence and sent to the gas chamber.

Or there's the case of Willie Francis, a young, black man all of 15 years old. He was strapped into Louisiana's portable electric chair in 1946. The unit failed to kill him, and Francis' death was rescheduled for a week later. But lawyers argued that a second electrocution constituted "cruel and unusual punishment." Finally, the U.S. Supreme Court rejected that argument, and Francis' sentence was carried out.

Drimmer also recalls a litany of political judgments — the Rosenbergs, the Haymarket Square anarchists, the Scottsboro Boys, Eddie Slovik, Joe Hill and Sacco and Vanzetti. He poignantly tells of the turmoils of wardens Lewis E. Lawes and Clinton E. Duffy, two of the strongest critics of capital punishment, to whom Drimmer dedicates this volume. It was Lawes himself who said, "The defendant of wealth and position never goes to the electric chair or the gallows."

ACCORDING TO THE notes on the book's jacket, Drimmer "neither condemns nor condones capital punishment. He presents facts. The reader is the judge." Though the book is not polemic, the author's understated view emerges from between the lines: "Students of capital punishment have observed that when people are executed in such large numbers in America, they


are invariably members of a minority." Drimmer makes clear that U.S. society has executed people for a surprising variety of reasons. Some were victims of circumstance, others the targets of plots. Some of the condemned believed the wrong religion, held the wrong political views, were members of the wrong race, or were too poor to buy their way out of society's vengeful anger.

But the countless victims of capital punishment are united by one trait — they are all dehumanized in the eyes of society. People on death row, while they once were individual persons worthy of mercy, justice or maybe just a break in life, forfeit all of those claims on the better instincts of the rest of us. Their crimes, we decide, remove them from the pale of acceptable behavior, and they become no longer fit to live. The rest of us in society reach this judgment readily in the case of psychopathic and mass murderers. But even the remorseful murderer of a single person, we conclude, cannot go without retribution. Around us we draw closely the pale of acceptability.

In effect, capital punishment allows us to live with the illusion that people on death row are different from the rest of us. We can kill people who are not like the rest of us; it's very difficult, of course, to kill someone when you see yourself in him or her.

The ordeal of Wilbert Lee Evans was terribly poignant precisely because each TV report and each newspaper article made him more and more human. The attention even brought pangs of guilt to opponents of the death penalty. Deep inside, some of us were ready to believe that because he saved the lives of prison guards he proved he was not like the rest, and that that should save him. Evans' execution was a heart-breaking loss; his reprieve would have been a welcome yet bittersweet victory.

A cynic may say that the case of Wilbert Lee Evans will earn a place in history as another anecdote in another book like Drimmer's. And a realist may have to agree. Two months after Evans' death, the state of Virginia executed another man, Buddy Earl Justus. It's damning to say, but it's difficult to remember anything much about him at all. □



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Dumping on Kinney County

BY DON PARKS

Brackettville

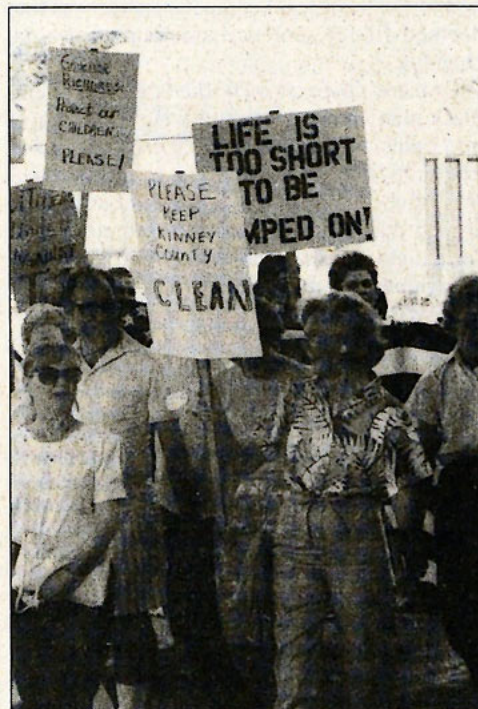
AT MY AGE (very late 60s) I did not expect to go to war again, and certainly not against a government charged with protecting the people against assaults on the common welfare. There are, however, limits on the kinds of injustice and abuse one can tolerate, and those limits were exceeded in the summer of 1988. Soon after arriving home from a year of study at Sul Ross University, I became aware of a ridiculous plan to transplant radioactive industrial filth from existing locations all over the state and nation into a dump located within a half-mile of Spofford, 10 miles south of my home in Kinney County.

To find Kinney County one travels west from San Antonio on Highway 90, through the Uvalde winter garden area and into brush country. Ranching is the basic economic endeavor, supplemented by lease hunting and a growing tourist and retirement industry. Absence of any smokestack factories and a sparse population (Kinney County has fewer than 3,000 residents) have preserved two assets which daily become more rare in this world: unpolluted air to breathe and pure water to drink. Equally precious, perhaps, is a manner of living at a pace and on a scale once quite ordinary but now rapidly disappearing. While jobs are not plentiful and incomes are comparatively low, a surprising number of people live here because they really prefer to do so. They are aware of higher pay and more options elsewhere, but also know about urban crime rates, and isolation, and indifference, and more rigorous climates and many other negatives.

This, then, is the area into which I chose to move 10 years ago and where I hope to live out my remaining years. Sadly, it is also part of a region targeted by giant waste-management companies as a national dumping ground for toxic hazardous and radioactive industrial and mining trash. Decades of government and corporate environmental abuse have produced a worldwide crisis in waste mismanagement. Clean-up activities will generate enormous profits. All that is required is a license and an undefended area in which to locate dumps. History shows that these dumps proliferate once one opens. Whole regions are rapidly degraded. "State of the art" technology fails. Leaks occur. Air, water, and soil are polluted. Local economies are destroyed.

Don Parks is a 10-year resident of Kinney County.

Highway 90 serves as a convenient northern boundary for this target region, which generally meets criteria for areas to be thus victimized. Although the waste industry denies it, common factors exist at most dump sites: rural and remote, low population density, poor economy and widespread poverty, politically conservative and



COURTESY KINNEY COUNTY CAVALRYMAN

Demonstration at Department of Health hearing on Texcor, June 11

market-oriented, low education level, and a high percentage of minorities. The region of Texas south of Highway 90 meets these measures of human vulnerability. Kinney County certainly does.

Texcor came to the county in the person of Charles Salsman, the company's president, accompanied by a publicity professional named George Bokorney. They came from New Braunfels, north of San Antonio. Initially they proposed something vaguely to do with oil-field pipe, which evolved into a new "facility" for "NORM" (Naturally Occurring Radioactive Material) waste in an enormous "state of the art" hole in the ground less than a half-mile from Hispanic family homes in the village of Spofford. They began holding meetings complete with a slide show and samples of "impermeable" dump lining material. They spoke in glowing terms of

investing millions, of jobs and business growth, and an annual corporate gift to the county. They assured audiences there could never be any adverse effects on health or on the environment or on the unique quality of life we enjoy. They always closed their spiel with this promise: "If there is any significant local opposition, we will leave. We will go away." That, of course, was the premise upon which was built an edifice of hype. Although such opposition materialized, the assault against the people of this region continues unabated, three years later.

POLICE AGENCIES WARNING potential victims against fraud use the cliché, "If it sounds too good to be true, it probably is." As the propaganda campaign continued, a great number of local residents began to examine the Texcor scheme and its potential effect on their lives. An overwhelming majority did not like what they found. It was indeed too good to be true.

Soon a grass-roots movement coalesced as CARE — Community Against Radioactive Environment — of Kinney County. A petition drive opposing the dump produced signatures of a majority of voters and residents. Anti-dump resolutions were adopted by every city and county government in Val Verde, Maverick, Uvalde and Kinney Counties, by the Fort Clark Springs board of directors and by the Middle Rio Grande Development Council, a nine-county agency.

On September 28, 1988, the city of Brackettville hosted an area-wide meeting to discuss the Texcor dump. At the meeting it was apparent that Texcor had gained only token local backing. However, the company has, from the beginning, enjoyed strong and powerful support from the Texas Department of Health (TDH) headed by Robert Bernstein, and from the Bureau of Radiation Control (BRC) in the TDH. The BRC displayed its overt sponsorship when Mr. Ed Bailey, Director of Licensing, Registration, and Standards for BRC, appeared as a Texcor advocate and supporter at a private meeting at Fort Clark on September 1, 1988. BRC involvement was further emphasized when Mr. Bailey again traveled from Austin to publicly support Texcor at the Sept. 28 meeting. That evening, a majority of the more than 500 residents in attendance loudly and persistently voiced their rejection of Texcor.

Since that meeting, a battle has been waged by a constantly growing circle of area residents and investors who resent having to spend years and funds in this fashion. We are forced to de-

fend ourselves against what we consider a brutal corporate assault. We see that corporation aided and abetted by a subverted bureaucracy intent on serving the industry it is supposed to regulate.

The one bright spot in this prolonged and dreary affair is the aid and encouragement offered by a few state officials. While many of these people have ignored or rejected our requests for assistance, some others have been helpful. State Sens. Judith Zaffirini, D-Laredo, Carlos Truan, D-Corpus Christi, and Carl Parker, D-Port Arthur, and Rep. Pete Gallego, D-Alpine, have given their direct support, guidance, and action in every manner possible. In addition, we hope that Gov. Richards may be able to somehow turn aside the relentless onslaught we have endured. We continue to hope.

AS I LOOK back, and ahead, I feel real anger about this mess. At my age it is unlikely that I will suffer adverse health effects from radioactivity deliberately introduced into the area. However, a number of respected authorities (such as Dr. John Gofman, the discoverer of Uranium-235, and Dr. Arthur Lipton of New York University Medical Center) who have studied the effects of long-term exposure to low-level ionizing radiation consider that some individuals in a population so exposed will inevitably be affected. Effects of exposure can include blood and nerve disorders, cancers, birth defects, and death. Because some of the materials Texcor proposed bringing to the county have half-lives

of thousands of years, health problems may be expected for many generations to come. The possibility that this profit-inspired invasion may inflict injury on innocent victims at remote times makes me angry.

I am angry at the continued arrogance displayed in Salsman's repeated statement that he is trying to "educate" the people in this area. His mistaken assumption is that we are uninformed. Many area residents were well educated long before Mr. Salsman was born. Because of a century of military activity at Fort Clark, extensive regional experience with the film industry, and an influx of successful retirees from all parts of the nation, this area enjoys a level of sophistication exceeding what would be expected. To be rural is not necessarily to be ignorant.

I am angry at the attitudes and activities of BRC-TDH personnel who have been Texcor allies from the beginning of this affair. I am angry at Rep. Robert Saunders, chairman of the House Environmental Affairs Committee, who killed Sen. Zaffirini's SB 1406, which would have established in law reasonable rules for siting and operation of dumps for NORM and similar radioactive products.

I am especially angry because this affair has stolen from me years which I had intended to spend in other pursuits. I have devoted hundreds of hours to research and writing about this detestable situation. Those hours are lost forever, stolen from my life and buried under Texcor's dump. I have been forced to travel to government hearings in distant places to register the

protest which has become a way of life for CARE and our neighbors in this region. If we finally win, we gain only the right to keep what we already had. If we lose, our quiet and friendly and unpolluted way of life will be forever destroyed.

Finally, I am angry at the bullying contempt directed at our region and our rights by these few who would crush us and then dump on us. China? Lithuania? Albania? No. Kinney County, Texas, USA, 1991. □



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NORMal Risk

The Observer called TexCor president Charles Salsman to get his response to Don Parks' concerns. What follows is an edited transcript of Salsman's comments, followed by a response from Jeff Sibley, president of the Texas Energy Alliance, a public-interest group that researches nuclear issues.

Charles Salsman: "This is a solids-only facility so there isn't any water to contaminate, no liquids to leak, and with respect to air contamination we've done an extensive study [and found] the potential impact to be so low as to be indistinguishable from background levels.

"This is not a low-level radioactive waste facility. Naturally Occurring Radioactive Material [NORM] is an entirely different category, measured in picocuries — a trillionth of a curie. A heart pacemaker [contains radioactive material] roughly equivalent to 20,000 tons of NORM materials.

"The licensing agency has already made a finding that this facility will not be inimical to public health and the safety of the environment. This facility provides a mechanism for cleaning up the environment. It will take waste that's now scattered all over the state and collect it in one place. That's much better than dumping it into municipal landfills, or used in where it can come in contact with the general population. It's not an environmental liability but an environmental plus."

Jeff Sibley: "NORM is dangerous. In reality, it can be extremely hot — hundreds of thousands of picocuries per gram, much greater than normal soil levels. The National Science Foundation has [concluded]

that long-term exposure to such products is far more dangerous than previously thought, and the danger is even greater if it's inhaled or ingested, which is likely here. Prolonged exposure to low-level radiation can be more dangerous than brief exposure to higher levels, because the body's defensive systems don't react as readily to low-level radiation.

"The Bureau of Radiation Control ... hasn't done the kind of research necessary to properly evaluate the risks. This will be a high-volume dump, and Texas will likely take NORM from all over the Southwest. Also, this site will have byproducts that have even higher levels of radiation than NORM waste.

"[Our fear is that] these companies will see that there's a lot of money to be made in these dumps, and they'll start opening them up all over the state. Once they get their permit, they'll make their profits, and when the dump's full in 30 years, they'll dissolve the company and the residents will be stuck with this dangerous waste.

"We think the government should own these dumps so they can be properly regulated and researched, and all the low-level and NORM waste can be put in one place, not scattered all over the state. If the taxpayers are going to be stuck with this liability eventually anyway, why not manage it right, instead of giving it over to someone who's trying to make a quick profit? We should deal with these problems now, rather than passing them off onto our children and grandchildren."

Editor's note: The Department of Health's Bureau of Radiation Control has tentatively approved the project. There will be another public hearing November 11.

POLITICAL INTELLIGENCE

✓ **LAST WORD ON THE LEGE.** What better authority can there be to sum up the Texas Legislature than rock iconoclast, Tipper-Gore nemesis, and culture pundit Frank Zappa? In a June interview with the *Austin Chronicle*, the dancin'-fool father of Dweezil and Moon Unit had this to say about our state: "I've been to Texas several times, and I love the people of Texas. They are a unique species. What I cannot understand is how such a wonderful people can allow such a stupid legislature to exist in their state. For people who claim to be independent and independent-minded it's the most paradoxical situation I can imagine." Zappa later said that Gov. Ann Richards "looks a little like an armadillo."

✓ **U.S. SEN. PHIL GRAMM** is just one step away from becoming the ranking Republican on the influential Banking Committee after only seven years in the Senate. The ranking Republican, Sen. Jake Garn of Utah, has announced his retirement. The late Sen. John Heinz of Pennsylvania would have been next in line. Only Sen. Alfonse D'Amato of New York has served more years on the committee. But D'Amato faces ethics charges that have left him vulnerable in his upcoming reelection bid. The committee is chaired by Michigan Democrat Don Riegle. The House Banking Committee is chaired by San Antonio Congressman Henry B. Gonzalez. Their home state, however, is about the only thing Gramm and Gonzalez have in common. Last year, Gramm led all senators with \$95,425 in

campaign contributions from banking political action committees, according to figures released by the Southern Finance Project.

✓ **THAT SAME REPORT** revealed that campaign contributions between 1988 and 1990 by NCNB Corp. leapt from 18th to fourth place among big bank holding company PACs. The report said that NCNB's PAC contributions had soared by more than 300 percent since 1986—the same period during which the regional bank became "the most ambitious and creative feeder at the federal banking trough.... Political spending by big banks with the most to gain from an industry bailout soared over the past three federal election cycles, growing 15 times faster than federal PAC spending overall," project spokesmen said.

NCNB, which became one of the biggest acquirers of insolvent S&Ls from the federal government, paid out over \$1 million to political candidates during the last five years, of which \$10,000 went to Gramm. Dallas Democratic Congressman Martin Frost and John Bryant, members of the House Banking Committee, received even more money from NCNB than Gramm did: \$13,700 and \$11,250, respectively..

Meanwhile, a Texas group that established a toll-free telephone line advocating a boycott of NCNB Corp. found that over 500 calls to the number came from the bank. According to the group Consumers for Ethical Financial Institutions, on the last day the line was in service, more than 50 of the 94 calls were traced to the same

number at an NCNB in Dallas. An additional 117 earlier calls came from NCNB security offices in Charlotte, N.C.

The group's founder, Roger Dennis, told the *Charlotte Observer* he was "stunned" to learn the origin of the calls. Dick Stilley, an NCNB spokesperson said there was no organized effort to tie up the group's phone lines or disrupt their business. According to phone records supplied by Dennis, of the 2,668 calls to the number, 591 were placed from NCNB phones.

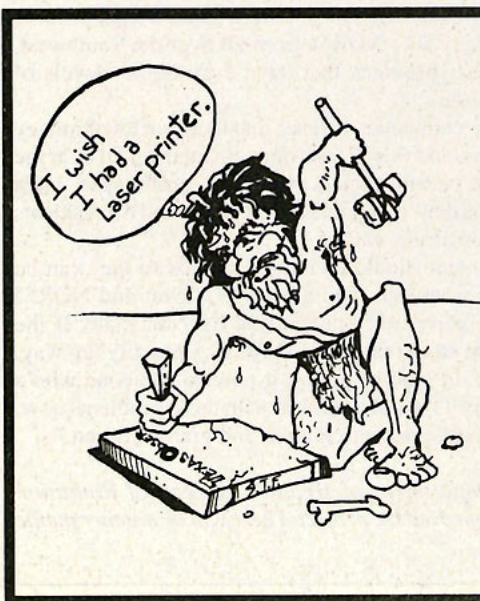
Dennis is being sued by NCNB for stopping payment on a loan which he turned over to the Federal Deposit Insurance Corp. in early 1989, just after NCNB bought what was left of failed First Republic Bank Corp. where he'd obtained the loan. Dennis says he missed no payments and is countersuing NCNB.

Dennis disconnected CEFI's phone line when he noticed an increasing number of callers hanging up after the recorded message. After verifying the telephone records, he found that nearly every repeat call came from NCNB telephones.

✓ **MARIO ZUMBADO**, a Costa Rican who believes exposure to a U.S.-made pesticide rendered him sterile, told a U.S. Senate panel last month that he handled the chemical after his employers at a banana plantation assured him it was safe. The Environmental Protection Agency prohibited the use of the pesticide, DBCP, in 1979 because of evidence it causes sterility and cancer. Even so, the manufacturers, Dow Chemical Co. and a U.S. subsidiary of Shell Oil, continued exporting DBCP to Central America for use on banana plantations.

Zumbado and his wife are among several hundred Costa Ricans who filed suit in Houston against the two chemical companies and Standard Fruit Co., U.S. owner of the plantation near the village of Rio Frio, over sterility and impotence allegedly caused by the pesticide. The plaintiffs are hoping for a trial this year. The Costa Rican farmworkers' plight was the subject of a major Texas Supreme Court decision ("First World Justice," *TO*, 7/13/90) and legislative battle ("Vicious Circle," *TO*, 5/17/91) over the issue of whether the workers could sue the Texas-based manufacturers in Texas.

U.S. Sen. Patrick Leahy, D-Vt., chairman of the Senate Agriculture Committee, has introduced a bill to prevent the "Circle of Poison"—the exportation of chemicals banned in the United States to other countries which sometimes return on imported produce. □



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